

June 19, 2002

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CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: the 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 786-6697.

REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of June 2002 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

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The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

John G. Schultz
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

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Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **EXPEDITED RULE MAKING**-includes the full text of the rule being proposed using the expedited rule-making process. Expedited rule makings are not consistently filed and may not appear in every issue of the register.
- (d) **PERMANENT**-includes the full text of permanently adopted rules.
- (e) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (f) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (g) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (h) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
 - (i) underlined material is new material;
 - (ii) ~~deleted material is ((lined out between double parentheses))~~;
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one hundred twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

5. EDITORIAL CORRECTIONS

Material inserted by the code reviser's office for purposes of clarification or correction or to show the source or history of a document is enclosed in [brackets].

2001-2002

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Rule making ⁴
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS ² or 10 p. max. Non-OTS	Count 20 days from -	For hearing on or after	First Agency Adoption Date
For Inclusion in -	File no later than 12:00 noon -					
01 - 13	May 23, 01	Jun 6, 01	Jun 20, 01	Jul 5, 01	Jul 25, 01	N/A
01 - 14	Jun 7, 01	Jun 21, 01	Jul 5, 01	Jul 19, 01	Aug 8, 01	N/A
01 - 15	Jun 20, 01	Jul 5, 01	Jul 18, 01	Aug 1, 01	Aug 21, 01	N/A
01 - 16	Jul 5, 01	Jul 18, 01	Aug 1, 01	Aug 15, 01	Sep 4, 01	Oct 2, 01
01 - 17	Jul 25, 01	Aug 8, 01	Aug 22, 01	Sep 5, 01	Sep 25, 01	Oct 23, 01
01 - 18	Aug 8, 01	Aug 22, 01	Sep 5, 01	Sep 19, 01	Oct 9, 01	Nov 6, 01
01 - 19	Aug 22, 01	Sep 5, 01	Sep 19, 01	Oct 3, 01	Oct 23, 01	Nov 20, 01
01 - 20	Sep 5, 01	Sep 19, 01	Oct 3, 01	Oct 17, 01	Nov 6, 01	Dec 4, 01
01 - 21	Sep 26, 01	Oct 10, 01	Oct 24, 01	Nov 7, 01	Nov 27, 01	Dec 26, 01
01 - 22	Oct 10, 01	Oct 24, 01	Nov 7, 01	Nov 21, 01	Dec 11, 01	Jan 8, 02
01 - 23	Oct 24, 01	Nov 7, 01	Nov 21, 01	Dec 5, 01	Dec 25, 01	Jan 23, 02
01 - 24	Nov 7, 01	Nov 21, 01	Dec 5, 01	Dec 19, 01	Jan 8, 02	Feb 5, 02
02 - 01	Nov 21, 01	Dec 5, 01	Dec 19, 01	Jan 2, 02	Jan 22, 02	Feb 20, 02
02 - 02	Dec 5, 01	Dec 19, 01	Jan 2, 02	Jan 16, 02	Feb 5, 02	Mar 5, 02
02 - 03	Dec 26, 01	Jan 9, 02	Jan 23, 02	Feb 6, 02	Feb 26, 02	Mar 26, 02
02 - 04	Jan 9, 02	Jan 23, 02	Feb 6, 02	Feb 20, 02	Mar 12, 02	Apr 9, 02
02 - 05	Jan 23, 02	Feb 6, 02	Feb 20, 02	Mar 6, 02	Mar 26, 02	Apr 23, 02
02 - 06	Feb 6, 02	Feb 20, 02	Mar 6, 02	Mar 20, 02	Apr 9, 02	May 7, 02
02 - 07	Feb 20, 02	Mar 6, 02	Mar 20, 02	Apr 3, 02	Apr 23, 02	May 21, 02
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02 - 14	Jun 5, 02	Jun 19, 02	Jul 3, 02	Jul 17, 02	Aug 6, 02	Sep 4, 02
02 - 15	Jun 26, 02	Jul 10, 02	Jul 24, 02	Aug 7, 02	Aug 27, 02	Sep 24, 02
02 - 16	Jul 10, 02	Jul 24, 02	Aug 7, 02	Aug 21, 02	Sep 10, 02	Oct 8, 02
02 - 17	Jul 24, 02	Aug 7, 02	Aug 21, 02	Sep 4, 02	Sep 24, 02	Oct 22, 02
02 - 18	Aug 7, 02	Aug 21, 02	Sep 4, 02	Sep 18, 02	Oct 8, 02	Nov 5, 02
02 - 19	Aug 21, 02	Sep 4, 02	Sep 18, 02	Oct 2, 02	Oct 22, 02	Nov 19, 02
02 - 20	Sep 4, 02	Sep 18, 02	Oct 2, 02	Oct 16, 02	Nov 5, 02	Dec 3, 02
02 - 21	Sep 25, 02	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 26, 02	Dec 24, 02
02 - 22	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 10, 02	Jan 7, 03
02 - 23	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 24, 02	Jan 21, 03
02 - 24	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 18, 02	Jan 7, 03	Feb 4, 03

¹ All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

² A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³ At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

⁴ A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 1.12.040 and 34.05.353.

REGULATORY FAIRNESS ACT

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

Small Business Economic Impact Statements (SBEIS)

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

Mitigation

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

When is an SBEIS Required?

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

When is an SBEIS Not Required?

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

There is less than minor economic impact on business;

The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

WSR 02-12-002**PREPROPOSAL STATEMENT OF INQUIRY
EXECUTIVE ETHICS BOARD**

[Filed May 22, 2002, 3:56 p.m.]

Subject of Possible Rule Making: Revision of Executive Ethics Board rules regarding WAC 292-110-060 Compensation for outside activities and contracting with state agencies. The amendments will revise current agency rules regarding contracting with state agencies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 42.52 RCW, RCW 42.52.360 (2)(b).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed changes will allow agencies to contract with certain higher education employees to be expert witnesses without prior board approval.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Executive Director, Brian Malarky, 2425 Bristol Court S.W., P.O. Box 40149, Olympia, WA 98504-0149, (360) 586-3265, fax (360) 586-3955. Monthly Executive Ethics Board meeting, e-mail announcements, faxed announcements, faxed announcements, and ethics webpage.

May 21, 2002

Brian R. Malarky
Executive Director

WSR 02-12-006**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed May 23, 2002, 8:37 a.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licensing, to include but not limited to WAC 308-96A-314 and 308-96A-550.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.16.276, 46.16.335, 46.01.110, 46.12.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957,

or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

May 22, 2002

Deborah McCurley, Administrator
Title and Registration Services

WSR 02-12-012**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES**

[Filed May 24, 2002, 10:47 a.m.]

Subject of Possible Rule Making: Title 131 WAC, governing Washington's community and technical college system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules might need to be revised in the area of tuition and fees as a result of the 2002 legislative session.

Process for Developing New Rule: Normal rule-making process with emergency rules likely in June 2002 to carry-over through the summer until the next state board meeting in September 2002 when permanent rules may be adopted, if necessary.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting DelRae Oderman, Executive Assistant and Agency Rules Coordinator, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495.

May 24, 2002

DelRae Oderman
Executive Assistant
Agency Rules Coordinator

WSR 02-12-016**PREPROPOSAL STATEMENT OF INQUIRY
CENTRAL WASHINGTON UNIVERSITY**

[Filed May 28, 2002, 10:00 a.m.]

Subject of Possible Rule Making: Parking regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.10.528.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes reflect office and title name changes, increases in the monetary fee schedule, and policy changes regarding use of alternative transportation.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Judy B. Miller, President's Office, Central Washington University, 400 East 8th Avenue, Ellens-

burg, WA 98926-7501, phone (509) 963-2111, fax (509) 963-301/26.

May 22, 2002
Jerilyn S. McIntyre
President

WSR 02-12-020
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket No. TC-020497—Filed May 28, 2002, 2:02 p.m.]

Subject of Possible Rule Making: Rules relating to passenger transportation companies will be reviewed for content and readability pursuant to Executive Order 97-02, with attention to the rules' need; effectiveness and efficiency; clarity; intent and statutory authority; coordination; cost; and fairness. All rules currently codified in chapters 480-30 and 480-40 WAC may be affected. The review will consider whether substantive changes or additions are required for passenger transportation regulation, especially (but not limited to) provisions relating to: Definitions; compliance and enforcement; driver, equipment and company safety issues; liability insurance limits; policies, processes and procedures regarding certificates of public convenience and necessity; tariffs and rate filings; schedules; consumer protection, and information issues.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 81.04.160, 81.68.030, 81.70.270.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Executive Order 97-02 requires agencies to review significant rules with attention to the standards set out above. This includes reviewing whether current rules provide the results that they were originally intended to achieve and whether the rules are consistent with laws and with appropriate and lawful policies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington State Department of Licensing, Washington State Patrol, and the Federal Motor Carrier Safety Administration. The commission will invite each of those agencies to participate actively in the rule making.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, and will provide the opportunity for additional comments. The commission will schedule one or more workshops with representatives of affected constituencies to discuss issues related to this rule making and any rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150, by **July 12, 2002**. An initial workshop is scheduled for **September 12, 2002**.

Interested persons may contact the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-1174, fax (360) 586-1150. Interested persons may submit comments, as specified below, or may ask to be included in the commission's list of interested persons for the proceeding.

WRITTEN COMMENTS: Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than **July 12, 2002**.

Electronic copies. The commission also requests, but does not require, that comments be provided in electronic format to facilitate quotations from the comments, to enhance public access, and to reduce the need for additional paper copies. Please help us by sending an electronic copy with your paper filing on a 3-1/2 inch, IBM-formatted, high density disk, in .pdf Adobe Acrobat format, reflecting the pagination of your original. Also send us the text in your choice of .doc (Word 97 or later) or .wpd (Wordperfect 6.0 or later) and include all of the following information on the label of the diskette:

- * The docket number of this proceeding (TC-020497)
- * The commenting party's name
- * The title and date of the comment or comments; and
- * The type of software used

Please use the three-letter extension noted above for all electronic files. You may also send your comments by electronic mail to the Commission's Records Center at <records@wutc.wa.gov>; if you choose this means of submitting comments, include all of the information requested above for the diskette label. The commission will post on the commission's web site all comments that are provided in electronic format. The website is located at <http://www.wutc.wa.gov/020497>.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's website as it becomes available. If you wish to receive further information on this rule making you may (1) call the Commission's Records Center at 360-664-1234, (2) e-mail the commission at <records@wutc.wa.gov>, or (3) mail written comments to the address above to the attention of Carole J. Washburn, Secretary. When contacting the commission, please refer to Docket No. TC-020497 to ensure that you are placed on the appropriate service list. Questions may be addressed to Bonnie Allen, (360) 664-1226 or e-mail at ballen@wutc.wa.gov.

NOTICE OF WORKSHOP: The commission has scheduled an initial workshop during which interested persons may appear and present oral comments. Additional workshops may be held as this rule-making process proceeds. The workshop is planned for **September 12, 2002**, 9:30 a.m. to 3:30 p.m. in the Commission's Hearing Room, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING —The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the Records Center by any one of the following methods: (1) Send a note with your name address (or a copy of your mailing label), and telephone and fax numbers referencing Docket No. TC-020497, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket No. TC-020497, and the words "Please keep me on the mailing list" to records@wutc.wa.gov. Please note that all information in the mailings will be accessible through the commission's Internet website at <<http://www.wutc.wa.gov/>>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

May 28, 2002

Carole J. Washburn
Secretary

WSR 02-12-024

**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed May 28, 2002, 4:45 p.m.]

Subject of Possible Rule Making: Chapter 392-143 WAC, Transportation-specifications for school buses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.61.380.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendment will update the WAC to reflect new legislation requirements. These changes will also be reflected in the school bus specifications manual.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TTY (360) 664-3631. For telephone assistance contact Allan J. Jones, Acting Director, Pupil Transportation

and Traffic Safety Education, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6120, fax (360) 586-6124.

May 15, 2002

Thomas J. Kelly
for Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 02-12-043

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Health and Rehabilitative Services Administration)
(Division of Alcohol and Substance Abuse)

[Filed May 29, 2002, 1:17 p.m.]

Subject of Possible Rule Making: Chapter 388-800 WAC, Chemical dependency assistance programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 74.50 RCW, chapter 64, Laws of 2002.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This chapter is being revised and updated to incorporate changes necessary and related to SB 6482 (chapter 64, Laws of 2002). The bill removed the six month (180 day) limitation on alcohol and drugs treatment services for low income and indigent clients.

WAC 388-800-0045(2) references shelter services described in WAC 388-800-0120. The WAC should reference WAC 388-800-0130 therefore it is recommended to change WAC 388-800-0045(2) to read: (2) Shelter services as described under WAC 388-800-0130.

WAC 388-800-0045(3) should read: (3) Medical care services as described under WAC 388-556-0500 and 388-529-0200. Reference to WAC 388-86-120 is obsolete. The WAC was repealed on December 6, 2000.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Division of Alcohol and Substance Abuse (DASA) coordinates rule making with the Washington State Department of Social and Health Services, Community Services Offices.

Process for Developing New Rule: The Department of Social and Health Services welcomes the public to take part in developing the rules. Anyone interested in participating should contact the staff person indicated below. At a later date, DASA will file proposed rules with the Washington state Code Reviser's Office, accept written comments and conduct a public hearing on the proposed rules. DASA will distribute the proposed rules to individuals on its mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sue Green, Women/Special Services Lead, Division of Alcohol and Substance Abuse, Department of Social and Health Services, P.O. Box 45330, Olympia,

WA 98504-5330, (360) 438-8087, fax (360) 438-8057, greensr@dshs.wa.gov.

May 28, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-12-044

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

(Division of Employment and Assistance Programs)

[Filed May 29, 2002, 1:18 p.m.]

Subject of Possible Rule Making: The Department of Social and Health Services (DSHS) will amend WAC 388-478-0055 SSI payment standards for eligible recipients.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Each year the standard state supplemental payment is adjusted as payment rates change due to funding or COLA. Rules must be amended to reflect these changes as well as any changes to eligibility for this program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Public Law 92-603 and the Social Security Act publish regulations for states who must provide a state supplemental payment program. The Social Security Administration oversees state compliance with federal state supplementation rules.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. After the rules are drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making. A copy of the draft will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carole McRae, Program Manager, Division of Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-4570, phone (360) 413-3074, fax (360) 413-3493, e-mail MCRAECA@DSHS.WA.GOV.

May 28, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-12-066

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed May 31, 2002, 3:57 p.m.]

Subject of Possible Rule Making: SHB 2568 authorized the Department of Social and Health Services (DSHS) to develop health and safety standards in WAC to be used regularly to access the safety of residential students at the Washington State School for the Deaf (WSD). The new rules will define the standards and outline the scope of the review process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SHB 2568 (chapter 72.40 RCW).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In response to the governor's directive to DSHS, Children's Administration completed a comprehensive health and safety review of the WSD. Legislation passed in 2002, directing DSHS to develop safety standards in WAC for reviews of the school's residential-related policies and residential facilities.

The new WACs will guide DSHS in conducting the health and safety reviews and provide for greater physical safety of residential students at the School for the Deaf.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Health, Office of the State Fire Marshal, Office of the Superintendent of Public Instruction, and the Office of the Attorney General.

Process for Developing New Rule: [No information supplied by agency.]

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jean L. Croisant, Children's Administration, P.O. Box 45710, Olympia, WA 98504-5710, (360) 902-7992, fax (360) 902-7903, Loje300@dshs.wa.gov.

May 30, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-12-079

**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE LOTTERY**

[Filed June 4, 2002, 10:24 a.m.]

Subject of Possible Rule Making: Procedures for prize claiming and winner's publicity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These amendments, new rules or repealed rules will revise procedures for prize claiming and winner's publicity to clarify requirements and allow the lottery greater flexibility in publicizing winners.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary Jane Ferguson, Rules Coordinator, at (360) 664-4833, fax (360) 586-6586, P.O. Box 43025, Olympia, WA 98504-3025, with any comments or questions regarding this statement of intent.

June 4, 2002
Mary Jane Ferguson
Rules Coordinator

WSR 02-12-095

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 4, 2002, 3:28 p.m.]

Subject of Possible Rule Making: Chapter 308-61 WAC, Unauthorized and abandoned vehicles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.55.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This is an every four year review of the WACs per the Governor's Executive Order 97-02.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington State Patrol will be given the opportunity to be involved and comment on all proposals.

Process for Developing New Rule: Overall review per Executive Order 97-02.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gail Saul, Department of Licensing, Dealer and Manufacturer Services, P.O. Box 9039, Olympia, WA 98507-9039, phone (360) 664-6460, fax (360) 586-6703, e-mail gsaul@dol.wa.gov.

May 28, 2002
Fred Stephens
Director

WSR 02-12-096

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 4, 2002, 3:29 p.m.]

Subject of Possible Rule Making: Chapter 308-66 WAC, Motor vehicle dealers and manufacturers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.70.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This is an every four year review of the WACs per the Governor's Executive Order 97-02.

Process for Developing New Rule: Overall review per Executive Order 97-02.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gail Saul, Department of Licensing, Dealer and Manufacturer Services, P.O. Box 9039, Olympia, WA 98507-9039, phone (360) 664-6460, fax (360) 586-6703, e-mail gsaul@dol.wa.gov.

May 28, 2002
Fred Stephens
Director

WSR 02-12-100

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed June 5, 2002, 8:59 a.m.]

Subject of Possible Rule Making: J1 physician waiver regulations, WAC 246-562-080 Physician eligibility requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.185.030 and [70.185.]040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule change will amend existing rules to increase access to primary care physicians interested in working in designated health professional shortage areas.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are federal rules that regulate the J1 visa waiver program. This program works closely with the United States Department of State (DOS) and Immigration and Naturalization Service (INS) to ensure compliance with the federal regulations. DOS and INS will be included in all mailings.

Process for Developing New Rule: Mailings to interested parties. This rule change is brought about by constituent requests. Key constituents for mailings will include: Provider groups, local health planners, Region X US PHS, University of Washington School of Medicine, Area Health Education Centers, Northwest Regional Primary Care Association, Washington Association of Community and Migrant Health Centers, rural hospitals, rural health clinics, community and migrant health centers, immigration attorneys, United States DOS and INS, and current program participants.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennell Prentice, J-1 Visa Waiver Program, Office of Community and Rural Health, P.O. Box 47834, Olympia, WA 98504-7834, phone (360) 705-6666, e-mail Jennell.Prentice@doh.wa.gov.

June 4, 2002
Nancy Ellison
Deputy Director
for Mary Selecky
Secretary

WSR 02-12-101
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed June 5, 2002, 8:59 a.m.]

Subject of Possible Rule Making: WAC 246-873-090 Hospital standards—Administration of drugs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005(7).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The issue being examined relates to the practice of pharmacy in a hospital setting. The Board of Pharmacy rule, WAC 246-873-090, states verbal orders for drugs shall only be issued in an emergency or unusual circumstance. The prescribing practitioner must authenticate (sign) the prescriptions within forty-eight hours. Several hospitals have asked the board to review the rule and consider eliminating the requirement for authenticating the prescription.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies regulate this subject.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Salmi, Department of Health, Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, phone (360) 236-4828, fax (360) 586-4359, Lisa.Salmi@doh.wa.gov.

June 3, 2002
D. H. Williams
Executive Director

WSR 02-12-122
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed June 5, 2002, 9:26 a.m.]

Subject of Possible Rule Making: Chapter 458-57 WAC, Estate and Transfer Tax Act.

Amendatory sections WAC 458-57-005 Nature of estate tax, definitions, 458-57-015 Valuation of property, property subject to estate tax, how to calculate the tax, 458-57-025 Determining the tax liability of nonresidents, 458-57-035 Washington estate tax return to be filed—Penalty for late filing—Interest on late payments—Waiver or cancellation of penalty—Application of payment and 458-57-045 Administration of the tax—Releases, amended returns, refunds, heirs of escheat estates; and new section WAC 458-57-017 Property subject to generation-skipping tax, how to calculate the tax, allocation of generation-skipping transfer exemption.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 83.100.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 458-57 WAC clarifies the application of Washington's estate tax imposed by

chapter 83.100 RCW. Chapter 83.100 RCW relies heavily on the federal estate and gift tax statutes and refers to several sections of the Internal Revenue Code (IRC). When last adopted, Washington's estate tax statutes reflected the current IRC.

In June 2001, Congress amended the IRC making significant changes to the federal estate tax program. Significant changes include the reduction of the graduated state death tax credit by 25% per year starting in 2002 and different filing thresholds. The federal credit for state death taxes is eliminated for deaths occurring after December 31, 2004. Although the Washington's estate tax statutes have historically been updated to reflect the current IRC, they have not been revised to reflect the changes Congress made to the IRC in June 2001.

The department is considering revising chapter 458-57 WAC to clarify:

- When an estate tax return must be filed with Washington but not with the federal government;
- The due date for a state tax return and under what conditions an extension of such due date is available when an estate is required to file a state estate return but not a federal estate return;
- That under Washington law 100% of the state death tax credit is to be collected; and
- What property is subject to the generation-skipping transfer tax and the calculation of the tax.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, e-mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary discussion draft of a possible new or revised rule(s) is available upon request. Written comments on and/or requests for copies of the draft may be directed to Cindy Evans, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6134, e-mail CindyEV@dor.wa.gov, fax (360) 664-0693.

Date and Location of Public Meeting: Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on July 11, 2002, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985, or (360) 570-6175.

June 4, 2002
Alan R. Lynn, Rules Coordinator
Legislation and Policy Division

WSR 02-12-124

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed June 5, 2002, 9:59 a.m.]

(206) 439-3860. Stakeholders were contacted by e-mail to advise of the intended rule amendments.

June 5, 2002
Sharon M. Tolton
Deputy Director

Subject of Possible Rule Making: Chapter 308-91 WAC, Reciprocity and proration, including, but not limited to WAC 308-91-030, 308-91-040, 308-91-050, 308-91-060, 308-91-080, 308-91-090, 308-91-095, 308-91-120, 308-91-130, 308-91-140, 308-91-150, 308-91-171, and 308-91-172.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.87.010(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of complying with Executive Order 97-02.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Arthur W. Farley, Prorate and Fuel Tax Services, P.O. Box 9036, Olympia, WA 98507-9036, phone (360) 664-1820, (360) 664-2365, TTY (360) 664-8885, e-mail afarley@dol.wa.gov.

June 4, 2002
Thao Manikhoth, Administrator
Prorate and Fuel Tax Services

WSR 02-12-125

**PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed June 5, 2002, 10:12 a.m.]

Subject of Possible Rule Making: Chapter 139-06 WAC, Certification, denial, revocation, investigation, commencement of action.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.010 through 43.101.400.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New statute, which requires the commission to promulgate rules regarding peace officer certification compliance with new RCWs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sharon M. Tolton, Deputy Director, Criminal Justice Training Commission, 19010 1st Avenue South, Seattle, WA 98148-2055, phone (206) 835-7345, fax



WSR 02-11-093

PROPOSED RULES

WASHINGTON STATE UNIVERSITY

[Filed May 17, 2002, 1:51 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-094.

Title of Rule: Standards of conduct for students.

Purpose: To clarify requirements for student conduct, to streamline the hearing and disciplinary process and provide for parental notification under FERPA rules.

Statutory Authority for Adoption: RCW 28B.30.150.

Summary: Clarifies requirements for student conduct, streamlines hearing and disciplinary process and provides for parental notification under FERPA rules.

Reasons Supporting Proposal: To clarify requirements for student conduct, to streamline the hearing and disciplinary process and provide for parental notification under FERPA rules.

Name of Agency Personnel Responsible for Drafting: Dr. Charlene Jaeger, Dr. Elaine Voss, Lighty Student Services Building, Room 360, (509) 335-4531; Implementation and Enforcement: Dr. Charlene Jaeger, Lighty Student Services Building, Room 360, (509) 335-4531.

Name of Proponent: Office of Student Affairs, Washington State University.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Clarifies requirements for student conduct, to streamline the hearing and disciplinary process and provides for parental notification under FERPA rules.

Proposal Changes the Following Existing Rules: Clarifies requirements for student conduct, streamlines the hearing and disciplinary process and provides for parental notification under FERPA rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Conference Room 405, Lighty Student Services Building, Washington State University, Pullman, Washington 99164, on July 10, 2002, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Kirsten Pauli by July 5, 2002.

Submit Written Comments to: Loretta M. Lamb, P.O. Box 64105, Pullman, WA 99164, fax (509) 335-4642, by June 21, 2002.

Date of Intended Adoption: July 9, 2002.

May 13, 2002

Loretta M. Lamb

Associate Vice-President for
Personnel and Administration
Rules Coordinator

WASHINGTON STATE UNIVERSITY: STANDARDS
OF CONDUCT FOR STUDENTSNEW SECTION

WAC 504-25-001 Terms of enrollment. Washington State University is guided by a commitment to excellence. The university aims to create an environment that cultivates individual virtues and institutional integrity in the community. The mission of the university is supported when students take responsibility for their conduct both in and out of the classroom. Under the terms of enrollment, students acknowledge the university's authority to take disciplinary action for conduct on or off university property that is detrimental to the university's mission.

NEW SECTION

WAC 504-25-002 Washington State University. The term "university" means all Washington State University campus locations. The term "university" also applies to distance learning.

NEW SECTION

WAC 504-25-003 Definition of a student. A student is any person who is enrolled at Washington State University for the current academic period. A student is also defined as one who has an ongoing relationship with the university between academic periods at the time the misconduct occurred.

NEW SECTION

WAC 504-25-004 Scope of the standards of conduct. A student is subject to discipline on or off university property. Off-campus conduct may be addressed when it is detrimental to the university's mission.

NEW SECTION

WAC 504-25-011 Good standing. The award of a degree is conditioned upon the student's good standing in the university and satisfaction of all university graduation requirements. "Good standing" means the student has resolved any unpaid fees or acts of academic or behavioral misconduct, and complied with all sanctions imposed as a result of the misconduct. The university shall deny award of a degree if the student is dismissed from the university based on his or her misconduct. (See also Rule 45 in the General Catalog.)

NEW SECTION

WAC 504-25-012 Effect of alcohol or drugs. Any conduct that may have been influenced by alcohol or drugs will generally not limit or excuse the student's responsibility for his or her action.

NEW SECTION

WAC 504-25-013 Responsibility for guests. A student or student organization is responsible for the conduct of guests on or in university property and at functions sponsored by the university or sponsored by any registered university organization.

NEW SECTION

WAC 504-25-014 Students studying abroad. Students who participate in any university sponsored or sanctioned foreign study program shall observe the following rules and regulations:

- (1) The laws of the host country;
- (2) The academic and disciplinary regulations of the educational institution or residential housing program where the student is studying; and
- (3) Any other agreements related to the student's study program in a foreign country.

AMENDATORY SECTION (Amending WSR 95-07-001, filed 3/2/95, effective 4/2/95)

WAC 504-25-015 Academic dishonesty. ~~((1) A student organization's assistance in, or encouragement of, academic dishonesty as defined in subsection (2) of this section is prohibited. Part III of this chapter provides procedures for dealing with academic dishonesty by individual students. Part II of this chapter provides procedures for dealing with assisting in or encouragement of academic dishonesty by student organizations.~~

~~((2)) Academic dishonesty, ((includes)) such as cheating, plagiarism, ((and)) fabrication, and fraud, is prohibited. ((in the process of completing academic work. The university expects that student organizations will accept these standards and that their members will conduct themselves as responsible members of the academic community. These standards should be interpreted by students as general notice of prohibited conduct. They should be read broadly, and are not designed to define misconduct in exhaustive forms.)) See Part III for specific definitions of academic dishonesty.~~

NEW SECTION

WAC 504-25-018 Copyright and intellectual property. Violation of copyright laws and the intellectual property rights of others is prohibited. Prohibited acts include, but are not limited to:

- (1) Posting the works of another person on an internet website without the permission of the creator;
- (2) Copying the creative works of another without the permission of the creator;
- (3) Selling a recording of a presentation by another without the permission of the presenter;
- (4) Claiming the works of another as one's own;
- (5) Using the copyrighted works or intellectual property of another for profit without the permission of the owner;

(6) Copying or digitally transmitting video or audio files without the permission of the owner; or displaying a copyrighted work publicly without the permission of the owner.

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-020 Discrimination. (1) Discrimination on the basis of race, national or ethnic origin, creed, age, sex, marital status, ~~status as a Vietnam veteran~~ status, sexual orientation, or disability is prohibited ~~((This rule will be interpreted))~~ in conformity with federal and state laws ~~((on discrimination))~~.

~~((2)) ((This antidiscrimination regulation explicitly incorporates and prohibits)) Discrimination includes sexual or racial harassment by students. Sexual and racial harassment are defined as conduct ((which)) that is (a) sexually or racially motivated and (b) has the purpose or effect of unreasonably interfering with ((an individual's)) person's work or educational performance or creating an intimidating, hostile, or offensive environment.~~

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

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-025 Sexual offenses. (1) Sexual offenses of any kind, including, but not limited to acquaintance rape, indecent liberties, and assault of a sexual nature, and/or other unwanted sexual contact are prohibited. ~~((University policy prohibiting sexual offenses is consistent with state law.~~

~~((2)) (a) ((The definition of r)) Rape is defined under state law ((includes)) as sexual intercourse with a person who ((clearly expressed lack of)) did not consent by his or her words or conduct. ((Washington law further defines e)) Consent to sexual activity ((as)) means actual words or conduct indicating the person has freely ~~((given agreement))~~ and voluntarily agreed to have sexual intercourse.~~

~~(i) Silence or mere passivity from a state of intoxication or unconsciousness does not imply consent to sexual intercourse.~~

~~(ii) Lack of consent is implied if violence is threatened or used.~~

~~((3)) (b) ((The definition of i)) Indecent liberties ((under state law includes)) means knowingly causing sexual contact with a person by forcible compulsion or when the person is incapable of consent by reason of mental defect, mental incapacitation, or physical helplessness. ((Pursuant to Washington law, s)) Sexual contact ~~((means))~~ is defined as any nonconsensual touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desire of either party.~~

~~((4)) (c) The university ((also)) prohibits sexual contact when such contact amounts to assault under Washington law. Assault includes harmful and offensive contact with another person. ((Lack of opportunity to consent to the contact may be evidence of assault.))~~

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

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

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-030 Physical ~~((abuse))~~ assault or threatened physical ~~((abuse))~~ assault. ~~((Actual or attempted abuse of any person or conduct which threatens or endangers the health and safety of any person or which intentionally causes a reasonable apprehension of harm to any person is prohibited.))~~ No person may intentionally strike, shove, hit, punch, kick or otherwise subject another person to physical contact, or threaten bodily harm without the consent of the person.

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-035 Hazing is prohibited. ~~((Hazing is prohibited. Hazing is defined as any action required of or imposed on current or potential members of a group which, regardless of location of the incident or consent of the participant(s)))~~

(1) No student or other person enrolled at Washington State University may conspire to engage in hazing or participate in hazing of another.

~~((+))~~ (a) ~~((Produce))~~ Hazing includes any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is ~~((reasonably))~~ likely to ~~((produce))~~ cause, bodily danger, physical harm, or serious mental or ~~((physical discomfort, harassment, fright, humiliation, ridicule, substantial interference with academic efforts, or significant impairment or endangerment of physical well-being or;))~~ emotional harm to any student or other person attending a public or private institution of higher education or other postsecondary educational institution of higher education or other postsecondary educational institution in this state.

~~((2))~~ Compels an individual to participate in any activity which is illegal, perverse or publicly indecent or contrary to university rules, regulations, or policies or which is known by the person(s) compelling the activity to be contrary to the individual's moral or religious beliefs.))

(b) Hazing does not include customary athletic events or other similar contests or competitions.

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

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-040 Harassment. ~~((Harassment of any sort is prohibited. Any malicious act which causes harm to any person's physical or mental well-being))~~ Intentional conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and serves no legitimate or lawful purpose is prohibited.

NEW SECTION

WAC 504-25-041 Malicious harassment Maliciously and intentionally committing one of the following acts because of a perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap is prohibited:

- (1) Causing physical injury to the victim or another person;
- (2) Causing physical damage to or destruction of the property of the victim or another person;
- (3) Threatening a specific person or group of persons and placing that person, or members of the specific group of persons, in reasonable fear of harm to person or to property.

NEW SECTION

WAC 504-25-042 Stalking. Following or intentionally and repeatedly harassing another person, and placing the person being followed or harassed in reasonable fear that the stalker intends to injure a person or property is prohibited.

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-045 Reckless endangerment. ~~((Recklessly-e))~~ Engaging in conduct ~~((which))~~ that creates a substantial risk of physical harm to another person is prohibited.

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-050 Alcohol. (1) Illegal use, manufacture, possession, or sale of intoxicating beverages is prohibited ~~((-University policy is consistent with))~~ by local, state, and federal law ~~((s on the sale, possession, and consumption of alcoholic beverages)).~~

(2) Consumption, or possession, sale, or distribution of alcohol by students in public areas of any university-owned or controlled property ~~((is prohibited except for students of legal age at university approved events))~~ or at university functions must comply with all local, state and federal laws.

~~((3))~~ Unless specifically approved for those of legal age, consumption or possession of alcohol at or in line for university sponsored or supervised events is prohibited.))

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

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-055 Drugs and drug paraphernalia. ~~((Illegal))~~ The use, ~~sale,~~ possession, manufacture, ~~((sale,))~~ and/or distribution of ~~((any narcotic or dangerous))~~ illegal drugs and drug paraphernalia is prohibited. ~~((University policy is consistent with state and federal laws which regulate controlled substances.))~~

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-060 Firearms and dangerous weapons.
 (1) ~~((Illegal possession, carrying or discharge of any explosive, firearm, or other weapon (including shotguns, rifles, pistols, air guns, and pellet guns) is prohibited.))~~ No student may carry, possess, or use any firearm, explosive, dangerous chemical, or dangerous weapon ~~(including, but not limited to, shotguns, rifles, pistols, airguns, pellet guns, longbows, hunting bows, throwing weapons, etc.)~~ ~~((while on the campus or on other university-controlled or approved property, including university residence halls, apartments, and approved housing except in transit to or from approved storage or to leave campus))~~ except in transit to or from approved storage, to leave campus, or when authorized by the university.

(2) Any student who wants access to ~~((any))~~ his or her firearm ~~((or weapon))~~ while ~~((on campus))~~ enrolled at the university must ((immediately place)) store the firearm~~((s) or weapon(s) in the university provided storage facility while the firearm(s) or weapon(s) is on campus. The storage facility is located at))~~ with the Washington State University ((police department and is accessible on a twenty-four-hour basis)) Department of Public Safety.

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

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-065 Unlawful ~~Illegal~~ entry and trespassing. Illegal or attempted illegal entry ((or) or trespassing on university~~((owned or controlled))~~ property ~~((or university approved housing))~~ is prohibited. ~~((Violation of the university's rules for the use of its facilities in chapters 504-32 and 504-34 WAC, is also prohibited.))~~

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

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-075 Safety equipment. Improper use or disablement of safety or fire ~~((fighting))~~ safety equipment, such as fire extinguishers, fire alarms, or exit signs, is prohibited.

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-080 ~~((Forgery and m))~~ Misrepresentation, fraud and falsification of university records. ~~((Falsifying))~~ Providing false, misrepresented, or fraudulent information to university officials ((including issuing)) or on university records is prohibited. Such information includes but is not limited to:

(1) Providing false identification ((within the university community));

(2) Falsifying, misrepresenting, forging, altering, or fraudulently obtaining a university transcript or diploma;

(3) ~~((failing to reveal))~~ Withholding or misrepresenting relevant information on any university form or federal financial aid form;

(4) ~~((or))~~ Offering any false information in any university disciplinary proceeding, academic exercise or hearing, employment situation, or in any other university situation; ~~((or))~~

(5) ~~((or))~~ Maliciously altering or misusing university documents, records, permits, or identification ((is prohibited)).

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-085 Computer abuses. Conduct ~~((which))~~ that violates the university's ~~((property rights with respect to computing))~~ electronic use policy ((resources)) is ~~((subject to university disciplinary action. The following conduct is))~~ prohibited and includes:

(1) ~~((Unauthorized copying, including:))~~

~~((a))~~ Copying university-owned or licensed software or data for personal or external use without prior approval;

~~((b))~~ (2) Copying another computer user's software or data without permission of its owner, even if it is readily accessible by electronic means;

~~((c))~~ (3) Knowingly accepting or using software or data which has been obtained by unauthorized means.

~~((2))~~ (4) Modifying or damaging, attempting to modify or damage, computer equipment, software, databases, or communications lines without permission;

~~((3))~~ (5) Disrupting or attempting to disrupt computer operations;

~~((4))~~ (6) Invading the privacy of an individual by using electronic means to ascertain confidential information, even if an individual or department inadvertently allows access to such information;

~~((5))~~ (7) Abusing or harassing another computer user through electronic means;

~~((6))~~ (8) Using the university's computing facilities in the commission of a crime;

~~((7))~~ (9) Using computer services without authorization;

~~((8))~~ (10) Allowing another individual to use one's computer identity/account or using another individual's computer identity/account.

(a) This includes, but is not limited to, logging on to the account, accessing programs, and reading or altering com-

puter records. ~~((Computer time belongs to the university; t))~~
~~The university ((is the only entity)), through ((computing ser-~~
~~vices)) information technology, must authorize((d to)) and~~
~~allocate time on the mainframe computers.~~

(11) Violation of any written policy, regulation or law concerning use of computers.

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

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-090 Disruption. (1) ((While-s)) Students have the right to freedom of ((expression)) speech, including the right to dissent or protest, but this expression cannot interfere with the rights of others or disrupt the ((processes of the)) university's activities. The following conduct will not be permitted:

~~((1))~~ (a) Disruption of classes, laboratories, offices, services, meetings, or ceremonies;

~~((2))~~ (b) Obstruction of free movement of people or vehicles; provided, peaceful picketing is permitted ~~((only as))~~ so long as it takes place outside buildings and does not interfere with the flow of traffic ((to and from buildings));

~~((3))~~ (c) Conduct which threatens harm, incites violence, or endangers the health and safety of any person;

~~((4))~~ (d) Threats of disruption, including bomb threats;

~~((5))~~ (e) Damaging, defacing or abusing university facilities, equipment, or property; or the property of university community members; or

~~((6))~~ (f) Inciting others to engage in prohibited conduct.

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

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-095 Disturbing the peace. Creating noise in such a way as to interfere with the university's ((functions or using sound amplification equipment in a loud and raucous manner)) mission is prohibited.

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-100 Public indecency and obscenity. ~~((Indecent or obscene conduct is prohibited. Indecent or obscene conduct is conduct which is public and offensive to university community standards.))~~ Public indecency, including public urination, and obscenity is prohibited.

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

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-115 Violation of local ordinances, state law, or federal law. Students ~~((are expected to))~~ shall comply with local, state, and federal laws and may be subject to university discipline for any violation. ~~((The university may take action, whether the violation occurs on or off campus, when a definite university interest is involved and where the conduct distinctly and adversely affects the university's pursuit of its educational mission or the health or safety of members of the university community.))~~

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

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-120 Failure to comply with a proper order. ~~((While on university owned or controlled property or on the premises of university approved housing, w))~~ Willful refusal or failure to comply with a proper order or request of a university official((, campus security officer)), or law enforcement officer((s)) acting in performance of their duties is prohibited.

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-125 Assisting illegal or prohibited conduct. Aiding, assisting in, or serving as an accomplice in the commission of any illegal act or any act prohibited by these university's standards of conduct ((regulations)) is prohibited.

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

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-130 Violation of a disciplinary sanction. Violation of any term or condition of any disciplinary sanction ~~((is prohibited))~~ constitutes a new violation and may subject the student to additional sanctions.

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-135 Failure to cooperate with a((n)) university investigation ((of any conduct violation)). Failure to cooperate with ~~((the))~~ a university investigation ((of any conduct violation,)) or ~~((interference))~~ interfering with ((a proper)) an investigation ((of any violation)) by withholding evidence, or encouraging or threatening another to ~~((withhold evidence))~~ interfere with an investigation or to lie is prohibited. However, the student has the right to remain silent and not incriminate himself or herself if the allegation may lead to criminal liability.

(1) Any student who fears for his or her safety may request that testimony be given by telephone or other means.

NEW SECTION**WAC 504-25-137 Misuse of keys or access cards.**

Unauthorized possession, duplication, or use of keys or cards that permit access to any university-related services, housing, vehicles, or premises is prohibited.

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-138 Misuse of university-issued student identification. ~~((Misuse of student identification is prohibited. Misuse of student identification includes, but is not limited to, alteration of validly issued identification in any manner; use of, or allowing use of, identification by a person other than the one for whom the identification was issued; or use of counterfeit student identification.))~~ Unauthorized possession, including but not limited to lending, selling, processing, duplicating, or using university-issued student identification is prohibited.

NEW SECTION

WAC 504-25-139 Identity theft. Knowingly using or transferring another person's identification for any unlawful purpose is prohibited.

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-140 Other conduct. Any other conduct ~~((or action in which))~~ that is detrimental to the university's ~~((can demonstrate a clear and distinct interest and which substantially))~~ mission or threatens ~~((the educational process or other legitimate function of the university or))~~ the health or safety of ~~((any member of))~~ the ~~((university))~~ community is prohibited.

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-200 ~~((Introduction))~~ Disciplinary action. ~~((+))~~ The university's ~~((has established the standards of conduct for students and the disciplinary process to protect its educational purpose, provide for the orderly conduct of its activities, and safeguard the interests of the university community. The))~~ disciplinary ~~((procedures used by the university are considered part of its))~~ process is educational, ~~((process. Hearings or appeals conducted as a part of the disciplinary process are not courts of law and they are not subject to many of the constraints of civil or criminal hearings. Because some of the standards of conduct are also violations of law, students may be accountable to both civil authorities and to the university for their actions. Disciplinary action at the university will normally proceed without regard for any civil or criminal proceeding and will not be subject to challenge on the basis of the outcome of any civil or criminal proceeding.))~~ ~~((2))~~ This process is intended to be educative for the students involved, although)) but sanctions for serious violations can include temporary or permanent ~~((removal))~~ dis-

missal from the university. ~~((Students involved in these procedures should expect to be treated fairly and go through the process))~~ University disciplinary action is independent of any civil or criminal proceeding and is not influenced by the outcome of those proceedings. The university shall address allegations of student misconduct in a timely manner. ~~((The purposes of the disciplinary process are:~~

- ~~((a) To determine the facts about the allegation(s);~~
- ~~((b) To determine the responsibility of the accused student or student organization;~~
- ~~((c) To determine an appropriate sanction if the accused student or student organization is found responsible for a violation; and~~
- ~~((d) To help any student or student organization found responsible for any violation of the standards of conduct to understand the negative impact of their actions.~~
- ~~((3) Any behavior which may have been influenced by a student's mental state, or use of drugs or alcohol will generally not limit the responsibility of the student for his or her action.))~~

NEW SECTION

WAC 504-25-201 Student rights. (1) A student or student organization that has allegedly violated the standards of conduct has the following rights:

- (a) The right to notice and the basis for the allegation.
 - (b) The right to remain silent and not incriminate oneself if the allegation may lead to criminal liability.
 - (c) The right to a hearing.
 - (d) The right to seven calendar days notice prior to a hearing.
 - (e) The right to present written information to the university officer or the conduct board prior to the hearing, including signed witness statements.
 - (f) The right to consult an adviser and have one adviser present at the hearing. The adviser may advise the student or student organization during the hearing, but is not permitted to directly address the university officer or the conduct board. The adviser is prohibited from examining witnesses.
 - (g) The right to one administrative appeal.
 - (h) The right to seek judicial review in a court of law after the university enters its final order.
- (2) A student or student organization has the following additional rights if the conduct board hears the matter:
- (a) The right to request the removal of a conduct board member for prejudice. The request must be made in writing and support the basis for the alleged prejudice.
 - (b) The right to review any written material to be presented to the conduct board at least 48 hours prior to the hearing, including the names of witnesses expected to testify. Any new information or evidence shall be released to the accused student or student organization within 24 hours of receipt.
 - (c) The right to hear the testimony of all witnesses.
 - (d) The right to question witnesses by submitting written questions to the chairperson.
 - (e) The right to have an audio recording made of the hearing.

NEW SECTION

WAC 504-25-202 Emergency interventions and interim action. (1) A student or student organization involved in alleged misconduct is entitled to a hearing prior to the imposition of any disciplinary action. However, if there is cause to believe that the student or student organization poses an imminent threat to himself, herself, itself, to others or to property, immediate action may be taken prior to a hearing. An interim suspension shall not create a presumption of guilt. The vice president for student affairs or designee may take one or more of the following interim actions:

(a) Interim restrictions. A student may be restricted from university facilities or assigned to alternate university housing. Students may also be restricted from contacting a person or a group.

(b) Interim suspension. A student may be suspended pending a hearing.

(2) The vice-president for student affairs or designee shall notify the student or student organization in writing of the terms of the emergency restriction, suspension, and the reasons for the decision.

(3) If interim action is taken, the student or student organization is entitled to a hearing as soon as is reasonably possible, but not later than ten calendar days after the action is taken.

NEW SECTION

WAC 504-25-203 Parental notification The Family Educational Right to Privacy Act (FERPA) provides that an educational institution may notify a student's parent or legal guardian if the student is under the age of twenty-one and has violated a federal, state, or local law involving the use or possession of alcohol or a controlled substance.

AMENDATORY SECTION (Amending WSR 89-11-065, filed 5/18/89, effective 7/1/89)

WAC 504-25-205 Types of hearings. (1) An administrative hearing is an informal process conducted by a university officer that will not result in suspension or dismissal.

(2) Conduct board hearings are more formal proceedings that may result in suspension, dismissal or loss of a student organization's recognition or charter.

~~((1))~~ (3) ~~((The procedures for s))~~ Student conduct hearings ~~((, whether before the university conduct board, or before an administrative hearing officer.))~~ are conducted as brief ~~((hearing procedures in accordance with RCW 34.05.482. The minimum procedures of))~~ adjudicative proceedings pursuant to RCW 34.05.482 through 34.05.494 ~~((, as may be amended in the future, are adopted for student conduct hearings. To assure proper due process is provided to students, the following additional protections apply to conduct hearings.~~

(2) The university has established several types of hearings. The nature of the alleged violation will determine which type of hearing a student will receive.

(a) The university administrative hearing officer hears cases which involve violations of the standards of conduct.

~~The hearing officer will not hear cases which could result in suspension or dismissal from the university.~~

~~(b) The university conduct board hears cases which involve violations of the standards of conduct and can impose all levels of sanctions.))~~

(4) Two or more students or organizations may be required to participate in a joint hearing if they are alleged to have taken part in the same incident, act, event, or series of related acts.

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-215 ((Judicial)) University officer, ((hearing)) conduct boards, and appeal boards. ~~((Generally, the first contact with any student or student organization involved in the discipline process is made by the university judicial officer.))~~ (1) ~~The ((judicial)) university officer is ((an)) student affairs staff member or a graduate assistant in the office of student affairs, ((and serves as the chief investigator and prosecutor. The judicial officer prepares the case and the evidence. The judicial officer serves as the secretary of the university conduct board and may be the administrative hearing officer.~~

~~Administrative hearing officers are appointed by the vice provost for student affairs and are generally members of the faculty in student affairs. An administrative hearing officer is responsible for hearing cases where the student or student organization has been offered a less formal hearing. The administrative hearing officer determines both the responsibility of the accused student or student organization and the sanction(s).))~~

(2) ~~((The u))~~ University conduct board ~~((is a presidential standing committee, whose))~~ members are recommended by the ~~((vice provost))~~ vice president for student affairs and appointed by the president of the university. ~~((The university conduct))~~ This board is composed of ~~((faculty members and graduate and undergraduate student members. Each hearing board consists of five members drawn from the conduct board. F))~~ two faculty members, two students, and ~~((the))~~ a faculty or staff chairperson. The chairperson ~~((is appointed by the vice provost for student affairs))~~ conducts the proceedings.

(3) In matters involving an academic integrity violation, the faculty members shall be teaching faculty. If the accused student is a graduate student, at least one graduate student shall be on the conduct board.

(4) ~~The ((university))~~ appeals board is composed of three university administrators, appointed by the president ~~((, one of whom is the vice provost for student affairs))~~ of the university.

(5) All university officers and hearing board members shall be impartial.

(a) Impartial means the person is not personally involved in the alleged act or does not have a personal interest in the outcome of the disciplinary proceeding.

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

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

NEW SECTION

WAC 504-25-221 Complaint. (1) Any person may file a complaint in writing with the office of student affairs against a student or student organization.

(a) The complainant must have direct knowledge of the alleged misconduct and be willing to appear at a hearing if necessary.

(b) The university officer determines if the alleged misconduct constitutes a violation of the standards of conduct.

(c) If the university officer determines there may be a violation, the student or student organization is requested to attend a preliminary conference.

(d) The student or student organization is notified in writing of the allegation against them.

(2) If a student withdraws after a complaint has been filed, the hearing may be conducted in the student's absence. If the student is found responsible for a violation of the standards of conduct, the university may impose disciplinary sanctions.

(a) Failure to comply with a university sanction or failure to resolve a conduct complaint shall affect a student's good standing in the university.

NEW SECTION

WAC 504-25-222 Preliminary conference. (1) The preliminary conference is an opportunity to evaluate the student's or student organization's alleged involvement in the matter. The university officer shall:

(a) Inform the student of the nature of the complaint;

(b) Educate the student about the university's disciplinary process;

(c) Notify the student of his or her rights and responsibilities; and

(d) Encourage the student to submit a written explanation of the alleged incident.

(2) If a student or student organization admits responsibility for the alleged incident and the violation will not result in suspension or expulsion, the student or student organization may waive the notice requirement and resolve the matter with a university officer at that time.

(3) If there is no admission of responsibility, the matter will be set for a administrative or conduct board hearing.

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 504-25-223 Notice. (1) Any student or student organization charged with violating the standards of conduct shall be notified in writing at least seven calendar days prior to the hearing. The notice shall include:

(a) The specific charges, including the university policy or regulation allegedly violated;

(b) The approximate time and place of the alleged act;

(c) The time and place of the hearing.

NEW SECTION

WAC 504-25-224 Service of notice. (1) Notice of a hearing with a university officer is sent by regular mail.

(2) Notice of a conduct board hearing is sent by certified mail return receipt requested and by regular mail to the student or student or organization's last known local address. If the student is no longer enrolled at the time notice is sent, the notice is sent to the student's permanent address.

(3) The student or student organization is responsible for keeping an updated address on file.

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 504-25-226 Administrative hearing. (1) Administrative hearings are informal hearings conducted by a university officer.

(a) The university officer has the sole discretion to send the matter to a conduct board at any time before an initial order is issued. A student may request that a conduct board hear the case, but the final decision on the matter is made by the university officer and is not subject to appeal.

(2) If the student or student organization fails to appear at a hearing after proper notice, the university officer has the discretion to proceed in the student or organization's absence and determine responsibility and appropriate sanctions.

(3) The hearings are closed to the public in conformity with federal privacy law.

(4) The administrative hearing is not a legal proceeding.

(5) The university officer is not bound by the rules of evidence and may admit any relevant information, but shall exclude immaterial or unduly repetitious information.

(6) The university must prove the allegation by a preponderance of the evidence.

(a) Preponderance of the evidence means evidence that would lead a reasonable person to conclude that it is more likely than not that a violation occurred.

(7) A hearing may be continued to another time if any person disrupts the proceedings.

(8) At the conclusion of the hearing the student is informed in writing of the university officer's decision, the reasons for the decision, the sanction, and the right to appeal the decision.

(9) The written decision is the initial order. Any sanction imposed is effective from the date of the initial order.

(10) If the student does not appeal the university officer's initial decision within twenty-five calendar days from the date of the decision letter, it becomes the university's final order.

(11) Administrative hearing decisions involving individual students are confidential. However, the university may disclose the outcome of a disciplinary decision in compliance with the Family Educational Right to Privacy Act (FERPA) under the following exemptions:

- (a) Disclosure to other university officials with a legitimate educational interest;
- (b) Disclosure to an alleged victim of any crime of violence;
- (c) Disclosure in connection with a health or safety emergency; and
- (d) Future exemptions that may apply as amended by federal law. Students will be notified annually of any new exemptions that may apply.

(12) The university officer shall keep a written record of the hearing. This record shall include all documents relevant to the university officer's decision.

NEW SECTION

WAC 504-25-227 Administrative hearing appeal. (1) Any student or student organization found responsible for a violation of the standards of conduct has the right to one appeal. The appeal is a review of the record and the appeal letter, it not a new hearing.

(2) The university officer's written decision is the initial order.

(3) The university officer's initial order may be appealed to the vice president for student affairs or designee.

(4) If the student does not appeal the university officer's initial decision within twenty-five calendar days from the date of the decision letter, it becomes the university's final order.

(5) An appeal letter shall be in writing and filed with the office of student affairs. The university officer may also submit written arguments on behalf of the university.

(6) On appeal the student must prove that he or she is not responsible for a violation.

(7) The following shall be the basis for an appeal:

(a) A procedural error that materially affected the decision;

(b) New information not previously available that would have materially affected the decision;

(c) The decision was not supported by substantial evidence.

(d) The standards of conduct do not apply to the alleged violation.

(e) The sanction is too severe or inappropriate for the violation.

(8) The student bears the burden of proof.

(a) Burden of proof means the student or student organization must prove he, she, or it is not responsible for the violation of the standards of conduct.

(9) The vice president for student affairs or designee shall review the record and make one of the following determinations:

(a) Affirm the conduct board's decision;

(b) Reverse the conduct board's decision;

(c) Affirm, reverse or modify the sanctions imposed by the conduct board.

(10) The university appeals board's decision letter is the university's final order and shall advise the student or student organization of the right to judicial review.

(a) The request for judicial review of a final university order must be filed with the court within thirty-five calendar

days of the date of the university appeals board's decision letter.

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 504-25-228 Conduct board hearing. (1) Conduct board hearings are more formal proceedings that may result in suspension or dismissal. The student or student organization is responsible for presenting his, her, or its own case.

(a) A student may request an administrative hearing, but the final decision on the matter is made by the university officer and is not subject to appeal.

(2) If the student or student organization fails to appear at a hearing after proper notice, the university conduct board has the discretion to proceed in the student or student organization's absence and determine responsibility and appropriate sanctions.

(3) The hearings are closed to the public in conformity with federal privacy law.

(4) The conduct board hearing is not a legal proceeding.

(5) The conduct board is not bound by the rules of evidence and may admit any relevant information, but shall exclude immaterial or unduly repetitious information.

(6) The university and the student or student organization have the right to have witnesses testify about the alleged incident.

(7) The university must prove the allegation by a preponderance of the evidence.

(a) Preponderance of the evidence means evidence that would lead a reasonable person to conclude that it is more likely than not that a violation occurred.

(b) The conduct board's decision is made by a simple majority vote.

(8) Conduct board hearings are generally held between the hours of 5:00 p.m. and 10:00 p.m. Deliberations may continue after 10:00 p.m. at the discretion of the board.

(9) The chairperson presides over the hearing and may recess a hearing or order a continuance on a different day and time as the circumstances may require.

(10) The student or student organization may request a recess, but recesses should be kept short and to a minimum. The chairperson may approve or deny a request for a recess.

(11) Any person may be excluded from the proceeding for disruptive behavior.

(12) The decision process is closed to everyone except the members of the conduct board. In some cases, an assistant attorney general may advise the conduct board on procedural matters.

(13) Conduct board decisions involving individual students are confidential. However, the university may disclose the outcome of a disciplinary decision in compliance with the Family Educational Right to Privacy Act (FERPA) under the following exemptions:

(a) Disclosure to university officials with a legitimate educational interest;

(b) Disclosure to an alleged victim of any crime of violence;

(c) Disclosure is in connection with a health or safety emergency; and

(d) Future exemptions that may apply as amended by federal law. Students will be notified annually of any new exemptions that may apply.

(14) Decisions involving student groups or living groups may be disclosed to the public pursuant to a Public Records request without violating individual students' privacy rights.

(a) Personally-identifiable student information shall be redacted.

(15) The student or student organization may be informed of the outcome of the hearing prior to receiving written notification.

(16) The student or student organization shall be notified of the conduct board's decision within ten calendar days from the date the matter is heard. The student or student organization shall receive written notice of the decision, the reasons for the decision, the sanction, and the right to appeal.

(17) Written notice of the decision is sent by certified and regular mail to the student or president of the student organization's last known address.

(18) The written decision is the initial order. Any sanction imposed is effective from the date of the initial order.

(19) If the student or student organization does not appeal the conduct board's decision within twenty-five calendar days from the date of the decision letter, it becomes the university's final order.

(20) The conduct board hearing record shall include:

(a) All documents relevant to the conduct board's decision, and

(b) An audio recording of the proceedings.

NEW SECTION

WAC 504-25-229 Conduct board appeal. (1) Any student or student organization found responsible for a violation of the standards of conduct has the right to one appeal. The appeal is a review of the record and the appeal letter, it is not a new hearing.

(2) The conduct board's written decision is the initial order.

(3) The university conduct board's initial order may be appealed to the university appeal board.

(4) If the student does not appeal the conduct board's initial order within twenty-five calendar days from the date of the decision letter, it becomes the final university order.

(5) An appeal letter shall be in writing and filed with the office of student affairs. The university officer may also submit written arguments on behalf of the university.

(6) The following shall be the basis for an appeal:

(a) A procedural error that materially affected the decision;

(b) New information not previously available that would materially affect the decision.

(c) The decision was not supported by substantial evidence;

(d) The standards of conduct do not apply to the alleged conduct.

(e) The sanction is too severe or inappropriate for the violation.

(7) The student bears the burden of proof. Burden of proof means the student must prove they are not responsible for the violation of the standards of conduct.

(8) The university appeal board shall review the record and make one of the following determinations:

(a) Affirm the conduct board's decision;

(b) Reverse the conduct board's decision;

(c) Affirm, reverse or modify the sanctions imposed by the conduct board.

(9) The student or student organization shall be notified of the appeal board's decision within ten calendar days from the date the matter is heard. The university appeal board's decision letter is the final order and shall advise the student or student organization of the right to judicial review.

(a) The request for judicial review of a final university order shall be filed with the court within thirty-five calendar days of the date of the university appeal board's decision letter.

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-230 Sanctions. (1) Any of the following sanctions or any combinations of ~~((the))~~ sanctions may be imposed on a student or student organization for a violation ~~((s))~~ of the standards of conduct ~~((s))~~ Sanctions imposed by the university officer or university conduct board are effective from the date of the initial order.

(a) Warning. A letter notifying the student that the allegation is not a violation under the standards of conduct, but repeated behavior may result in a violation.

(b) Educational project. The student is required to complete an educational project designed to create an awareness about the student's behavior.

(c) Community service. Assignment of labor or responsibilities to any student or student organization within the university or local community may be imposed up to a maximum of eighty hours per student or per member of an organization.

~~((a))~~ (d) Disciplinary probation. ~~((This may include the imposition of))~~ Disciplinary probation means formal conditions ~~((for any))~~ are imposed on a student's ~~((or student organization))~~ continued attendance at the university for a specific period of time. ~~((If any condition of the probation is violated, this will constitute a new violation.))~~ Disciplinary probation serves as a warning that future misconduct may result in more severe sanctions.

~~((e))~~ (e) Restitution. ~~((This))~~ Restitution may include reimbursement for damaged or stolen property and any medical expenses ~~((resulting from the violation(s)))~~ incurred by a person injured as a result of the student's or student organization's misconduct.

~~((d))~~ Fines: Monetary fines up to five thousand dollars for any student organization or two hundred fifty dollars for any student may be imposed.

~~((e))~~ (f) No contact order. ~~((P))~~ This may include a prohibition of direct or indirect physical and/or verbal contact with another individual or group ~~((may be imposed)).~~

~~((f) Assessment: Referral for drug/alcohol or psychological assessment may be required. Results of the assessment may be shared with the conduct administrator and conduct board. If the assessment by the counselor or physician recommends any condition(s), those recommendations may become conditions of the sanction. If the assessment indicates that the student is not capable of functioning within the university community, the student will be suspended until further assessment recommends that the student is capable of reentering the university.))~~

~~(g) Loss of privileges. ((or exclusion from activities including:)) Loss of the right to reside in a specific housing unit or in any university-owned or approved housing, ((may be imposed; exclusion from participation in designated privileges and)) or loss of the right to participate in extracurricular activities for a specific periods of time ((may also be imposed)).~~

~~(h) Loss of recognition or charter.((:)) A student organization's ((may have its)) recognition or charter ((withdrawn)) may be withheld((, either)) permanently or for a specific period of time. ((Loss of recognition can include loss of a) A fraternity((s)) or sorority((s eligibility to provide approved freshman housing)) may be prohibited from housing freshmen.~~

~~((i) Censure: This is a written reprimand for any violation of university policy or campus regulation, including explicit notice to the student or student organization that continued or repeated violation of any policy or regulation may be cause for further disciplinary proceedings.))~~

~~((j)) (i) Hold on transcript and/or registration.((:)) This is a temporary measure restricting release of a student's transcript or access to registration. Upon satisfactory completion of the conditions of the sanction, the hold shall be released.~~

~~(j) Revocation of degree. A student's degree may be revoked if it was falsely or fraudulently obtained, or if the student was dismissed from the university based on his or her misconduct.~~

~~((k) Negative notation on transcript: Entry of violation on the student's academic record may be made for suspension or expulsion.))~~

~~((l)) (k) Suspension.((: This is termination of)) The student ((status for a given)) is suspended for a specific period of time. Upon satisfactory completion of stated conditions, reinstatement shall be granted. A student may be excluded from specific areas of campus for safety reasons.~~

~~(l) Dismissal. The student's enrollment is immediately terminated. Dismissal means that a student's academic relationship with the university is permanently ended.~~

~~((m) Expulsion: This is termination of student status for an indefinite period.))~~

~~((2) Any student who has been suspended or expelled may be excluded from specific areas of campus when there is a reasonable cause to believe that the student's presence there will lead to physical abuse, threats of violence, or conduct which threatens the health and safety of any person on university-owned or controlled property, in university-approved housing, or at an official event, or other conduct which interferes with the orderly functioning of the university.))~~

~~((3)) (m) Special sanctions for hazing. Pursuant to RCW ((28B.10.904) 28B.10.902, additional sanctions will~~

be imposed in cases where there is a finding of responsibility for hazing ((when the hazing amounts to any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any person attending Washington State University. The additional sanctions that will be imposed upon such a finding will be as follows)) as provided in RCW 28B.10.900 and WAC 504-25-035 as amended.

~~((a)) (i) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a specific period of time ((determined by the administrative hearing officer or the university conduct board)).~~

~~((b)) (ii) Any organization, association, or student living group that knowingly permits hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by ((a public institution of higher education)) Washington State University.~~

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

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

NEW SECTION

WAC 504-25-231 Reconsideration of final orders. (1)

A student or student organization may file a written request for reconsideration with the university appeal board within fourteen calendar days from the date of the university's final order.

(a) The written request for reconsideration shall state the specific basis for the request.

(b) The request for reconsideration is intended to correct obvious mistakes in the order and is not an opportunity to reargue the case.

(c) A request for reconsideration is not a prerequisite for obtaining judicial review with a court of law and denial of the request is not subject to judicial review.

(d) The university appeal board has ten calendar days from the date of the request to consider the request for reconsideration. The university appeal board shall issue one of the following orders in response to the request:

(i) Deny the request;

(ii) Grant the request; or

(iii) Dissolve or modify the sanctions.

AMENDATORY SECTION (Amending WSR 95-07-045, filed 3/8/95, effective 4/8/95)

WAC 504-25-245 Records. (1) Disciplinary ((proceedings against individuals and related records, but not those against student groups or living groups, and records are confidential. The office of the vice provost for student affairs)) records will be ((maintain disciplinary records)) maintained for a minimum of seven years in accordance with the univer-

city's retention schedule. (~~Disciplinary records will be made available to hearing boards and university personnel, as needed.~~)

(2) The disciplinary record is confidential.

~~((2))~~ (3) ((Any)) student may ((review)) request a copy of his((f)) or her own disciplinary records ((by contacting)) at his or her own reasonable expense by making a written request to the office of ((the vice provost for)) student affairs.

(a) Personally-identifiable student information shall be redacted to protect another student's privacy rights.

(4) A student may authorize the release of his/her own disciplinary record to a third party in compliance with the Federal Educational Rights and Privacy Act (FERPA) by making a written request to the office of student affairs.

(a) Identifying student information shall be redacted to protect another student's privacy rights.

~~((3))~~ (5) ((Any)) The university may inform an alleged victim ((may be informed)) of the ((result)) outcome of any disciplinary proceeding involving a crime of violence as defined by Federal Educational Rights and Privacy Act (FERPA).

~~((4))~~ (6) ((Except as outlined in these procedures, t)) The university ((will)) may not communicate a student's disciplinary record to any person or agency outside the university without the prior written consent of the student, except as required or permitted by law.

(a) The student's parents or legal guardians may review a student's disciplinary record if the student is a minor or a dependent for tax purposes as defined by the Federal Educational Rights and Privacy Act (FERPA).

(b) The university provides annual notification of a student's privacy rights in accordance with federal law.

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

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

REPEALER

The following sections of the Washington State Administrative Code are repealed:

- WAC 504-25-005 Prologue.
- WAC 504-25-010 Introduction.
- WAC 504-25-210 Disciplinary procedures.
- WAC 504-25-225 The hearing.
- WAC 504-25-220 Students charged with violations of the standards of conduct.
- WAC 504-25-235 Appeals.
- WAC 504-25-240 Other interventions.

**WSR 02-12-003
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

[Filed May 22, 2002, 4:21 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-015.

Title of Rule: WAC 208-660-125 Requirements for advertising materials.

Purpose: To prohibit unfair and deceptive advertising and solicitation practices by mortgage brokers and mortgage lenders to residents of Washington state.

Statutory Authority for Adoption: RCW 31.04.165.

Statute Being Implemented: Chapter 208-660 WAC.

Summary: The proposed rule:

1. Clarifies the name under which a licensee can advertise.
2. Requires certain disclosures when a borrower's information is used in a solicitation or advertisement.
3. Provides clarification of unfair and deceptive solicitation and advertising practices.

Reasons Supporting Proposal: The proposed amendments are in response to an increasing number of deceptive loan solicitations from mortgage lenders and mortgage brokers advertising loan products to residents of Washington state.

Name of Agency Personnel Responsible for Drafting: Nicole Scott/Mark Thomson, General Administration Building, Room #300, 902-8811/8787; Implementation and Enforcement: Mark Thomson, General Administration Building, Room #300, 902-8787.

Name of Proponent: Department of Financial Institutions, governmental.

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

Explanation of Rule, its Purpose, and Anticipated

Effects: Explanation: The propose rule:

1. Clarifies the name under which a licensee can advertise.
2. Requires certain disclosures when a borrower's information is used in a solicitation or advertisement.
3. Provides clarification of unfair and deceptive solicitation and advertising practices.

Purpose: To prohibit unfair and deceptive advertising and solicitation practices by mortgage brokers and mortgage lenders to residents of Washington state.

Anticipated effects:

1. Provide guidance to licensees and the department regarding the standards for solicitations and advertisements.
2. Protect residents of Washington state against unfair and deceptive advertising and solicitation practices.

Proposal Changes the Following Existing Rules: The proposed rule:

1. Amends WAC section by clarifying the name under which a licensee can advertise.
2. Amends WAC section by requiring certain disclosures when a borrower's information is used in a solicitation or advertisement.

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3. Amends WAC section by providing clarification of unfair and deceptive solicitation and advertising practices.

4. Amends WAC section by changing the length of time a licensee must maintain a copy of all advertising records from two years to twenty-five months in accordance with RCW.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment will not have significant economic impact on the affected small businesses licensed under the statute.

RCW 34.05.328 does not apply to this rule adoption. The Department of Financial Institutions is not a listed agency under RCW 34.05.328.

Hearing Location: Department of Information Services, DIS participating sites: Lacey, Seattle, Spokane, Tri-Cities and Vancouver, on August 14, 2002, at 11:00 - 11:30 a.m.

Assistance for Persons with Disabilities: Contact Mark Thomson by August 9, 2002, TDD (360) 664-8126.

Submit Written Comments to: Mark Thomson, Director of Consumer Services, P.O. Box 41200, Olympia, WA 98504-1200, fax (360) 704-6925, by August 7, 2002.

Date of Intended Adoption: August 14, 2002.

May 22, 2002
Mark Thomson
Acting Director

AMENDATORY SECTION (Amending WSR 96-04-028, filed 2/1/96, effective 4/1/96)

WAC 208-660-125 Recordkeeping and other requirements for advertising materials. (1) Each mortgage broker shall maintain as a part of its books and records one copy of each item of all advertising material which mentions rates or fees. However, an advertising flyer is exempt from this subsection if:

(a) The flyer is prepared by mortgage brokers for specific use by real estate professionals to provide information to consumers and to offer comparisons of the financing options available to consumers;

(b) The flyer complies with all advertising requirements of the Mortgage Broker Practices Act, including without limit, the requirements of the Truth in Lending Act;

(c) The flyer provides full disclosure of rates, fees, and terms, including the annual percentage rate of any loan used for illustrative purposes; and

(d) The flyer contains the following disclosure:

"This document is not intended as an offer to extend credit nor a commitment to lend. The loan interest rates, fees, and terms presented herein are for illustrative purposes only and may not be currently available. This document has been prepared to assist real estate professionals in illustrating some of the financing options available to consumers."

(2) Each mortgage broker is responsible for the accuracy and reliability of its advertising material and its compliance with the Mortgage Broker Practices Act.

(3) A licensee shall advertise only under the name or names on its license.

(4) When an advertisement includes information about a consumer's current loan that did not come from information

obtained by the licensee when soliciting or making a residential loan or assisting a person in obtaining or applying to obtain a residential mortgage loan, the licensee shall provide to the consumer the name of the source from which this information was obtained.

(5) It is an unfair and deceptive act or practice and a violation of RCW 19.146.0201 for a licensee to solicit using advertising that includes:

(a) An envelope or stationary that contains an official-looking emblem, such as an eagle or a crest, or that is otherwise designed to resemble an official government mailing, such as a mailing from the Internal Revenue Service or the U.S. Department of the Treasury;

(b) An envelope or stationary containing warnings or notices citing codes or form numbers made to appear like government codes or form numbers that are not required to be shown on the mailing by the U.S. Postal Service;

(c) Any suggestion or representation that the licensee is, or is affiliated with, a state or federal agency, municipality, bank, savings bank, trust company, savings and loan association, building and loan association, credit union, or other entity that it does not actually represent;

(d) Any suggestion or representation that the solicitation is from an entity other than the licensee;

(e) Any suggestion or representation that the information about a consumer's current loan was provided by any source other than the source disclosed pursuant to subsection (4) of this section.

WSR 02-12-004
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed May 22, 2002, 4:23 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-016.

Title of Rule: WAC 208-620-160 Requirements for advertising materials.

Purpose: To prohibit unfair and deceptive advertising and solicitation practices by mortgage brokers and mortgage lenders to residents of Washington state.

Statutory Authority for Adoption: RCW 31.04.165.

Statute Being Implemented: Chapter 208-620 WAC.

Summary: The proposed rule:

1. Clarifies the name under which a licensee can advertise.
2. Requires certain disclosures when a borrower's information is used in a solicitation or advertisement.
3. Provides clarification of unfair and deceptive solicitation and advertising practices.

Reasons Supporting Proposal: The proposed amendments are in response to an increasing number of deceptive loan solicitations from mortgage lenders and mortgage brokers advertising loan products to residents of Washington state.

Name of Agency Personnel Responsible for Drafting: Nicole Scott/Mark Thomson, GA Building, Room #300, 902-8811/8787; Implementation and Enforcement: Mark Thomson, GA Building, Room #300, 902-8787.

Name of Proponent: Department of Financial Institutions, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule:

1. Clarifies the name under which a licensee can advertise.
2. Requires certain disclosures when a borrower's information is used in a solicitation or advertisement.
3. Provides clarification of unfair and deceptive solicitation and advertising practices.

Purpose: To prohibit unfair and deceptive advertising and solicitation practices by mortgage brokers and mortgage lenders to residents of Washington state.

Anticipated effects:

1. Provide guidance to licensees and the department regarding the standards for solicitations and advertisements.
2. Protect residents of Washington state against unfair and deceptive advertising and solicitation practices.

Proposal Changes the Following Existing Rules: The proposed rule:

1. Amends WAC section by clarifying the name under which a licensee can advertise.
2. Amends WAC section by requiring certain disclosures when a borrower's information is used in a solicitation or advertisement.
3. Amends WAC section by providing clarification of unfair and deceptive solicitation and advertising practices.
4. Amends WAC section by changing the length of time a licensee must maintain a copy of all advertising records from two years to twenty-five months in accordance with RCW 31.04.155.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment will not have significant economic impact on the affected small businesses licensed under the statute.

RCW 34.05.328 does not apply to this rule adoption. Department of Financial Institutions is not a listed agency under RCW 34.05.328.

Hearing Location: Department of Information Services, DIS Participating Sites: Lacey, Seattle, Spokane, Tri-Cities and Vancouver, on August 14, 2002, at 11:30 - 12:00 noon.

Assistance for Persons with Disabilities: Contact Mark Thomson by August 9, 2002, TDD (360) 664-8126.

Submit Written Comments to: Mark Thomson, Director of Consumer Services, P.O. Box 41200, Olympia, WA 98504-1200, fax (360) 704-6925, by August 7, 2002.

Date of Intended Adoption: August 14, 2002.

May 22, 2002
Mark Thomson
Acting Director

AMENDATORY SECTION (Amending WSR 96-04-013, filed 1/26/96, effective 2/26/96)

WAC 208-620-160 Advertising—Restrictions and requirements. (1) A licensee shall advertise only under the name or names on its license.

(2) When an advertisement includes information about a consumer's current loan that did not come from a solicitation, application, or loan made or purchased by the licensee, the licensee shall provide to the consumer the name of the source from which this information was obtained.

(3) It is an unfair and deceptive act or practice and a violation of RCW 31.04.027 for a licensee to solicit using advertising that includes:

(a) An envelope or stationary that contains an official-looking emblem, such as an eagle or a crest, or that is otherwise designed to resemble an official government mailing, such as a mailing from the Internal Revenue Service or the U.S. Department of the Treasury;

(b) An envelope or stationary containing warnings or notices citing codes or form numbers made to appear like government codes or form numbers that are not required to be shown on the mailing by the U.S. Postal Service;

(c) Any suggestion or representation that the licensee is, or is affiliated with, a state or federal agency, municipality, bank, savings bank, trust company, savings and loan association, building and loan association, credit union, or other entity that it does not actually represent;

(d) Any suggestion or representation that the solicitation is from an entity other than the licensee;

(e) Any suggestion or representation that the information about a consumer's current loan was provided by any source other than the source disclosed pursuant to subsection (2) of this section.

(4) A licensee shall maintain a copy of all advertising for a period of ~~((two years))~~ twenty-five months at a location approved by the director. Such copies shall include newspaper and print advertising, scripts of radio and television advertising, telemarketing scripts, all direct mail advertising, and any advertising distributed directly by delivery, facsimile or computer network.

WSR 02-12-005

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 22, 2002, 4:37 p.m.]

Continuance of WSR 02-07-118.

Preproposal statement of inquiry was filed as WSR 01-21-003 and 02-03-128.

Title of Rule: WAC 16-403-141 Red Delicious, Delicious, Golden Delicious minimum soluble solids, 16-403-142 Red Delicious, Delicious, Golden Delicious—Minimum firmness, 16-403-190 Tolerances and 16-403-280 Adoption of United States standards as state standards.

Purpose: WAC 16-403-141 Red Delicious, Delicious, Golden Delicious minimum soluble solids, changes soluble solids for Red Delicious and Delicious varieties of apples

PROPOSED

from 10% to 11%. WAC 16-403-142 Red Delicious, Delicious, Golden Delicious—Minimum firmness, establishes firmness standards of eleven pounds for Jonagold and Gala apple varieties. WAC 16-403-190 Tolerances, establishes a 10% firmness tolerance for Jonagold and Gala apples varieties. WAC 16-403-280 Adoption of United States standards as state standards, adds a reference to Gala and Jonagold apples made necessary by the proposed changes to WAC 16-403-141, 16-403-142 and 16-403-190.

Statutory Authority for Adoption: Chapters 15.17 and 34.05 RCW.

Statute Being Implemented: Chapter 15.17 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jim Quigley, Program Manager, Olympia, (360) 902-1833.

Name of Proponent: Washington State Department of Agriculture.

Date of Intended Adoption: May 23, 2002.

May 22, 2002

Mary A. Martin Toohey
Assistant Director

WSR 02-12-027
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
[Filed May 29, 2002, 10:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-015.

Title of Rule: WAC 139-05-915 Requirements of training for police dog handler.

Purpose: To update the WAC to the current training standards being offered to canine handlers and to set standards of minimum performance of canine teams prior to the team being used for law enforcement or corrections work.

Statutory Authority for Adoption: RCW 43.101.080.

Summary: Stakeholders were contacted by letter to advise of the intended rule amendments. Proposal also listed on the agency website.

Reasons Supporting Proposal: Concerns about statewide consistency of training requirements.

Name of Agency Personnel Responsible for Drafting and Enforcement: Doug Blair, Seattle, (206) 835-7309; and Implementation: Michael D. Parsons, Seattle, (206) 835-7347.

Name of Proponent: Staff in conjunction with the Board on Law Enforcement Training Standards and Education (BLETSE) and canine subject matter experts, private and governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: WAC will not be approved without requisite funding.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Training requirements have not been updated for some time.

Performance standards and record keeping needed to provide statewide consistency and credibility.

Proposal Changes the Following Existing Rules: The rule proposed will provide clearer guidelines for requirements of training for police dog handlers and certification of canine teams.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2); therefore a small business economic impact statement is not required.

RCW 19.85.025(2), this chapter does not apply to a rule proposed for expedited adoption under **RCW 34.05.230 (1) through (8), unless a written objection is timely filed with the agency and the objection is not withdrawn.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Criminal Justice Training Commission, 19010 1st Avenue South, Seattle, WA 98148-2055, on September 11, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sonja Hirsch by September 9, 2002, TDD (206) 835-7300.

Submit Written Comments to: Sharon M. Tolton, Criminal Justice Training Commission, 19010 1st Avenue South, Seattle, WA 98148-2055, fax (206) 439-3860, by September 10, 2002.

Date of Intended Adoption: September 11, 2002.

May 20, 2002

Sharon M. Tolton
Deputy Director

AMENDATORY SECTION (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

WAC 139-05-915 Requirements of training for ~~(police)~~ law enforcement and corrections dog handlers and certification of canine teams. (1) Title and scope: These rules are intended to set minimum standards of performance for the certification of canine teams that are used for law enforcement or corrections purposes. This process is not related to nor does it have any effect upon the requirements for peace officer certification. Nothing in these rules is intended to limit the use of canine teams employed by other state or federal agencies for law enforcement purposes, or the use of volunteer canine teams where the handler is not a Washington peace officer or corrections officer.

(2) For purposes ~~((herein))~~ of this section, the following definitions shall apply:

(a) "Dog handler" means any fully commissioned law enforcement officer or corrections officer of a state, county, city, municipality, or combination thereof, agency who is responsible for the routine care, control, and utilization of a police dog within a law enforcement ~~((patrol))~~ or ~~((investigative))~~ corrections assignment; and

(b) "Canine team" means a specific officer and a specific canine controlled by that officer in the capacity of handler, formally assigned by the employing agency to work together in the performance of law enforcement, or corrections duties.

(c) "Training" means any structured classroom or practical learning exercise conducted, evaluated, and documented by an experienced dog handler or trainer, ~~((for the purpose of developing))~~ certified as an instructor with recognized expertise on canine subjects associated with the development of the trainee's competency in the care, control, and utilization of a police dog.

(d) "Evaluator" means a certified peace officer or corrections officer, who has a minimum of three years experience as a canine handler and is recognized as a trainer of canines by a professional organization of police and/or corrections canine handlers/trainers or by the handler's employing agency. The trainer must have trained a canine team in accordance with the training requirements of WAC 139-05-915, or be recognized by the commission as a certified instructor with expertise in canine training of a specific police canine subject for the purpose of testing and certifying canine handlers and dogs to work as a canine team.

~~((2))~~ (3) A dog handler shall, as a precondition of such assignment, successfully complete the basic law enforcement academy program, or basic correction officer academy or otherwise comply with the basic training requirement prescribed by WAC 139-05-200 and 139-05-210 of the training commission.

~~((3))~~ (4) Prior to, or within the first six months of such assignment, a dog handler shall successfully complete training according to the nature and purpose of utilization of the police dog for which such handler is responsible. ~~((Categories of utilization and concomitant training standards are prescribed as follows:))~~

(a) ~~((Generalist.))~~ A dog handler who is responsible for the routine and regular utilization of a police dog within general patrol or investigative activities, shall successfully complete ~~((at least three hundred ninety))~~ a minimum of four hundred hours of training which shall include, but not be limited to:

- (i) Philosophies/theories of police ~~((K-9))~~ canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Tracking;
- (vii) Trailing;
- (viii) Area searching;
- (ix) Building searching;
- (x) Evidence searching;
- (xi) Pursuit/holding; and
- (xii) Master protection.

(b) ~~((General detection.))~~ A dog handler who is responsible for the primary and specialized utilization of a police dog in the search for and detection of specific substances, excluding explosives, shall successfully complete ~~((at least one hundred eighty))~~ a minimum of two hundred hours of training which shall include, but not be limited to:

- (i) Philosophies/theories of police ~~((K-9))~~ canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;

- (v) Obedience and control;
- (vi) Area searching;
- (vii) Building searching;
- (viii) Evidence searching; and
- (ix) Detection of specific substances.

(c) ~~((Explosives detection.))~~ A dog handler who is responsible for the primary and specialized utilization of a police dog in the search for and detection of explosive substances and devices, shall successfully complete ~~((at least three hundred ninety))~~ a minimum of two hundred hours of training which shall include, but not be limited to:

- (i) Philosophies/theories of police ~~((K-9))~~ canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Area searching;
- (vii) Building searching;
- (viii) Evidence searching; and
- (iv) Detection of explosives.

(d) ~~((Master protection.))~~ A dog handler who is responsible for the routine and regular utilization of a police dog solely for self-protection and assistance in hostile or potentially hostile situations, shall successfully complete at least one hundred eighty hours of training which shall include, but not be limited to:

- (i) Philosophies/theories of police ~~((K-9))~~ canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Pursuit/holding; and
- (vii) Master protection.

(5) The commission shall develop and adopt a minimum performance standard for canine teams performing specific law enforcement or corrections functions. It shall be the handler's responsibility to keep their canines under control at all times. Each handler must be able to make his/her canine perform to a level that is deemed acceptable by the commission in the category for the team's intended use as a condition of certification.

(6) Certification of canine teams:

(a) The handler and the canine will be considered as a team and it is the team who will be certified. If the canine changes handlers, a new team exists and the team will need to be certified.

(b) A dog handler may not use a canine for police purposes unless the handler is certified to handle a specific canine for a specific purpose.

(c) In evaluating the proficiency of the canine team, the evaluators shall use the standards approved by the commission for that particular skill category. Performance shall be rated on a pass/fail basis. The evaluator shall have the discretion to discontinue the testing if excessive time has been spent without results, or if there is a concern about safety issues involving the canine, handler, or equipment.

(d) The commission shall certify a canine team who can successfully show proficiency, under scrutiny of a canine

evaluator, in one or more of the following areas of patrol and investigation/or detection.

(i) Patrol and investigation:

(A) Obedience;

(B) Protection and control;

(C) Area search;

(D) Building search; and

(E) Tracking.

(ii) Detection:

(A) Buildings;

(B) Vehicles;

(C) Exterior search;

(D) Obedience; and

(E) Building search.

(iii) Expiration of certification: Each certification issued pursuant to these rules shall remain valid as long as the canine team does not change. A canine team's certification shall lapse if the specific handler and canine originally paired at the time of certification, cease to perform canine team functions together. It is recommended that teams recertify on an annual basis.

(iv) Failure to pass certification: If the canine team fails any phase of an evaluation, he/she must be reevaluated in that particular phase.

(v) Appeal: Any handler who believes there have been improper procedures applied in the testing process, may file an appeal with the commission in writing. This appeal must be filed within thirty days of the testing date pursuant to WAC 139-03-020.

(7) Agency required to keep records:

(a) Each agency shall keep training and performance records on canines. The records must stay with the agency responsible for the canine team. The records shall be made available for review in the event that the canine is sold or transferred to another agency. The records shall include, at a minimum, but not be limited to:

(i) Microchip number;

(ii) Canine's name;

(iii) Breed;

(iv) Training received;

(v) Certification date;

(vi) Date acquired or purchased;

(vii) Source from which the canine was acquired;

(viii) Purpose, use, or assignment of canine;

(ix) Handler's name;

(x) The date and reason canine was released from service; and

(xi) Copies of all incident reports in which use of the canine resulted in use of force.

(b) These records shall be retained for a period of one year from the date the canine is removed from active service unless a longer retention is required by statute or local ordinance.

(c) It shall be the responsibility of the handler to advise his/her employing agency of the fact that he/she has met the standards for canine certification. The proof of certification with the evaluator's signature along with a request for canine certification shall be submitted to the commission by the employing agency. This shall be considered as a request for certification. Upon verification that the minimum require-

ments have been met, the commission shall issue a certificate of certification to the canine team.

(8) Canine recommended to be microchipped:

(a) It is recommended that a canine intended to be used by a law enforcement or corrections agency, be positively identified by having a microchip inserted in the canine. Any canine that is sold by a vendor to a Washington state governmental agency for use as a law enforcement or corrections canine should be able to be identified by microchip placed in the canine at the vendor's expense prior to the canine being sold to the law enforcement or corrections agency.

(b) Once the microchip has been inserted, it is recommended that it not be removed except for medical necessity. If it becomes necessary to remove the microchip, the reason for the removal must be documented and entered into the dog's training records, and a new microchip inserted if medically appropriate.

WSR 02-12-028

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed May 29, 2002, 11:27 a.m.]

The department formally requests withdrawal of WAC 16-228-1238 Are there other situations in which I can apply pesticides containing the active ingredient clopyralid to lawns and turf?, from the clopyralid rules filed for adoption yesterday, May 28, 2002.

Rules restricting the use of pesticides containing the active ingredient clopyralid, including WAC 16-228-1238, was filed with the Code Reviser's Office on March 19, 2002 (WSR 02-07-080). Public hearings on the proposed rules, including WAC 16-228-1238, were conducted on April 23, 2002. On May 13, 2002, the department filed a continuance (WSR 02-11-070) in order to carefully review and give thoughtful consideration to the large volume of public comments received on the proposed rules. After reviewing all public hearing testimony and written comment received and after consulting with the department's Assistant Attorney General, WAC 16-228-1238 is being withdrawn for no further consideration.

Bob Arrington, Assistant Director
Pesticide Management Division

WSR 02-12-055

PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Filed May 30, 2002, 8:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-09-027.

Title of Rule: Chapter 480-120 WAC, Telephone companies. The subject of these rules is telecommunications. Chapter 480-120 WAC is the commission's primary chapter

for rules concerning telecommunications. This proposed chapter reflects revisions to the existing chapter after consideration of new, [no other information supplied by agency.]

Purpose: The purpose of the proposed rules is to update current rules, codify current procedures and best-practice options, use clear language, organize the chapter by subject area, and match the rule requirements to the legislature's substantive requirements, consistent with the Governor's Executive Order 97-02.

Other Identifying Information: Docket UT-990146, Telecommunications operations rules. This is the third CR-102 proposal in this docket. The first covered general rules and was adopted at WSR 01-15-022. The second concerned customer information rules and was filed on April 3, 2002, at WSR 02-08-081, the commission will hold a joint adoption hearing on the rules under WSR 02-08-081 and the rules filed with this CR-102.

Statutory Authority for Adoption: RCW 80.01.040, 80.04.160, 80.36.080, 80.36.090, 80.36.100, 80.36.300, 80.36.320, 80.36.390, 80.36.400, 80.36.410, 80.36.500, 80.36.510, 80.36.520, 80.36.524, 80.36.555, 80.36.560, and 80.36.610.

Statute Being Implemented: Chapter 80.36 RCW, Telecommunications; Title 80 RCW, Public utilities.

Summary: The proposed rules cover nine topic areas: (1) General rules including definitions; (2) establishing service and credit; (3) payments and disputes; (4) discontinuing and restoring service; (5) posting and publication notice; (6) telecommunications services; (7) financial records and reporting; (8) safety and standards rules; and (9) adoption by reference. See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Robert Shirley, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1292; **Implementation and Enforcement:** Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1174.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules concern telecommunications service generally. The purpose is to revise existing rules consistent with statutory changes and policy goals expressed in statute. Additionally, an effort has been made to increase clarity and to that effect they are reordered to group like-topic subjects together.

The anticipated effect is to alter practices of companies that affect customers in an effort to insure that practices are consistent with law and in the public interest.

Proposal Changes the Following Existing Rules: The proposal would change practices as they relate to establishing service and credit; payments and disputes; discontinuing and restoring service; posting and publication notice; telecommunications services; financial records and reporting; safety and standards rules; and adoption by reference. In addition, definitions are added, changed, and deleted.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

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 02-13 issue of the Register.

A copy of the statement may be obtained by writing to Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1234, fax (360) 586-1150. The small business economic impact statement addresses this proposal and the remaining rules that will be filed under a subsequent proposal.

RCW 34.05.328 does not apply to this rule adoption. The commission is not an agency to which RCW 34.05.328 applies. The proposed rules are not significant legislative rules as referenced in RCW 34.05.328(5).

Hearing Location: Washington Utilities and Transportation Commission, Headquarters, Room 206, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, on July 26, 2002, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Mary DeYoung by Friday, July 19, 2002, TDD (360) 586-8203, or (360) 664-1133.

Submit Written Comments to: Secretary, Docket No. UT-990146, Washington Utilities and Transportation Commission, 1300 South Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250, fax (360) 586-1150, by June 27, 2002.

Date of Intended Adoption: July 26, 2002.

May 30, 2002

Carole J. Washburn

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 02-13 issue of the Register.

WSR 02-12-058

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF ECOLOGY

[Filed May 30, 2002, 11:23 a.m.]

The Department of Ecology will be withdrawing the following CR-102 filing due to budget reductions: WSR 02-01-092, chapter 173-700 WAC, Wetland mitigation banks.

The department may refile a CR-102 should adequate funding be available to implement the wetland banking program rule.

Linda Hoffman

Deputy Director

WSR 02-12-064

PROPOSED RULES DEPARTMENT OF LICENSING

[Filed May 31, 2002, 1:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-09-004.

Title of Rule: Chapter 308-96A WAC, Vehicle licenses.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 46.01.110, 46.16.335, 46.12.070, 46.16.276.

Summary: Amending WAC 308-96A-005 Terminology—Definitions, 308-96A-062 Transfer or destruction of honorary consul special license plates, and 308-96A-064 Transfer or loss/destruction of foreign organization special license plates.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Lynda Henriksen, 1125 Washington Street S.E., Olympia, (360) 902-3811.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on business in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on July 15, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by July 12, 2002, TTY (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by July 12, 2002.

Date of Intended Adoption: August 9, 2002.

May 31, 2002

D. McCurley, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending WSR 01-17-017, filed 8/3/01, effective 9/3/01)

WAC 308-96A-005 Terminology—Definitions.

Terms used in chapter 46.16 RCW and this chapter will have the following meanings except where otherwise defined, and where the context clearly indicates the contrary:

(1) "Affidavit of loss" means a department form used by an applicant, to indicate that a title, registration, license tab, or decal has been lost, stolen, mutilated or destroyed. The form is completed and signed under oath in the presence of an official, such as a notary public, or certified by a license clerk or the authorized agent for a dealership, when a vehicle is in their inventory for resale.

(2) "Agent" means any county auditor, or other individual or business entity other than a subagent appointed to carry out vehicle licensing and titling functions for the department. (RCW 46.01.140.)

(3) "Application" means a form provided or approved by the department to apply for different types of services and documents.

(4) "Cab and chassis" is a truck manufactured and sold with only a cab and the frame and running gear. (WAC 308-96A-145.)

(5) "Certificate of license registration" means a document issued by the department and required by RCW 46.16.260 to be carried in the vehicle to operate legally on the roadways of Washington and described in RCW 46.12.050. The certificate of license registration is renewed annually.

(6) "Collector vehicle license plate" is a special license plate that may be assigned to a vehicle that is ((at least)) more than thirty years old as authorized by RCW 46.16.305(1).

(7) "Confidential" and "undercover" license plates are standard issue license plates assigned to vehicles owned or operated by public agencies. These license plates are used as specifically authorized by RCW 46.08.066.

(8) "Current year" means the current registration year unless otherwise stated. (WAC 308-96A-260.)

(9) "Department" means the department of licensing. (RCW 46.04.162.)

(10) "Disabled persons parking placard expiration date" means:

(a) The last day of the month specified on a temporary placard; or

(b) Not less than five years from the end of the month and year of issuance of a permanent placard, as specified by the department on the placard. (RCW 46.16.381.)

(11) "Expiration day and month."

(a) "Date of expiration" or "expiration date" means the day of the month on which the vehicle registration, gross weight license, decal or tabs expire.

(b) "Month of expiration" or "expiration month" means the calendar month during which a registration period ends. (WAC 308-96A-260.)

(12) "Fleet" means a group of vehicles registered in the same owner name and which have been assigned the same fleet identifier code by the department.

(13) "Fixed load vehicle" is specified in RCW ~~((46.16.070))~~ 46.16.079 and described in WAC 308-96A-099.

(14) "Gross weight" means gross weight defined in RCW 46.16.070, 46.16.090, 46.16.111 and chapter 46.44 RCW.

(15) "Hybrid motor vehicle" means a vehicle that uses multiple power sources or fuel types for propulsion and meets the federal definition of a hybrid motor vehicle.

(16) "Identification card" means the identification card referred to in RCW 46.16.381(3) for disabled parking privileges and is used for identification of persons with disabilities.

(17) "Indian country" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian country" by the United States Department of the Interior as referenced in 18 U.S.C. 1151 and CFR 25.

(18) "Indian tribe" means an Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(19) "Indian" means a person on the tribal rolls of the Indian tribe occupying Indian country.

(20) "Jurisdiction" as used in the parking ticket system means any district, municipal, justice, superior court, or authorized representative.

(21) "Jurisdiction seal" means a method of verifying authenticity of court documents, which is provided by the jurisdiction that issued the citation. A jurisdiction seal is an embossed seal or stamp provided by the jurisdiction.

(22) "License or licensing" and "register or registering" are synonymous and mean the act of registering a vehicle under chapter 46.16 RCW.

(23) "License fee" means the fees required for the act of licensing a vehicle under chapter 46.16 RCW. License fee does not include license plate fees identified as taxes, and fees collected by the department for other jurisdictions.

(24) "License tab fees" means the fees required for the act of licensing a vehicle under chapter 46.16 RCW) same as described in RCW 46.16.0621.

(25) "Licensed physician" for the purpose of disabled person parking privileges, means: Chiropractic physicians, naturopaths, medical doctors, advanced registered nurse practitioners, osteopathic physicians and podiatric physicians. Licensed physician does not include persons licensed in the professions of dentistry and optometry. (RCW 46.16.381(1).)

(26) "Motorhome" means a vehicle designed or altered for human habitation as described in RCW 46.04.305.

(27) "Municipality" in reference to parking tickets, means every court having jurisdiction over offenses committed under RCW 46.20.270.

(28) "NCIC number" means the numeric code assigned by the National Crime Information Center to identify a jurisdiction.

(29) "One hundred twenty-day notice" in reference to parking violations means a notice of parking violations that must be satisfied prior to the registration renewal date. (RCW 46.16.216.)

(30) "Parking ticket disposition" means the requested action as determined by the jurisdiction to add failure-to-pay parking violations, or to remove paid parking violations from a vehicle record. (RCW 46.16.216.)

(31) "Parking violation" means any standing, stopping or parking violation per RCW 46.20.270(3).

(32) "Parking violation list" means a computerized list containing all outstanding parking violations, which have been processed by the department (RCW 46.16.216(1).)

(33) "Permanent" in reference to disabled person parking privileges, means a licensed physician has certified that a qualifying condition is expected to last at least five years. (RCW 46.16.381. WAC 308-96A-306.) Disabled persons parking privileges must be renewed every five years.

(34) "Permit" in reference to disabled person parking privileges means the proof provided by the department in the form of placard(s), special license plate(s) and an identification card indicating eligibility for disabled person parking privileges. (RCW 46.16.381.)

(35) "Personalized license plates" are plates denoting the registered owner's chosen format or designation and are limited to those described in RCW 46.16.560, 46.16.570, and 46.16.580. (WAC 308-96A-065.)

(36) "Personal use vehicle" in reference to disabled veteran's, prisoners of war and congressional medal of honor plates, means passenger vehicles, motorhomes, motorcycles, and trucks with designated gross vehicle weight at no more than twelve thousand pounds not used for commercial purpose. Registration ownership must be in the name of the individual and not in the business name. (WAC 308-96A-046.)

(37) "Placard" means a document issued to persons who qualify for special disabled person parking privileges under RCW 46.16.381 and are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access and individual serial number.

(38) "Prebill" or "renewal notice" means the notice to renew a vehicle license provided by the department approximately sixty days prior to the current expiration year.)

(39) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities described in RCW 46.16.381. (WAC 308-96A-316.)

(40) "Privilege" in reference to disabled person's parking privileges means permission to utilize the benefits associated with the permit. (RCW 46.16.381, 46.61.582 and 70.84.090. WAC 308-96A-306.)

(41) "Public transportation authorities" means those entities operating motor vehicles owned or leased by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations used for the primary purpose of transporting persons with disabilities described in RCW 46.16.381.

(42) "Regular fleet" means a group of five or more vehicles registered in the same owner(s) name and which have been assigned the same fleet identifier code by the department and has an expiration date of December 31st of each year. (WAC (308-56A-161) 308-96A-161.)

(43) "Rental car" means a car that is rented as defined in RCW 46.04.465.

(44) "Renewal notice" means the notice to renew a vehicle license provided by the department approximately sixty days prior to the current expiration year.

(44) "Salvage title" means a certificate of title issued by another jurisdiction designating a motor vehicle as a "salvage vehicle."

(45) "Scale weight" means the weight of a vehicle as it stands without a load. (RCW 46.16.070 and 46.16.111.)

~~((44))~~ (46) "Signature" means any memorandum, mark, sign or subscriptions made with intent to authenticate an application. (RCW 9A.04.110(23).)

~~((45))~~ (47) "Special mailer" means the notice sent by the department in lieu of a renewal notice. The special mailer indicates additional or corrective information that must be provided at the time of registration renewal.

~~((46))~~ (48) "Subagent" means individual(s), business, organization, or political entity appointed by the director to provide vehicle and vessel licensing and titling services under contract with the agent as described in RCW 46.01-140.

~~((47))~~ (49) "Tab(s)" means decals, issued by the department, affixed to the rear license plate to identify the registration expiration month or year for a specific vehicle.

~~((48))~~ (50) "Tonnage," "declared gross weight" and "declared combined gross weight" are used interchangeably when referring to the amount of weight declared by an owner when licensing a vehicle as described in RCW 46.16.070 and 46.16.111.

~~((49))~~ (51) "Transit permit" means a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete and apply for a Washington certificate of ownership or registration, and does not allow unrestricted use of the vehicle. (WAC 308-96A-026.)

~~((50))~~ (52) "Unprocessed" as used in parking ticket system means no update of the computer record has occurred.

~~((51))~~ (53) "Use classes" means those vehicles described in WAC 308-96A-099.

~~((52))~~ (54) "Vehicle data base record" means the electronic record stored on the department's motor vehicle data base reflecting vehicle and ownership information.

AMENDATORY SECTION (Amending WSR 99-22-058, filed 11/1/99, effective 12/2/99)

WAC 308-96A-062 Transfer or destruction of honorary consul special license plates. (1) ~~((May I transfer))~~ Are honorary consul special license plates ((to another qualifying person)) transferable? ~~((No, the honorary consul special license plates are assigned to a person for use on their vehicle.))~~ Yes, they are transferable to another motor vehicle owned or leased by the honorary consular, however, the special license plates may not be transferred to anyone else.

(2) ~~((What do I do with the honorary consul special license plates if I dispose of the vehicle? Whenever the owner or lessee transfers his/her interest in the motor vehicle to which the honorary consul special license plates are issued, the plates shall be removed. The removed plates shall be either transferred to another vehicle owned or leased by the plate holder or immediately forwarded to the department to be destroyed.))~~ How are honorary consul special license plates transferred to another vehicle? The honorary con-

sul must submit a request to the department to transfer the plates to another vehicle and pay a transfer fee as provided in RCW 46.16.316 in addition to all other applicable fees and taxes.

(3) ~~((How do I transfer my honorary consul special license plates to another vehicle that I own? You may transfer the special plates to another motor vehicle owned or leased by you by:~~

~~(a) Submitting an application to the department to transfer the plates to another vehicle; and~~

~~(b) Paying a transfer fee as provided in RCW 46.16.316 in addition to all other applicable fees and taxes.))~~ How are honorary consul special license plates replaced if they become lost, destroyed, mutilated or stolen? The honorary consular must submit a request to the department for replacement license plates and pay a replacement plate fee as provided in chapter 46.16 RCW in addition to all other applicable fees and taxes.

(4) What do I do ((if) with the honorary consul special license plates ((are lost, destroyed, mutilated or stolen)) if I sell or otherwise dispose of the vehicle? ~~((If your honorary consul special license plates are lost, destroyed, mutilated or stolen, you must apply to the department for replacement license plates. The replacement plate number will be the next available sequential number.))~~ The plates must be either:

~~(a) Removed from the vehicle and immediately forwarded to the department; or~~

~~(b) Transferred to another vehicle as provided in subsection (1) of this section.~~

AMENDATORY SECTION (Amending WSR 99-22-058, filed 11/1/99, effective 12/2/99)

WAC 308-96A-064 Transfer or loss/destruction of foreign organization special license plates. ~~((1) May I transfer foreign organization special license plates to another qualifying person? No, the foreign organization special license plates are permanently assigned to a person and cannot be reassigned to another person.~~

~~(2) What do I do with the foreign organization special license plates if I dispose of the vehicle? Whenever the owner or lessee transfers his/her interest in the passenger vehicle to which the foreign organization special license plates are issued, the plates shall be removed. The removed plates shall be either transferred to another qualifying passenger vehicle or immediately forwarded to the department to be destroyed.~~

~~(3) How do I transfer foreign organization special license plates to another vehicle? You may transfer the special plates to another qualifying passenger vehicle owned or leased by an officer of a foreign organization by:~~

~~(a) Submitting an application to the department to transfer the plates to another qualifying passenger vehicle; and~~

~~(b) Paying a transfer fee as provided in RCW 46.16.316 in addition to all other applicable fees and taxes.~~

~~(4) What do I do if the foreign organization special license plates are lost, destroyed, mutilated or stolen? If~~

your foreign organization special license plates are lost, destroyed, mutilated or stolen, you must apply to the department for replacement license plate. The replacement plate number will be the next available sequential number.) (1) **Are foreign organization special license plates transferable?** Yes, they are transferable to another motor vehicle owned or leased by the representative of the foreign organization; however, the special license plates may not be transferred to anyone else.

(2) **How are foreign organization special license plates transferred to another vehicle?** Submit a request to the department to transfer the plates to another vehicle and pay a transfer fee as provided in RCW 46.16.316 in addition to all other applicable fees and taxes.

(3) **How are foreign organization special license plates replaced if they become lost, destroyed, mutilated, or stolen?** The representative of the foreign organization must submit a request to the department for replacement license plates and pay a replacement plate fee as provided in chapter 46.16 RCW in addition to all other applicable fees and taxes.

(4) **What do I do with the foreign organization special license plates if I sell or otherwise dispose of the vehicle?** The removed plates must be either:

(a) Transferred to another vehicle owned or leased by the plate holder of the foreign organization and/or immediately forwarded to the department; or

(b) Transferred to another vehicle as provided in subsection (1) of this section.

(5) **How are foreign organization special license plates disposed of?** The plates must be removed by the representative of the foreign organization and immediately forwarded to the department.

WSR 02-12-067
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Adult Services Administration)
 [Filed May 31, 2002, 3:58 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 388-71-0820 How do I qualify for Medicaid-funded PACE services?

Purpose: The proposed amendment of this rule corrects an incorrect WAC cross-reference without changing the rule's effect, and therefore is exempt from filing a preproposal statement of inquiry under RCW 34.05.310 (4)(d).

Statutory Authority for Adoption: RCW 74.04.057, 74.08.090, and 74.09.520.

Statute Being Implemented: RCW 74.09.520.

Summary: The proposed amendment of this rule corrects an incorrect WAC cross-reference without changing the rule's effect, and therefore is exempt from filing a preproposal statement of inquiry under RCW 34.05.310 (4)(d).

Reasons Supporting Proposal: To eliminate confusion by eliminating a cross-reference that has been repealed and replace it with the correct cross-reference.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kristi Olson, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2537, olsonk12@dshs.wa.gov.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment of this rule corrects an incorrect WAC cross-reference without changing the rule's effect, and therefore is exempt from filing a preproposal statement of inquiry under RCW 34.05.310 (4)(d). This change will eliminate confusion by replacing the repealed cross-reference with the current appropriate one.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This amendment simply changes an incorrect cross-reference. No change to the rule's effect will result, therefore this amendment will not impact any small businesses.

RCW 34.05.328 does not apply to this rule adoption. This change is only to correct an incorrect cross-reference, therefore it does not meet the definition of a significant legislative rule per RCW 34.05.328 (5)(b)(iv).

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on July 9, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by July 5, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., July 9, 2002.

Date of Intended Adoption: Not earlier than July 10, 2002.

May 30, 2002

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-19-048, filed 9/13/99, effective 10/14/99)

WAC 388-71-0820 How do I qualify for Medicaid-funded PACE services? To qualify for Medicaid-funded PACE services, you must apply for an assessment by contacting your local Home and Community Services office. A case worker will assess and determine whether you:

(1) Are age:

(a) Fifty-five or older, and blind or disabled as defined in WAC 388-15-202, Long-term care services—Definitions; or

(b) Sixty-five or older.

(2) Need nursing facility level of care as defined in WAC ((388-97-235)) 388-71-0435(4), titled ((Medical eligibility for nursing facility care.)) Am I eligible for COPES-funded services? Note: If you are already enrolled, but no longer need nursing facility care, you might still be eligible for PACE services if the case manager reasonably expects you to need nursing facility care within the next six months;

(3) Live within the designated service area of the PACE provider, currently the central Seattle area; and

(4) Meet financial eligibility requirements. This means the department will assess your finances and determine if your income and resources fall within the limits set in WAC 388-513-1315, Eligibility determination—Institutional.

WSR 02-12-071
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed May 31, 2002, 4:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-055.

Title of Rule: WAC 388-492-0010 Washington state combined application program (WASHCAP) definitions, 388-492-0020 What is WASHCAP?, 388-492-0030 Who can get WASHCAP?, 388-492-0040 Can I choose whether I get WASHCAP or regular food assistance?, 388-492-0050 How do I apply for Washington state combined application program (WASHCAP) benefits?, 388-492-0060 How do I get my Washington state combined application program (WASHCAP) benefits?, 388-492-0070 How are my Washington state combined application program (WASHCAP) benefits calculated?, 388-492-0080 Where do I report changes?, 388-492-0090 How often does my Washington state combined application program (WASHCAP) case need to be reviewed?, 388-492-0100 How is my eligibility for Washington state combined application program (WASHCAP) reviewed?, 388-492-0110 What happens if my Washington state combined application program (WASHCAP) benefits end?, 388-492-0120 What happens to my Washington state combined application program (WASHCAP) benefits if I am disqualified?, and 388-492-0130 What can I do if I disagree with a decision the department made about my Washington state combined application program (WASHCAP) benefits?

Purpose: Clarify and expand the language regarding WASHCAP eligibility. Change the wording to correctly reflect who is eligible for WASHCAP.

Statutory Authority for Adoption: RCW 74.04.057, 74.04.500, 74.04.510.

Statute Being Implemented: RCW 74.04.057, 74.04.500, 74.04.510.

Summary: These amendments will clarify and explain the WASHCAP program and its eligibility rules. The amended WAC will comply with the original FNS waiver which makes any client eligible if they are also eligible for

federal SSI. This will eliminate our original policy that clients must receive at least \$1.00 in SSI payments to be eligible.

Reasons Supporting Proposal: Changes will increase clarity of language, and will change language to be in compliance with FNS waiver regarding who is eligible for benefits.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Valerie Day, DEAP, 1009 College Street S.E., Lacey, WA 98504, (360) 413-3357.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These amendments will clarify and explain the WASHCAP program and its eligibility rules. The amended WAC will comply with the original FNS waiver which makes any client eligible if they are also eligible for federal SSI. This will eliminate our original policy that clients must receive at least \$1.00 in SSI payments to be eligible.

Proposal Changes the Following Existing Rules:

- Language will be changed to reflect that people eligible for federal SSI, rather than just those receiving at least \$1.00 in SSI benefits, are eligible for WASHCAP.
- Changes the name of the program from Washington combined application project to Washington state combined application program.
- The definition section will be expanded to include more program terms.
- Clarify that clients who live in an institution to reflect that they are not eligible for WASHCAP benefits.
- Clarify that clients who have earned income to reflect they are not eligible for WASHCAP.
- Informs clients of their ability to report changes to community service offices instead of the SSA offices if the changes may result in increased benefits.
- Explains that cases will be transferred to the local office upon termination of WASHCAP benefits for redetermination.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses. It only affects DSHS clients.

RCW 34.05.328 does not apply to this rule adoption. These proposed amendments affect only client eligibility, and are exempt under RCW 34.05.328 (5)(b)(vii).

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on July 9, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by July 5, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by 5:00 p.m., July 9, 2002.

Date of Intended Adoption: Not earlier than July 10, 2002.

May 30, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0010 Washington state combined application (~~(project)~~) program (WASHCAP) definitions. "Assistance unit" (AU) — For this chapter, a person who (~~gets~~):

- (1) Is eligible to receive federal SSI,
- (2) Is eighteen years old or older,
- (3) Not in an institution,
- (4) Meets the definition of living arrangement "A(;-)" (Social Security considers you as a separate household),
- (5) Has no earned income, and
- (6) States that they buy and cook food on their own.

"Centralized unit" — The unit that handles all WASHCAP cases for the state except for cases that get services from a home and community service office (HCS). The centralized unit or HCS office processes new applications for WASHCAP benefits and handles current WASHCAP cases.

~~("Pure SSI household" — Every member of the assistance unit is eligible for SSI on their own behalf.)~~

"SSA" — Social Security Administration. A federal agency that issues all SSA and SSI cash benefits.

"SSA benefits" — A federal program that gives money to aged, blind or disabled clients based on their past wages.

"SDX" — State data exchange. The computer system for exchanging information between SSA and DSHS regarding SSI applicants, beneficiaries and terminated SSI beneficiaries.

"SSI benefits" — Supplemental Security Income. The SSA federal cash grant program for needy aged, blind or disabled clients who did not have enough wages in the past to qualify for SSA benefits.

"WASHCAP" — Washington state combined application (~~(project)~~) program. A simplified food assistance program that automatically opens food assistance benefits for certain SSI clients.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0020 What is WASHCAP? WASHCAP stands for the Washington state combined application (~~(project)~~) program. WASHCAP is a simplified food assistance program for clients that (~~(get)~~) are eligible for SSI from SSA and meet some other basic requirements:

(1) If you live in Washington state and get SSI, SSA asks you if you want to get food assistance benefits. If you meet the requirements of WAC 388-492-0030, you will get your food assistance benefits through WASHCAP.

(2) If you are eligible for WASHCAP, SSA electronically sends us the information we need to open your benefits.

You do not have to go to your local community services office to apply for food assistance benefits.

~~(3) (If you want food assistance benefits right away, you must apply for regular food assistance benefits at your local community services office.~~

~~(4)) While you get WASHCAP benefits, you must report all changes to SSA. SSA automatically shares your information (~~(with us)~~) we need for your WASHCAP benefits. You can report changes to your WASHCAP worker, but you do not have to do so. See WAC 388-492-0080 regarding changes to shelter costs.~~

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0030 Who can get WASHCAP? (1) When you apply for food assistance, you can get WASHCAP benefits when you are eighteen years of age or older and:

(a) ~~(Get at least one dollar)~~ Are eligible to receive federal SSI benefits (~~(from SSA. We do not consider the state supplement as federal SSI benefits)~~);

(b) Live alone or SSA considers you as a single household;

(c) Buy and cook your food separately from others you live with;

(d) Do not have any earned income(~~(; and~~

~~(e) If you live in an institution, SSA expects you to be there for less than ninety days)~~).

(2) You are not eligible for WASHCAP if:

(a) You live in an institution (~~(for ninety days or longer;~~

~~(b) SSA expects you to live in an institution for ninety days or longer;~~

~~(c) SSA tells us you have earned income for more than three months in a row); or~~

~~((d)) (b) You are under age twenty-two and you live in the same home as your parents.~~

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0040 Can I choose whether I get WASHCAP or regular food assistance? You can choose to have regular food assistance benefits instead of WASHCAP benefits when:

(1) Your shelter costs are more than four hundred eighty dollars a month. We count the following items as a shelter cost:

(a) Rent or mortgage;

(b) Property taxes;

(c) Homeowner's insurance (for the building only); ~~((and)) or~~

(d) Mandatory homeowner's association or condo fees.

(2) Your out-of pocket medical expenses are more than thirty-five dollars a month; ~~((or))~~

(3) You would get more benefits from being in the regular food assistance program; or

(4) You are waiting to receive WASHCAP benefits.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0050 How do I apply for Washington state combined application program (WASHCAP) benefits? (1) You apply for WASHCAP at Social Security Administration (SSA) when you apply for Supplemental Security Income (SSI). If you want food assistance, your SSA worker will ask you ~~((to complete a one-page application))~~ questions for WASHCAP eligibility when you have your SSI interview.

(2) If you are eligible for WASHCAP benefits, your benefits will start the first of the month after the month you start getting on-going SSI benefits.

(3) If you need food assistance in five days or less, you must apply for expedited service at ~~((the))~~:

(a) Your local community services office (CSO) ~~((or))~~;

(b) Your local home and community services office (HCS ~~((office))~~) if you get long-term care services; or

(c) The SSA district office if you give them an application for expedited services when you apply for SSI. SSA ~~((may also take your application))~~ forwards the food assistance application to the local CSO to process.

(4) If you want food assistance before you get SSI, you must apply for regular food assistance at:

(a) SSA if you give them an application for food assistance when you apply for SSI;

(b) Your local ~~((community services office))~~ CSO ~~((or))~~;
or

(c) Your local ~~((home and community services))~~ HCS ~~((or))~~ office if you get long-term care services.

(5) If you get regular food assistance ~~((, you will still get))~~ these benefits will continue:

(a) Through the end of your certification period; or

(b) ~~((Until you are approved for))~~ Through the month before your WASHCAP benefits start.

(6) If your regular food assistance ends before you are eligible for WASHCAP, you must reapply for these benefits to continue.

(7) If you get regular food assistance and you become eligible for WASHCAP, we will automatically change your benefits to WASHCAP.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0060 How do I get my Washington state combined application program (WASHCAP) benefits? (1) If you are eligible for WASHCAP, you will get your food assistance benefits through electronic benefits transfer (EBT).

(2) The department issues your EBT food assistance benefits according to WAC 388-412-0025.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0070 How are my Washington state combined application program (WASHCAP) benefits

calculated? We calculate your WASHCAP benefits as follows:

(1) We begin with your gross income. (Social Security Administration (SSA) tells us how much income you have.)

(2) We subtract ~~((a standard deduction of))~~ one hundred thirty-four dollars from your gross income to get your countable income.

(3) We figure your shelter cost as follows:

(a) If ~~((Social Security))~~ SSA tells us you pay two hundred ninety dollars or more a month for shelter, we use three hundred dollars as your shelter cost; or

(b) If ~~((Social Security))~~ SSA tells us you pay ~~((less than))~~ two hundred ~~((ninety))~~ eighty-nine dollars a month or less for shelter, we use one hundred forty-four dollars as your shelter cost; and

(c) We add the current standard utility allowance under WAC 388-450-0195 to determine your total shelter cost.

(4) We figure your shelter deduction by subtracting one half of your countable income from your shelter cost.

(5) We figure your net ~~((WASHCAP))~~ income by subtracting your shelter deduction from your countable income.

(6) We figure your WASHCAP benefits (allotment) by:

(a) Multiplying your net ~~((WASHCAP))~~ income by thirty percent and rounding up to the next whole dollar; and

(b) Subtracting the result from the maximum allotment under WAC 388-478-0060.

(c) If you are eligible for WASHCAP, your assistance unit will get at least ten dollars food benefits each month.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0080 Where do I report changes? (1)

You report all changes to Social Security Administration (SSA) according to their reporting requirements. Social Security reports these changes to your department of social and health services (DSHS) worker. SSA will not accept or report shelter costs changes until SSA does its redetermination.

(2) You do not have to report any changes to DSHS.

(3) You can choose to report the following changes to your Washington combined application project (WASHCAP) worker to see if you will get more food assistance benefits.

(a) A change in your address;

(b) An increase in your shelter costs; or

(c) An increase in your out-of-pocket medical expenses.

(4) If changes are reported to DSHS, proof will be required.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0090 How often does my Washington state combined application program (WASHCAP) case need to be reviewed? (1) Your ~~((certification period is the amount of time your AU is eligible))~~ eligibility for WASHCAP benefits ~~((We certify WASHCAP for up to))~~ must be reviewed at least every twenty-four months.

PROPOSED

(2) Your certification period is the amount of time your assistance unit is eligible for WASHCAP benefits.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0100 How is my eligibility for Washington state combined application program (WASHCAP) reviewed? (1) If Social Security Administration (SSA) reviews your Supplemental Security Income (SSI) eligibility, they will also complete your review for WASHCAP benefits. SSA sends us this information electronically.

(2) If SSA does not review your SSI eligibility, we will mail you a one-page application two months before your WASHCAP benefits end. You must complete and return this application to the WASHCAP unit or your local home and community services office (HCS ((office))).

(3) We do WASHCAP reviews by mail. If you bring your WASHCAP application to the local office, we will process the application as follows:

(a) If you get long-term care services, your local HCS office will process your application; or

(b) If you do not get long-term care services, the local office will forward your application to the WASHCAP central unit.

(4) If we get your completed one-page application after your WASHCAP benefits end, we will reopen your benefits back to the first of the month if:

(a) We get your application form within thirty days from the end of your certification period; and

(b) You are still eligible for WASHCAP.

(5) If your application is not complete, we will return it to you to complete.

(6) If you are no longer eligible for WASHCAP benefits, we will decide if you are eligible for regular food assistance. We may ask you to give us more information or verification if we cannot make a decision with the information we have.

~~((6))~~ (7) If we get your completed one-page application form more than thirty days after your benefits end, ~~((we will open))~~ your WASHCAP benefits open the first of the next month after you turn in your application and SSA shows you are eligible for WASHCAP in their system.

~~((7))~~ (8) If you want regular food assistance while you are waiting for WASHCAP benefits, you must apply for these benefits at the local CSO or HCS office.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0110 What happens if my Washington state combined application program (WASHCAP) benefits end? (1) If your WASHCAP benefits end because you did not have the review required under WAC 388-492-0100, you must finish the required review or apply for food assistance ~~((benefits))~~ at your local community services office (CSO) or home and community services (HCS) office.

(2) If your WASHCAP benefits end because you are disqualified for food assistance under WAC 388-400-0040, you are not eligible for regular food assistance. If you get medical

assistance, we will send your medical assistance case to your local office. If you are a HCS client, your medical case will remain at HCS.

(3) If your WASHCAP benefits end because SSA stopped your SSI benefits:

(a) We will send you an application for regular food assistance and information about what you must verify in order to get benefits and tell you where to take your application to find out if you are eligible for benefits. If you are an HCS client, your case will remain at your HCS office.

(b) You will still receive the same medical benefits until we decide what medical programs you are eligible for under WAC 388-418-0025.

~~((c) When we get your completed application, we will interview you over the phone. If we need more information to decide if you are eligible, we will tell you what we need.~~

~~((d) After we decide if you are eligible for regular food assistance, we will send your case to the local office.))~~

(4) If your WASHCAP benefits end for any other reason:

(a) We will send you an application for regular food assistance along with:

(i) The address of your local office; and

(ii) Information about what you must verify in order to get benefits.

(b) If you get medical assistance, we will send your medical assistance case to the local office unless you are a HCS client;

(c) For the office to decide if you are eligible for food assistance, you must:

(i) Finish the application process for food assistance under chapter 388-406 WAC; and

(ii) Have an interview for food assistance under WAC 388-452-0005.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0120 What happens to my Washington state combined application program (WASHCAP) benefits if I am disqualified? (1) If you are disqualified from receiving SSI for any reason, you will not be able to get WASHCAP food benefits. See WAC 388-492-0030, Who can get WASHCAP?

(2) If you are disqualified from receiving food assistance for any reason, you will not get WASHCAP food benefits. ~~((See))~~ This includes clients who:

(a) Are ineligible for food assistance under WAC 388-400-0040(9) ((for persons disqualified)); or

(b) Did not cooperate with quality assurance as required under WAC 388-465-001.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0130 What can I do if I disagree with a decision the department made about my Washington state combined application program (WASHCAP) benefits? (1) If you disagree with a decision about your benefits, you may ask for a fair hearing.

(2) You can ask for a hearing by contacting the central unit, home community service office or any responsible department or office of administrative hearings employee.

(3) See chapter 388-08 WAC for information on the fair hearing process.

WSR 02-12-076
PROPOSED RULES
GAMBLING COMMISSION
 [Filed June 3, 2002, 3:09 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-09-100.

Title of Rule: Card rooms that offer player-supported jackpots, amending WAC 230-40-610 Player-supported jackpots—Restrictions—Manner of conducting—Approval.

Purpose: We have received a petition for rule change from Sherry Gillard. Ms. Gillard is a licensed card room employee and poker player. At the May 10, 2002, commission meeting, the commission filed this petition for further discussion.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: Currently, WAC 230-40-610(6) requires card room owners and on-duty card room employees that are playing in a poker game with a player-supported jackpot to show their hands at the end of play when the prize is not based upon a predetermined hand. This requirement prevents an owner or employee from folding their hand to avoid paying out a jackpot, which did occur. Ms. Gillard is requesting that card room owners and on-duty card room employees no longer have to show their hands in a poker game unless there is possibility of a "bad beat" situation. Ms. Gillard feels that requiring owners and on-duty employees to show their hands compromises their playing style and ability to effectively participate in a game.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 486-3466; Implementation: Rick Day, Lacey, (360) 486-3446; and Enforcement: Bob Berg, Lacey, (360) 486-3452.

Name of Proponent: Staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2); therefore a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Shilo Inn, 707 Ocean Shores Boulevard N.W., Ocean Shores, WA 98569, (360) 289-4600, on August 9, 2002, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by July 26, 2002, TDD (360) 486-3637, or (360) 486-3447.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, fax (360) 486-3625, by July 26, 2002.

Date of Intended Adoption: August 9, 2002.

May 17, 2002

Susan Arland

Rules Coordinator

AMENDATORY SECTION [(Amending Order 403, filed 6/19/01)]

WAC 230-40-610 Player-supported jackpots—Restrictions—Manner of conducting—Approval. A player-supported jackpot (PSJ) is a separate contest of chance directly related to the play and/or outcome of authorized non-house-banked card games but which is not the card game itself. Card rooms with a Class F or house-banked license may establish a prize fund for the purpose of operating a PSJ for nonhouse-banked card games. Any PSJ must be approved in writing by the director or the director's designee prior to play. A PSJ must meet the following requirements:

Funding a PSJ.

(1) A licensee may provide house funds to establish a PSJ. The licensee shall issue a check from the general business account into the PSJ account to start the prize fund. Recouping of start-up funds shall be done by issuing a check from the PSJ account to the business general account. Electronic bank transfers shall satisfy this requirement. Start-up funds shall not exceed five thousand dollars per PSJ.

Using a rake to fund a PSJ.

(2) A licensee may assess a portion of players' wagers for a jackpot prize. Such amount shall not exceed one dollar per hand or game for each PSJ. This assessment shall be separately collected using the rake method.

PSJ funds are player funds - exception from administrative fee.

(3) The licensee acts only as the custodian of the PSJ funds, including any interest earned on this money, and maintains no legal right to the funds. All PSJ funds shall be awarded as prizes, based upon a format approved by commission staff. An administrative fee not to exceed ten percent of the amount collected for a PSJ may be imposed by the licensee. This administrative fee includes all expenses incurred by the licensee, including banking fees. No other expenses beyond the ten percent administrative fee shall be deducted from the PSJ account.

Prize fund custodian.

(4) Each licensee shall designate at least one "prize fund custodian" who shall be responsible for safeguarding and disbursing funds to winners. A prize fund custodian may be an owner, partner, officer, or licensed individual designated by a card room owner, partner, or officer. The custodian shall have signature authority for prize fund bank accounts and

ensure accountability of all funds collected for use in a PSJ. The licensee shall meet the deposit requirements of WAC 230-40-608.

Payout of prizes.

(5) Prize amounts paid in cash shall not exceed five hundred dollars. Prize amounts not awarded in cash shall be paid within twenty-four hours, by check, the type which provides a duplicate copy, which shall not be cashed on the licensee's premises. A record of all prizes paid shall be maintained in the format prescribed by commission staff and shall include:

(a) For prizes less than one hundred dollars, a system of accounting denoting each individual prize may be utilized.

(b) For prizes one hundred dollars and above, the following information shall be recorded on a prize record:

- (i) Full printed name;
- (ii) Date of birth;
- (iii) Street address;
- (iv) Type of identification reviewed;
- (v) Amount of the prize awarded;
- (vi) Description of the winning hand;
- (vii) Time and date awarded; and
- (viii) The supervisor's and dealer's initials.

(c) Upon awarding a prize of five hundred dollars or more, the dealer shall fan the winning hand in view of the surveillance camera. The hand shall be collected and sealed with the prize record. The winning hand and remaining deck shall be maintained on the premises as part of daily card room records for a period of seven days, unless released by a commission agent.

Owners and employees competing for a PSJ.

(6) Owners, custodians and on-duty card room employees may participate in card games that offer a PSJ, but may not share in the winnings of any prize awarded. If playing in a game with a PSJ in which the prize is not based upon a predetermined hand, owners and card room employees must turn their cards face up at the end of each game so that the cards may be observed by other players at the table and surveillance if there is a qualifying hand at the end of a game (such as a "bad beat" hand). Any prize winnings an owner or on-duty employee may be entitled to under game rules, must be divided equally among the other players at the table: Provided, That off-duty employees may participate in card games that offer a PSJ and share in the prize winnings.

House dealer required.

(7) All card games offering a PSJ must utilize a house dealer.

Security requirements.

(8) Each gaming table offering a PSJ shall be required to install a closed circuit television system as outlined in WAC 230-40-625: Provided, That licensees operating any house-banked card games shall follow the security requirements set forth in WAC 230-40-825 for all tables in the card room, including those offering a PSJ.

Removing a PSJ from play.

(9) The following procedures shall be followed for all discontinued player-supported jackpots:

Discontinued.

(a) In the event a licensee elects to discontinue a PSJ, the balance, less any nonrecouped seed money, shall be distributed to players within sixty days of discontinuance by offering an approved promotion or card tournament of the same game under which the PSJ was originally accrued.

Closure of business.

(b) In the event a licensee ceases to operate a card room, or fails to maintain a valid card room license, all funds associated with the PSJ shall be distributed to the Washington state council on problem gambling.

Posting rules.

(c) The licensee shall conspicuously post a sign stating how PSJ money will be distributed in the event the PSJ is discontinued or the business closes. The sign must be posted at the inception of the PSJ.

House rules.

(10) House rules, to include administrative fees shall be posted in a location readily visible by all players and disclose the conditions under which prizes may be won, the prize amount, cost to participate, and any other conditions which may affect the outcome of the game.

Dispute resolution.

(11) If a dispute arises involving the outcome of a PSJ, the licensee shall preserve the video recording, the winning hand and remaining deck, and all records for the game where the dispute occurred and shall notify commission staff within twenty-four hours. The licensee shall document all information pertaining to the dispute including:

- (a) The names, addresses, and phone numbers of all players, card room staff, and any witnesses involved;
- (b) Amount of the advertised PSJ; and
- (c) A full description of the circumstances surrounding the dispute.

(12) All disputes involving a PSJ will be investigated by commission staff, with a report submitted to the director. A written decision will be issued by the director, or the director's designee, and such decision shall be final.

(13) During the course of dispute resolution, the commission may become the temporary custodian of any and all prize funds. The PSJ will be suspended until the dispute is resolved.

[Statutory Authority: RCW 9.46.070. 01-13-091 (Order 403), § 230-40-610, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-610, filed 4/14/00, effective 5/15/00.]

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

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 02-12-077
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed June 3, 2002, 3:52 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-033.

Title of Rule: WAC 308-13-150 Landscape architect fees.

Purpose: This rule is needed to increase the charge that candidates pay for the landscape architect registration examination and the department collects on the vendor's behalf.

Statutory Authority for Adoption: RCW 18.96.080 Fees and 43.24.086 Fee policy for professions, occupations and businesses; requires fees to be at a sufficient level to defray the costs of administering the program.

Statute Being Implemented: RCW 43.24.086 Fee policy for professions, occupations and businesses; requires fees to be at a sufficient level to defray the costs of administering the program.

Summary: This is a national driven fee increase and not the request of the department.

Reasons Supporting Proposal: The cost of the examinations are charged directly to the candidates for registration.

Name of Agency Personnel Responsible for Drafting: Joan Robinson, 405 Black Lake Boulevard, Olympia, WA, (360) 664-1387; Implementation and Enforcement: Margaret Epting, 405 Black Lake Boulevard, Olympia, WA, (360) 664-1386.

Name of Proponent: Board of Registration for Landscape Architects, Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The examination vendor has increase the examination charges. This rule is needed to increase the examination charges that candidates pay for the examination, to a sufficient level to meet the cost of purchasing the examinations for the candidates.

Proposal Changes the Following Existing Rules: It increases the charges that are collected from candidates for the examinations ordered from the test vendor. The charges recovered by the department shall be refunded to the vendor for the cost of the examinations.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This increase in charges is to individual applicants not business enterprises. The vendor will provide the tests only at these prices. The costs are not negotiable.

Without these increases in examination charges the refund account would be a deficit with the first examination session.

RCW 34.05.328 does not apply to this rule adoption. This section of regulations is not a "significant legislative

rule" as defined by RCW 34.05 (5)@ (iii) [RCW 34.05.328 (5)(c)(iii)] and is exempt under the provisions of RCW 34.05.38 [34.05.328] (5)(b)(vi).

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, Olympia, WA 98502, on July 26, 2002, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Joan Robinson by July 15, 2002, TDD (360) 586-2788, or (360) 664-1387.

Submit Written Comments to: Margaret Epting, Board of Registration for Landscape Architects, P.O. Box 9045, Olympia, WA 98507, fax (360) 664-2551, by July 15, 2002.

Date of Intended Adoption: July 26, 2002.

June 3, 2002
 Margaret Epting
 Administrator

AMENDATORY SECTION (Amending WSR 01-15-034, filed 7/12/01, effective 8/12/01)

WAC 308-13-150 Landscape architect fees and charges. The following fees will be collected from the candidates (~~for examination~~):

Title of Fee	Fee
Application fee	\$150.00
Reexamination administration fee	50.00
Exam proctor	100.00
Renewal (2 years)	300.00
Late renewal penalty	100.00
Duplicate license	25.00
Initial registration (2 years)	300.00
Reciprocity application fee	200.00
Certification	45.00
Replacement <u>wall</u> certificate	20.00

Those charges collected from candidates (~~shall be paid to CLARB~~) for the costs of the examinations shall be paid to CLARB.

Examination and Sections	Charges
Entire examination	\$ (660.00) <u>720.00</u>
Examination sections:	
Section A: Legal and administrative aspects of practice	(50.00) <u>60.00</u>
Section B: Analytical aspects of practice	(90.00) <u>100.00</u>
Section C:	
Planning and site design	(185.00) <u>200.00</u>

PROPOSED

Section D:

Structural considerations and materials and methods of construction	((150.00))
	<u>160.00</u>

Section E:

Grading, drainage and stormwater management	((185.00))
	<u>200.00</u>

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by July 9, 2002, TTY (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by July 9, 2002.

Date of Intended Adoption: August 1, 2002.

May 31, 2002

D. McCurley, Administrator
Title and Registration Services

WSR 02-12-078
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed June 4, 2002, 8:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-05-002.

Title of Rule: Chapter 308-96A WAC, Vehicle licenses.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 46.01.110, 46.16.335, 46.12.070, 46.16.276.

Summary: Amending WAC 308-96A-046 Qualified veteran's free license, 308-96A-050 Nonresident member of the armed forces—Plates displayed, 308-96A-056 Pearl Harbor survivor license plates, 308-96A-057 Purple Heart license plates, 308-96A-073 Antique vehicle—Horseless carriage license plate, 308-96A-074 Antique vehicle—Collector vehicle license plates, and 308-96A-530 Veteran remembrance license plate emblems.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Lynda Henriksen, 1125 Washington Street S.E., Olympia, (360) 902-3811.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on business in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on July 10, 2002, at 10:00 a.m.

AMENDATORY SECTION (Amending WSR 00-01-151, filed 12/21/99, effective 1/21/00)

WAC 308-96A-046 Qualified veteran's free license.

(1) Who qualifies for the free licensing, authorized by RCW 73.04.110 and 46.16.305?

(a) Disabled American veterans and former prisoners of war, as defined in RCW 73.04.110;

(b) A veteran awarded the Congressional Medal of Honor as defined in RCW 46.16.305; and

(c) Surviving spouses of a deceased former prisoner of war as defined in RCW 73.04.115, who is named as a registered owner, including lessees, may register and receive regular or special license plates for one personal use vehicle. The personal use vehicle is exempt from the annual license fee as defined in RCW ~~((46.16.060(1)))~~ 46.16.0621. Other taxes and fees may apply.

(2) What vehicles are considered personal use vehicles? For purposes of this section, "personal use vehicle" means passenger vehicles ~~((, motor homes, motorcycles, and trucks rated at less than twelve thousand pounds gross weight))~~ as defined in WAC 308-96A-005 and not used for commercial purpose. ~~((This exemption cannot be applied to vehicles belonging to business.))~~

(3) Will I be subject to other taxes and fees? Yes, other taxes and fees may apply depending on the type of license plate requested.

(4) What must be provided to qualify for a veteran's free license? If the applicant is:

(a) A disabled American veteran, ~~((they))~~ must provide a letter of eligibility from the Federal or Washington state veteran's administration or the branch of military service from which the veteran was discharged confirming disability under RCW 73.04.110 with the license plate application.

(b) A former prisoner of war or a veteran awarded the Congressional Medal of Honor must provide a confirmation of eligibility from the Federal or Washington state veteran's administration or the branch of military service from which the veteran was discharged.

(c) The surviving spouse of a deceased former prisoner of war may be issued a regular or special prisoner of war license plate even if the deceased had not been issued a plate under ~~((chapter 73.04))~~ RCW 73.04.115. In addition to confirming eligibility, the surviving spouse must furnish the following:

(i) A ~~((certified))~~ copy of the death certificate of the deceased former prisoner of war; and

PROPOSED

(ii) An affidavit that the applicant is not currently married.

(5) **May I transfer my veteran ((free)) license plate to another qualifying vehicle?** Yes, you may transfer your veteran ((free)) license plate to another vehicle by notifying the department and paying the appropriate transfer fees in effect.

~~((a) You must notify the department of the transfer and pay the transfer fees in effect; and~~

~~(b) If transferring the license plate to another vehicle, you must display the permanent tab issued by the department.))~~

(6) **If I choose to ((retain)) keep the vehicle from which the veteran ((free)) license plate was removed, do I need to register it?** Yes, if you choose to continue to use the vehicle on the highway, the vehicle ((shall)) must be registered under chapter 46.16 RCW.

(7) **How do I dispose of the veteran ((free)) license plate if I no longer qualify?** The veteran ((free)) license plate ((no longer in use)) must be ((surrendered to a vehicle licensing office or to the department within fifteen days)) disposed of as required by WAC 308-96A-098.

AMENDATORY SECTION (Amending WSR 00-01-151, filed 12/21/99, effective 1/21/00)

WAC 308-96A-050 Nonresident members of the armed forces—Plates displayed((—Vehicle ownership change)). (1) **What license plates must be displayed on a vehicle registered to a nonresident military person assigned to duty in Washington?** Nonresident military personnel assigned to duty in Washington may display on their vehicle either:

~~((1))~~ (a) License plates issued from their official home of record (state of bona fide residence); or

~~((2))~~ (b) License plates issued from a foreign jurisdiction other than their official home of record until such time as that license registration is expired; or

~~((3))~~ (c) Washington license plates(~~;~~ or

~~(4) License plates issued by the military commonly referred to as USA registration.))~~

After expiration of registration from a jurisdiction other than Washington you may maintain your registration in your home of record or obtain a Washington registration.

(2) **How long may I drive in Washington using my USA or European USA Registration (EUSAR) registration and license plates after the vehicle returns to the United States from a foreign country?** Military personnel are to reregister their vehicle within thirty days of return to the United States.

AMENDATORY SECTION (Amending WSR 00-01-151, filed 12/21/99, effective 1/21/00)

WAC 308-96A-056 Pearl Harbor survivor license plates. (1) **Who ((may)) is eligible to receive Pearl Harbor survivor license plates?** Pearl Harbor survivor license

plates may be issued to qualified applicants as authorized in RCW 46.16.305(4).

(2) **What documentation does a Pearl Harbor survivor or surviving spouse need to submit to obtain Pearl Harbor survivor license plates?** ~~((In addition to))~~

~~(a) The Pearl Harbor survivor association certification required by RCW 46.16.305 (4)(e)((, Pearl Harbor survivors applying for these license plates shall submit:~~

~~(a) Application for Pearl Harbor survivor license plate; and~~

~~(b) An armed forces document showing date of induction and date of honorable discharge from the United States Armed Force; and~~

~~(c) Proof of being a resident of this state.))~~

~~(b) Surviving spouses must also submit a copy of the death certificate and an affidavit that the spouse is not remarried.~~

~~(3) ((What documentation does a spouse of a deceased Pearl Harbor survivor need to submit to obtain Pearl Harbor survivor license plates?~~

~~(a) If the deceased Pearl Harbor survivor was the recipient of Pearl Harbor survivor license plates, the surviving spouse shall submit:~~

~~(i) Application for Pearl Harbor survivor license plates;~~

~~(ii) A copy of the Pearl Harbor survivor's death certificate; and~~

~~(iii) An affidavit that the applicant is not currently married.~~

~~(b) If the deceased Pearl Harbor survivor was not the recipient of Pearl Harbor survivor license plates, the surviving spouse shall submit, in addition to the Pearl Harbor survivor association certification required by RCW 46.16.305 (4)(e):~~

~~(i) Application for Pearl Harbor survivor license plates;~~

~~(ii) A copy of the Pearl Harbor survivor's death certificate;~~

~~(iii) An affidavit that the applicant is not currently married; and~~

~~(iv) A copy of the decedent's armed forces document showing date of induction and date of honorable discharge from the United States Armed Forces.~~

~~(4) How does)) May the spouse of a deceased Pearl Harbor survivor ((License plate recipient qualify to retain)) keep the Pearl Harbor survivor license plates? ((To retain the Pearl Harbor survivor license plates issued to the qualifying person, the surviving spouse must:~~

~~(a) Be the legally recognized spouse of the qualifying person at the time of the death of the qualifying person and submit:~~

~~(i) A copy of the Pearl Harbor survivor recipient's death certificate; and~~

~~(ii) An affidavit that the applicant is not currently married;~~

~~(b) Be a resident of the state of Washington;~~

~~(c) Be an owner, co-owner, lessee, or co-lessee of the vehicle on which the Pearl Harbor survivor special license plate is or will be used; and~~

~~(d) Not remarry. If the surviving spouse remarries, the Pearl Harbor survivor special license plate is invalid and~~

must be removed from the vehicle.) Yes. To keep the Pearl Harbor survivor license plates, the surviving spouse must provide a copy of the Pearl Harbor survivor's death certificate and an affidavit that the spouse is not remarried in addition to the requirements of RCW 46.16.305(4).

AMENDATORY SECTION (Amending WSR 00-01-151, filed 12/21/99, effective 1/21/00)

WAC 308-96A-057 Purple Heart license plates. (1) **Under what authority does the department issue Purple Heart license plates?** The department issues ~~((a series of special license plates, called))~~ Purple Heart license plates, under the authority of RCW 46.16.305. ~~((Washington state law allowed the department to issue special license plate series denoting the age or type of vehicle or denoting special activities or interest, status, or contribution or sacrifice for the United States, the state of Washington, or citizens of the state of Washington, of a registered owner of that vehicle. The Washington legislature amended the law in 1990 allowing the department to continue issuing special license plates authorized under the law as it was before it was amended.))~~

(2) **Who may receive Purple Heart license plates?** Any Washington resident who:

(a) Has been awarded a Purple Heart medal by any branch of the United States Armed Forces, including the Merchant Marines and the Women's Air Forces Service Pilots;

(b) Was wounded during one of this nation's wars or conflicts identified in RCW 41.04.005; and

(c) Is an owner, co-owner, lessee, or co-lessee of ~~((the))~~ a vehicle ~~((on which the Purple Heart special))~~ requiring two license plates ~~((is or will be used)).~~

(3) **What documentation does a Purple Heart recipient need to submit to obtain Purple Heart license plates?** Purple Heart recipients applying for these license plates ~~((shall))~~ must submit:

(a) An application for Purple Heart license plates; and

(b) ~~((An))~~ A copy of the armed forces document showing the recipient was awarded the Purple Heart medal.

(4) ~~((How does))~~ May the spouse of a deceased Purple Heart recipient ~~((qualify to retain))~~ keep the Purple Heart license plates? Yes. To ~~((retain))~~ keep the Purple Heart license plates ~~((issued to the qualifying person,))~~ the surviving spouse must provide:

(a) ~~((Be the legally recognized spouse of the qualifying person at the time of the death of the qualifying person and submit:~~

~~((i)))~~ A copy of the Purple Heart recipient's death certificate; and

~~((ii)))~~ (b) An affidavit that the applicant is not currently married; and

~~((b))~~ Be a resident of the state of Washington;

~~((c))~~ Be an owner, co-owner, lessee, or co-lessee of the vehicle on which the Purple Heart special license plate is or will be used; and

~~((d))~~ Not remarry. (c) If the surviving spouse remarries, the Purple Heart special license plate is invalid and must be removed from the vehicle.

(5) When I am required to replace my Purple Heart license plate, will I receive the same license plate number/letter combination? Yes. At your request you will receive replacement Purple Heart license plates with the same number/letter combination as shown on the vehicle computer record.

AMENDATORY SECTION (Amending WSR 01-10-069, filed 4/30/01, effective 5/31/01)

WAC 308-96A-073 Antique vehicle—Horseless carriage license plate. (1) ~~((Who may apply for a horseless carriage license plate?~~

(a) The owner(s) of any motor vehicle which is:

(i) At least forty years old; and

(ii) Capable of being operated upon the highway; and

(iii) Currently registered in Washington; and

(iv) Operated primarily as a collector vehicle may apply to the department for a special horseless carriage license plate to be used in lieu of regular issue license plates.)) What vehicles qualify for a horseless carriage license plate? Any motor vehicle which is:

(a) At least forty years old; and

(b) Capable of being operated upon the highway; and

(c) Currently registered in Washington; and

(d) Operated primarily as a collector vehicle under RCW 46.16.307.

(2) **How is a horseless carriage license plate displayed?** The horseless carriage license plate must be displayed on the rear of the vehicle for which it was issued. ~~((The horseless carriage license plate is not transferable to any other motor vehicle, but may stay with that vehicle upon transfer of ownership.))~~

(3) If I sell my vehicle may I keep my horseless carriage license plate? Yes. You may keep the license plate but it is not transferrable to any other motor vehicle.

(4) **What additional fees are required to obtain a horseless carriage license plate?** In addition to all other license fees required by law, the applicant must pay an additional license fee of thirty-five dollars for this horseless carriage license plate.

~~((4))~~ Will I ever have to replace my horseless carriage license plates? (5) Are horseless carriage license plates subject to periodic replacement? No, the horseless carriage license plates are exempt from the ~~((seven-year))~~ vehicle license plate replacement schedule.

AMENDATORY SECTION (Amending WSR 01-10-069, filed 4/30/01, effective 5/31/01)

WAC 308-96A-074 Antique vehicle—Collector vehicle license plates. (1) **What is a collector vehicle license plate?** For the purposes of this section a collector vehicle license plate is a special license plate ~~((The plate has Washington printed at the top and the words))~~ including "Collector Vehicle" ~~((to the right of the numbers)).~~ The smaller size collector vehicle license plate is available for motorcycles ~~((and~~

~~the~~)). Collector vehicle owners must conform to the rules under RCW 46.16.307.

(2) **What vehicles qualify for a collector vehicle license plate?** Any motor vehicle which is:

- (a) ~~((At least))~~ More than thirty years old; and
- (b) Capable of being operated upon the highway; and
- (c) Currently registered in Washington; and
- (d) Operated primarily as a collector vehicle ~~((may be issued a collector vehicle license plate))~~.

(3) **How is a collector vehicle license plate to be displayed?** The collector vehicle license plate must be displayed on the rear of the vehicle for which it was issued. The collector vehicle license plate is not transferable to any other motor vehicle, but may stay with that vehicle upon transfer of ownership.

(4) **What additional fees are required to obtain a collector vehicle license plate?** In addition to all other license fees required by law, the applicant must pay an additional license fee of thirty-five dollars for this collector vehicle license plate.

(5) **Are collector vehicle license plate(s) required to be replaced under RCW 46.16.233?** No, the collector vehicle license plates are exempt from the periodic vehicle license plate replacement schedule.

(6) **What is a "restored license plate"?** A restored license plate is a Washington state issued license plate designated for use in the year of the vehicle's manufacture. The restored license plate may be used instead of a collector vehicle license plate or horseless carriage license plate. The license plate must be restored to such a condition that it may be identified with its year of issue. Reproductions of the original are not acceptable for use as a restored license plate.

~~((This plate must be displayed on the vehicle for which it was issued and may be retained by the owner if the vehicle ownership changes. The owner must display the single plate on the rear of the vehicle. If the vehicle owner has two identical license plates, the second license plate may be displayed on the front of the vehicle.~~

~~(6))~~ (7) **How is a restored license plate to be displayed?** The owner must display a single plate on the rear of the vehicle. If the vehicle owner has two identical license plates, the second license plate may be displayed on the front of the vehicle or on another vehicle.

(8) **If I sell my vehicle may I keep my restored license plate?** Yes. You may keep the license plate if the vehicle ownership changes; however, it is not transferable to any other motor vehicle.

(9) **May I replace my restored license plate with another restored license plate?** Yes, however, your vehicle record must be updated to reflect the new plate number before it is displayed on the vehicle.

(10) **What additional fees are required to have a restored license plate assigned to my vehicle?** In addition to all other title and license fees required by law, you must pay an additional license fee of thirty-five dollars for the restored plate to be assigned to your vehicle. At the time a restored plate is assigned to a vehicle, the department ~~((may))~~ will require the certificate of ownership be submitted if that

vehicle ~~((is))~~ does not already ~~((assigned))~~ have a "title purpose only" number.

~~((7))~~ **Will I ever have to replace my collector vehicle license plate?** No, the collector vehicle license plates are exempt from the seven-year vehicle license plate replacement schedule.

AMENDATORY SECTION (Amending WSR 00-01-151, filed 12/21/99, effective 1/21/00)

WAC 308-96A-530 Veteran remembrance license plate emblems. (1) **What veteran remembrance license plate emblems are available?** The following veteran remembrance license plate emblems are available:

(a) Veteran remembrance vehicle license plate emblem with the words "U.S. VETERAN" (referred to as veteran emblem);

(b) The United States flag waving on a staff without wording (referred to as the flag emblem); and

(c) Campaign medal emblem authorized in RCW 46.16.319(3).

(2) **Who may purchase veteran remembrance emblems?** Only ~~((registered owners authorized in))~~ persons qualified under RCW 46.16.319 (2) and (3) may purchase veteran remembrance license plate emblems.

(3) **When I purchase veteran remembrance license plate emblems what will I receive?** In addition to a receipt, you will receive an emblem package including:

(a) One US veteran emblem;

(b) One US flag and campaign ribbon emblem; ~~((and))~~ or

(c) ~~((One campaign ribbon emblem; or~~

~~((d)))~~ Two campaign ribbon emblems; or

~~((e)))~~ (d) Two US flag emblems.

(4) **How much will I be charged for the veteran remembrance license plate emblem package?** In addition to fees authorized in RCW 46.01.140 (5)(b), a fee of ten dollars is collected for each package.

(5) ~~((How shall I affix my veteran remembrance license plate emblems?))~~ **How are the emblems to be displayed on my license plate?** In addition to the requirements and limitations in RCW 46.16.327:

(a) The VETERAN emblem ~~((shall))~~ must be displayed between the bottom license plate bolt holes;

(b) The FLAG emblem ~~((shall))~~ must be displayed to the left of the bottom left license plate bolt hole. When two FLAG emblems are displayed, one is displayed on the outside of each bottom license plate bolt hole. No more than two FLAG emblems may be affixed to any one license plate;

(c) The CAMPAIGN emblem ~~((shall))~~ must be displayed to the right of the bottom right license plate bolt hole. When two CAMPAIGN emblems are displayed, one is displayed on the outside of each bottom license plate bolt hole. No more than two CAMPAIGN emblems may be affixed to any one license plate;

(6) **Do the veteran remembrance emblems on my front license plate have to match the emblems on the rear license plate?** No, emblems displayed on the front license

plate do not need to match emblems displayed on the rear license plate.

(7) **May I transfer my veteran remembrance license plate emblems to different vehicles?** Veteran remembrance license plate emblems may be transferred to another vehicle only if they have been affixed to a specialized license plate which may be transferred to other vehicles. Otherwise, the veteran remembrance license plate emblems are transferred to the new owner of the vehicle upon transfer of ownership.

(8) **May I obtain a replacement or additional veteran remembrance license plate emblem package?** You may ~~((obtain replacement veteran remembrance emblems))~~:

(a) ~~((For the fee in subsection (4) of this section; or~~

~~(b) For no fee if the original set of emblems purchased has become faded and nonrecognizable.~~

~~(9) **How may any vehicle license plate emblem other than veteran remembrance license plate emblems be displayed on a Washington vehicle license plate?** Any vehicle license plate emblem other than veteran remembrance license plate emblems shall be displayed on vehicle license plates only at the bottom of the plate beneath the identification numbers/letters.)) If you choose to purchase an additional set, you will be charged the fee in subsection (4) of this section; or~~

~~(b) When the original emblems become faded or unrecognizable, you may obtain a replacement set at no fee; or~~

~~(c) When the license plates are replaced as required by the mandatory plate replacement law at no fee.~~

WSR 02-12-080

PROPOSED RULES

WASHINGTON STATE LOTTERY

[Filed June 4, 2002, 10:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-07-071.

Title of Rule: Mega Millions game rules.

Purpose: This new rule establishes the official rule for the new Mega Millions lottery game.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: The new rule establishes the rules for playing the Mega Millions game and for claiming prizes.

Name of Agency Personnel Responsible for Drafting: Mary Jane Ferguson, Olympia, (360) 664-4833; Implementation and Enforcement: Robert C. Benson, Acting Director, Olympia, (360) 664-4800.

Name of Proponent: [Washington State Lottery], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule sets forth the rules governing the conduct of the lottery's new game, Mega Millions.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The lottery has considered whether these rules are subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that they are not for the following reasons: (1) The rules have no economic impact on business' cost of equipment, supplies, labor or administrative costs. The rules are designed to establish rules and procedures for administrative actions in the case of conduct of lottery games or the revocation or suspension of a retailer's license; and (2) the rules will have a negligible impact, if any, on the normal operation of business because they are interpretive. They have been promulgated for the purpose of stating policy, procedure and practice and do not include requirements for forms, fees, appearances or other actions by business.

RCW 34.05.328 does not apply to this rule adoption. This section does not apply to these proposed rules because they are not proposed by one of the listed agencies. As the rules are merely interpretive, the lottery does not voluntarily apply this section.

Hearing Location: Hawthorne Inn & Suites, 16710 Smokey Point Boulevard, Arlington, WA 98223, on July 18, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Mary Jane Ferguson by July 15, 2002, TDD (360) 586-0933, or (360) 664-4833.

Submit Written Comments to: Mary Jane Ferguson, Washington State Lottery, P.O. Box 43025, Olympia, WA 98504-3025, fax (360) 586-6586, by July 15, 2002.

Date of Intended Adoption: July 18, 2002.

June 4, 2002

Mary Jane Ferguson
Rules Coordinator

Chapter 315-38 WAC

MEGA MILLIONS

NEW SECTION

WAC 315-38-010 General description. Mega Millions is a game conducted by the Washington state lottery, pursuant to chapter 67.70 RCW and Title 315 WAC and pursuant to the requirements of the multistate agreement. The Mega Millions game awards prizes to ticket holders matching specified combinations of numbers randomly selected in regularly scheduled drawings. Chapter 315-38 WAC applies only to Mega Millions tickets purchased and redeemed in Washington state. Players who purchase Mega Millions tickets in other party lottery states must comply with the rules of the party lottery state in which the ticket was purchased.

NEW SECTION

WAC 315-38-020 Definitions. Words and terms set forth below, when used herein, shall have the following meaning unless otherwise indicated:

(1) Annual/annuitized/annuity option - The manner in which the Mega Millions jackpot prize may be paid in

twenty-six annual installments. In order to allow for the efficient purchase of securities, the first installment may be of a different value from the second through the twenty-sixth installment. The second through the twenty-sixth installments shall be of equal value.

(2) Authorized claim center - Any Mega Millions agent or retailer, or party lottery office, in the state where the winning official Mega Millions ticket was purchased.

(3) Cash option - The manner in which the Mega Millions jackpot prize may be paid in a single payment. The cash option amount shall be the proceeds of the sale of investments purchased to fund the particular winner's share of the annuitized jackpot prize.

(4) Claimant: Any person or entity submitting a claim form within the required time period to collect a prize for an official Mega Millions ticket. A claimant may be the purchaser, the person or entity named on a signed official Mega Millions ticket, the bearer of an unsigned official Mega Millions ticket, or any other person or entity who may seek entitlement to a Mega Millions prize payment in accordance with the Mega Millions rules and party lottery governing laws, policies and rules. No claimant may assert rights different from the rights acquired by the original purchaser at the time of purchase.

(5) Director(s): The chief officers of the party lotteries or any other persons to whom the directors' authority is lawfully delegated.

(6) Multistate agreement: The amended and restated multistate agreement regarding the Mega Millions game, or any subsequent amended agreement, signed by the party lotteries and including the Mega Millions official game rules, finance and operations procedures for Mega Millions, and on-line drawing procedures for Mega Millions.

(7) Official Mega Millions ticket: A game ticket, produced on official paper stock by a Mega Millions agent or retailer in an authorized manner, bearing player or computer selected numbers, game name, drawing date, amount of wager, and validation data.

(8) Party lottery or lotteries: One or more of the state lotteries established and operated pursuant to the laws of Georgia, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Virginia, Washington state or any other state lottery authorized to become a member of Mega Millions.

(9) Parimutuel: Total amount of sales allocated to pay prize claimants at the designated prize level, divided among the number of winning official Mega Millions tickets at the designated prize level.

(10) Prize fund: That portion of Mega Millions gross sales in the party lottery states set aside for the payment of prizes. The prize fund for any drawing is expected to be fifty percent of sales, but may be higher or lower based upon the number of winners at each set prize level, as well as the funding required to meet the advertised jackpot.

(11) Purchaser(s): Player(s) of Mega Millions who purchase tickets in accordance with Mega Millions rules and party lottery governing laws, policies, and rules.

(12) Quick-pick, auto-pick or easy pick: A player option in which Mega Millions number selections are determined at random by computer software.

(13) Subscription/season ticket: An extended, multi-draw purchase option, which may be offered in Washington state at the discretion of the director of the Washington State lottery, wherein the same set(s) of numbers may be played for a specified number of consecutive drawings (for example, 26, 52 or 104), effective on a future date. Subscription/season tickets are distinguished from multidraw tickets which are effective for specified future drawings and are sold at the retailer level.

(14) Mega Millions agent, sales agent or retailer: A location in one of the states which are party lotteries and which is licensed or contracted and equipped by its respective state lottery to sell official Mega Millions tickets.

(15) Mega Millions panel or play area: That area of an official Mega Millions ticket identified by an alpha character and containing one field of five one-digit or two-digit player or computer selected numbers, and a second field of one one-digit or two-digit player or computer selected number.

(16) Mega Millions play/bet slip: A computer-readable form, printed and issued by each party lottery, used in purchasing an official Mega Millions ticket, with each play area consisting of two fields. The first field contains 52 areas/spaces numbered 1 through 52; the second field contains 52 areas/spaces numbered 1 through 52.

(17) Mega Millions winning numbers - Five one-digit or two-digit numbers, from 1 through 52 and one one-digit or two-digit number from 1 through 52, randomly selected at each Mega Millions drawing, which shall be used to determine winning Mega Millions plays contained on official Mega Millions tickets.

NEW SECTION

WAC 315-38-030 Ticket sales. (1) The sale of official Mega Millions tickets may be conducted only by such locations as the directors shall contract with and/or license pursuant to the governing laws, policies, and rules of the party lotteries and the Mega Millions rules.

(2) The director of the Washington state lottery shall have the discretion to take steps to improve the efficiency of ticket sales when the Mega Millions jackpot prize reaches what he or she considers a high enough level to warrant action. Steps include, but are not limited to, allowing retailers to restrict ticket purchases to quick pick only.

NEW SECTION

WAC 315-38-040 Ticket price. (1) Official Mega Millions tickets may be purchased for one dollar per play, or multiples thereof, at the discretion of the purchaser, in accordance with the number of game panels and inclusive drawings. The purchaser receives one play for each one dollar wagered in Mega Millions.

(2) Subject to the laws and regulations governing each party lottery, the directors may collectively authorize the sale of official Mega Millions tickets at a discount for promotional purposes.

(3) Individual directors may authorize sale of official Mega Millions tickets at a discount for promotional purposes within their respective jurisdictions, provided that such dis-

counted sales shall be reported to the party lotteries at full gross sales value.

NEW SECTION

WAC 315-38-050 Play characteristics and restrictions. (1) Official Mega Millions tickets may only be sold to persons eighteen years of age or older, providing such persons are not prohibited from playing Mega Millions in a party lottery state by the governing law, policies or rules of that party lottery, or any contract executed by that party lottery.

(2) Official Mega Millions tickets may not be purchased in any other party lottery state by any party lottery board member or commissioner; or any officer or employee; or any spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person.(3) Under no circumstances will a claim be paid for either the jackpot prize or the second prize without an official Mega Millions ticket matching all game play, serial number, and other validation data residing in the selling party lottery's on-line gaming system computer, and such ticket shall be the only valid proof of the wager placed and the only valid receipt for claiming or redeeming any prize.

(4) Official Mega Millions tickets cannot be canceled.

(5) Purchasers may submit a manually completed Mega Millions play slip to a Mega Millions agent or retailer to have issued an official Mega Millions ticket. Mega Millions play slips shall be available at no cost to the purchaser and shall have no pecuniary or prize value, and shall not constitute evidence of purchase or number selections. The use of mechanical, electronic, computer generated or any other nonmanual method of marking play slips is prohibited.

(6) Purchasers may orally convey their selections to a Mega Millions agent or retailer to have issued an official Mega Millions ticket. Such selections shall be manually entered into the computer terminal by the Mega Millions agent or retailer.

(7) If player operated sales terminals or self-service terminals are available, purchasers may use such terminals for the purchase of official Mega Millions tickets.

NEW SECTION

WAC 315-38-060 Purchaser responsibility. It shall be the sole responsibility of the purchaser to verify the accuracy and condition of the data printed on the official Mega Millions ticket at the time of purchase.

NEW SECTION

WAC 315-38-070 Time, place and manner of conducting drawing. (1) Mega Millions drawings shall be conducted at the studios of WSB-TV, Atlanta, Georgia at 11:00 p.m. eastern time (8:00 p.m. Pacific time). Mega Millions drawings shall be conducted on both Tuesday and Friday at the designated time. However, the day, time or location of Mega Millions drawings may be modified as determined by the directors and publicly announced by the party lotteries, and/or as stated in the on-line drawing procedures for Mega Millions.

(2) The objective of Mega Millions drawings shall be to select at random, with the aid of drawing equipment, Mega Millions winning numbers, pursuant to the controls and methods defined by the party lotteries.

NEW SECTION

WAC 315-38-080 Prize structure and odds. Winning number matches for the Field 1 of 5 of 52 and Field 2 of 1 of 52 shall win prizes as set forth below, based on an estimated anticipated prize fund of fifty percent of gross sales and estimated percents of prize fund, as defined in WAC 315-38-020(10) and the Mega Millions multistate agreement:

PRIZE LEVEL	FIELD 1 MATCH FIVE WHITE BALLS 1-52	FIELD 2 MATCH MEGA BALL 1-52	PRIZE	ODDS (per \$1 play)	PERCENT OF PRIZE FUND
Jackpot Prize	5	1	Jackpot	1:135,145,920	63.38
Second	5	0	\$175,000*	1:2,649,920	13.21
Third	4	1	\$5,000*	1:575,089	1.74
Fourth	4	0	\$150*	1:11,276	2.66
Fifth	3	1	\$150*	1:12,502	2.40
Sixth	2	1	\$10	1:833	2.40
Seventh	3	0	\$7	1:245	5.71
Eighth	1	1	\$3	1:152	3.96
Ninth	0	1	\$2	1:88	4.54
Overall odds of winning: 1:43					

* Should total prize liability, exclusive of jackpot prize rollover from previous drawings, exceed three hundred percent of draw sales or fifty percent of draw sales plus \$50,000,000, whichever is less, (both hereinafter referred to as the "liability cap"), the second through fifth prizes shall be paid on a parimutuel rather than set prize basis, provided, however, that in no event shall the parimutuel prize be greater than the set prize. The amount to be used for the allocation of such parimutuel prizes shall be the liability cap less the amount paid for the jackpot prize and prize levels six through nine.

PROPOSED

NEW SECTION

WAC 315-38-090 Jackpot prize payments. (1) Prior to each drawing, the directors shall determine the estimated annuitized jackpot prize amount to be advertised. The advertised jackpot prize amount shall be the basis for determining the amount to be awarded for each Mega Millions panel matching all five of the five Mega Millions winning numbers drawn for Field 1 and the one Mega Millions winning number drawn for Field 2. No annuitized jackpot prize, when there is only one jackpot prize winning ticket, shall be less than \$10 million.

(2) If, in any Mega Millions drawing, there are no Mega Millions panels that qualify for the jackpot prize category, the portion of the prize fund allocated to such jackpot prize category shall remain in the jackpot prize category and be added to the amount allocated for the jackpot prize category in the next consecutive Mega Millions drawing.

(3) If the annuitized jackpot prize divided by the number of Mega Millions panels matching all five of the five Mega Millions winning numbers for Field 1 and the one Mega Millions winning number for Field 2, is equal to or greater than \$1,000,000, the jackpot prize(s) will be paid under the annuity option unless a cash option was selected by the winner(s), as follows:

(a) **Cash option:** After a player has claimed a jackpot prize or a share of a jackpot prize, and after the claim has been validated (including a debt check pursuant to WAC 315-06-125), the player may elect to be paid a one-time single cash option payment as defined by WAC 315-38-020(3), provided:

(i) The player must elect this cash option within sixty days of the validation of his or her prize, by following the procedure required by the lottery;

(ii) If the federal tax code is interpreted by federal authorities to require that this cash option be exercised within sixty days of the drawing for the prize, then (a)(i) of this subsection will not apply and instead, the player must elect this cash option within sixty days of the date of the drawing for the prize;

(iii) The player's choice of payment method as designated by signing the appropriate lottery form is final and may not be changed by the player at a later date;

(iv) Cash option jackpot prizes shall be paid in a single payment in accordance with the internal validation procedures and settlement procedures pursuant to the multistate agreement and the Washington state lottery.

(b) **Annuity:** A player who chooses not to elect the cash option or who does not elect the cash option within the sixty-day limit will be paid his or her prize in twenty-six annual installment payments. The initial payment shall be paid in accordance with the internal validation procedures and settlement procedures established by the multistate agreement and the Washington state lottery. The subsequent twenty-five payments shall be paid annually to coincide with the month of the federal auction date at which the bonds were purchased. All such payments shall be made within seven days of the anniversary of the actual auction date. This date of payment of the subsequent payments is subject to the discre-

tion of the director of the Washington state lottery, acting in the best interest of the lottery.

(4) In the event multiple Mega Millions panels match all five of the five Mega Millions winning numbers for Field 1 and the one Mega Millions winning number for Field 2, and the annuitized Mega Millions jackpot prize divided by the number of winning game panels is less than \$1,000,000, each Mega Millions jackpot prize winner shall be paid an amount equal to the "cash equivalent grand/jackpot prize," as defined by the multistate agreement, divided equally by the number of jackpot prize winners. Each such jackpot prize winner will be paid in a single cash payment.

NEW SECTION**WAC 315-38-100 Second through ninth level prizes.**

(1) Mega Millions panels matching five of the five Mega Millions winning numbers drawn for Field 1, but not matching the Mega Millions winning number drawn for Field 2 shall be entitled to receive a second prize of \$175,000 subject to subsection (5) of this section.

(2) Mega Millions panels matching four of the five Mega Millions winning numbers drawn for Field 1 and the Mega Millions winning number drawn for Field 2 shall be entitled to receive a third prize of \$5,000 subject to subsection (5) of this section.

(3) Mega Millions panels matching four of the five Mega Millions winning numbers drawn for Field 1 but not matching the Mega Millions winning number drawn for Field 2 shall be entitled to receive a fourth prize of \$150 subject to subsection (5) of this section.

(4) Mega Millions panels matching three of the five Mega Millions winning numbers drawn for Field 1 and the Mega Millions winning number drawn for Field 2 shall be entitled to receive a fifth prize of \$150 subject to subsection (5) of this section.

(5) Should total prize liability, exclusive of jackpot prize rollover from previous drawings, exceed three hundred percent of draw sales or fifty percent of draw sales plus \$50,000,000, whichever is less, (both hereinafter referred to as the "liability cap"), the second through fifth prizes shall be paid on a parimutuel rather than set prize basis, provided, however, that in no event shall the parimutuel prize be greater than the set prize. The amount to be used for the allocation of such parimutuel prizes shall be the liability cap less the amount paid for the jackpot prize and prize levels six through nine.

(6) Mega Millions panels matching two of the five Mega Millions winning numbers drawn for Field 1 and matching the Mega Millions winning number drawn for Field 2 shall be entitled to receive a sixth prize of \$10.

(7) Mega Millions panels matching three of the five Mega Millions winning numbers drawn for Field 1 but not the Mega Millions winning number drawn for Field 2 shall be entitled to receive a seventh prize of \$7.

(8) Mega Millions panels matching one of the five Mega Millions winning numbers drawn for Field 1 and the Mega Millions winning number drawn for Field 2 shall be entitled to receive an eighth prize of \$3.

(9) Mega Millions panels matching no numbers of the five Mega Millions winning numbers drawn for Field 1 but matching the Mega Millions winning number drawn for Field 2 shall be entitled to receive a ninth prize of \$2.

(10) Each Mega Millions second through ninth prize shall be paid in one payment.

NEW SECTION

WAC 315-38-110 Single prize. In a single drawing, a claimant may win in only one prize category per single Mega Millions panel in connection with Mega Millions winning numbers and shall be entitled only to the highest prize.

NEW SECTION

WAC 315-38-120 Parimutuel prize calculation. For purpose of prize calculation with respect to any Mega Millions parimutuel prize, the calculation shall be rounded down so that prizes shall be paid in multiples of one dollar.

NEW SECTION

WAC 315-38-130 Annuitized jackpot prize calculation. The jackpot prize shall be set in accordance with the rules and procedures established by the multistate agreement.

NEW SECTION

WAC 315-38-140 Promotional prizes. The number of prize categories and the allocation of the prize fund among the prize categories may be changed at the discretion of the directors, for promotional purposes. Such change shall be announced by public notice.

NEW SECTION

WAC 315-38-150 Ticket responsibility. (1) A winning official Mega Millions ticket is a bearer instrument and is deemed to be owned by the person or entity named on the ticket or, in the case of a ticket not completed with name, the ticket is deemed to be owned by the claimant.

(2) The Washington state lottery shall not be responsible for lost or stolen official Mega Millions tickets, unless otherwise provided in the laws and regulations governing the lottery.

(3) The purchaser of an official Mega Millions ticket has the sole responsibility for verifying the accuracy and condition of the data printed on the ticket at the time of purchase.

(4) The Washington state lottery shall not be responsible to the claimant for official Mega Millions tickets redeemed in error by a Mega Millions agent or retailer.

(5) Winners are determined by the numbers drawn and not the numbers reported. The party lotteries shall not be responsible for Mega Millions winning numbers reported in error.

NEW SECTION

WAC 315-38-160 Ticket validation requirements. In order to be deemed a valid, winning, official Mega Millions ticket, all of the following conditions must be met:

(1) The ticket must meet the requirements of WAC 315-30-050 and the requirements of the multistate agreement.

(2) In submitting an official Mega Millions ticket for validation, the claimant agrees to abide by applicable laws, all rules and regulations, instructions, conditions, and final decision of the director of the Washington state lottery, or other party lottery, which issued the ticket.

(3) To be a valid ticket, the ticket data must have been recorded on the central computer system prior to the drawing and the ticket data must match this computer record in every respect. In the event of a contradiction between information as printed on the ticket and as accepted by the party lottery computer, the wager accepted by the party lottery computer shall be the valid wager.

(4) There must not be any other breach of rules in relation to the ticket which, in the opinion of the director of the party lottery which issued the ticket, justifies disqualification.

(5) The ticket must be submitted to the party lottery which issued it, and only that party lottery which issued the ticket may pay the prize.

NEW SECTION

WAC 315-38-170 Validations. An official Mega Millions ticket submitted for validation that fails any of the preceding validation conditions shall be considered void, subject to the following determinations:

(1) In all cases of doubt, the determination of the director of the party lottery which sold the official Mega Millions ticket shall be final and binding; however, the director may, at his/her option, replace an invalid ticket with an official Mega Millions ticket of equivalent sales price;

(2) In the event a defective ticket is purchased or in the event the director determines to adjust an error, the sole and exclusive remedy shall be the replacement of such defective or erroneous ticket(s) with an official Mega Millions ticket of equivalent sales price;

(3) In the event an official Mega Millions ticket is not paid by the Washington state lottery and a dispute occurs as to whether the ticket is a winning ticket, the Washington state lottery may, at its option, replace the ticket as provided in WAC 315-06-120(17).

NEW SECTION

WAC 315-38-180 Procedures for claiming and payment of prizes. (1) Prizes shall be redeemed or claimed only in the state where the official Mega Millions ticket was purchased and only through Mega Millions agents or retailers or other authorized claim centers, effective upon determination of prize payouts.

(2) A Mega Millions prize claimed in Washington state must be claimed no later than one hundred eighty days after the Mega Millions drawing for which the ticket was purchased. Pursuant to WAC 315-02-230 a "claim" means the

actual physical receipt of a ticket and claim form if necessary under these rules, by a location authorized to pay the prize sought. Placement of the ticket, and claim form, if necessary, in the United States mail or another mail service does not constitute receipt.

(3) Claimants of a winning official Mega Millions ticket must comply with the prize claim requirements of the party lottery which issued the winning ticket.

(4) In the event that a single official Mega Millions ticket contains two or more winning game panels, the cumulative prize amount shall be claimed or redeemed in accordance with the specified prize payment limits for the party lottery which issued the winning ticket.

(5) Federal withholding taxes, and any other applicable taxes, shall be withheld from Mega Millions prizes in such amounts as may be required by law.

(6) Mega Millions prizes shall not be paid to any persons prohibited from playing Mega Millions in a particular party lottery state by Mega Millions rules or by the governing law or rules of that party lottery or any contract executed by that party lottery.

(7) The name and city or other location of the winner of a jackpot prize, or second prize, will be disclosed in a news conference or in a news release and the winner may be requested to participate in a news conference.

(8) If the winner claims a Mega Millions jackpot or second prize as a legal entity pursuant to WAC 315-06-120, the entity shall provide the name of a natural person who is a principal of the legal entity. This natural person shall be available for appearance at any news conference regarding the prize and shall be featured in any lottery's news releases.

NEW SECTION

WAC 315-38-190 Unclaimed prize money. For winning official Mega Millions tickets for which no claim or redemption is made within the specified claim period for each respective party lottery, the corresponding prize moneys shall be returned to the other party lotteries in accordance with procedures for the reconciliation of prize liability pursuant to the multistate agreement and as may be agreed from time to time by the directors of the party lotteries.

NEW SECTION

WAC 315-38-200 Governing law. (1) In purchasing a ticket issued for Mega Millions, the purchaser agrees to comply with and be bound by all applicable statutes, administrative rules and regulations, and procedures of the individual state in which the ticket is issued, and by directives and determinations of the director of that state's lottery. The purchaser agrees, as its sole and exclusive remedy, that claims arising out of this ticket can be pursued only against the state of ticket purchase. Litigation, if any, shall only be maintained against the party lottery of the state of ticket purchase and within the state of ticket purchase.

(2) In the event of conflict between the multistate agreement and the statutes, rules or regulations of any party lottery, the party lottery's statutes, rules, and regulations shall control.

(3) All decisions made by the directors of the party lotteries, including the declaration of prizes and the payment thereof and the interpretation of Mega Millions rules, shall be final and binding on all purchasers and on every person making a claim in respect thereof.

WSR 02-12-081
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed June 4, 2002, 12:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-22-060.

Title of Rule: Chapter 308-420 WAC, Camping resorts—Contracts—Resale, etc., amending WAC 308-420-240 Fees and charges.

Purpose: The department has reviewed the rule noted and recommends amending with new fees for the purpose of having a sufficient level of revenue to defray the costs of administering the program.

Statutory Authority for Adoption: RCW 19.105.411 and 43.24.086.

Statute Being Implemented: RCW 19.105.411.

Summary: Amend WAC 308-420-240 for licensing and renewal fees.

Reasons Supporting Proposal: Amending the rule with a fee increase will ensure that there is a sufficient level of revenue to defray program administration costs as required under RCW 43.24.086.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randy Renfrow, 405 Black Lake Boulevard, Building 2, Olympia, WA 98502, (360) 664-6646.

Name of Proponent: Department of Licensing, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Fees to become effective on January 1, 2003.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amends one rule increasing the initial and renewal fees for camping resorts and camping resort salespersons. New fees should allow the department sufficient revenue in order to maintain the costs associated with the administration of the program.

Proposal Changes the Following Existing Rules: Amended rule will allow for additional revenue collection in order to off set program administration fees required according to RCW 43.24.086.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 43.24.086 requires that regulatory programs raise sufficient revenue to be self-supporting. Pursuant to ESSB 6153 (2001-2003 operating budget), the Department of Licensing may increase fees in excess of the fiscal growth factor (RCW 43.135.055) dur-

ing the 2001-2003 biennium, if necessary, to fully fund the costs of the licensing program.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Licensing, 405 Black Lake Boulevard, Building 2, Conference Room 1, Olympia, WA 98502, on July 18, 2002, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Jim Hood by July 17, 2002, TDD (360) 586-2788, or (360) 664-6646.

Submit Written Comments to: Randy Renfrow, Camping Resort Section, P.O. Box 9026, Olympia, WA 98507-9026, fax (360) 570-4956, by July 17, 2002.

Date of Intended Adoption: July 22, 2002.

June 4, 2002

Alan E. Rathbun
Assistant Director

AMENDATORY SECTION (Amending WSR 98-18-082, filed 9/1/98, effective 10/2/98)

WAC 308-420-240 Fees and charges. The following fees shall be paid under the provisions of chapter 19.105 RCW:

~~((1) **Registration fees:** Applicants filing an original registration shall pay a basic fee of \$3,120.00 for one camping resort. For each additional camping resort in this state a fee of \$520.00 shall be paid.~~

~~(2) **Contract fees:** In addition to the registration fees, registrants shall pay fees for each grouping of contracts in the registration as provided in the following schedule:~~

~~(a) One to five hundred contracts—\$500.00.~~

~~(b) Each additional 500 contracts, or fraction thereof \$100.00 shall be paid.~~

~~(3) **Renewal fees:** Each application for an annual renewal shall be accompanied by a fee of \$1,040.00 for one resort plus \$365.00 for each additional resort in this state, plus the prescribed contract fees in subsection (2) of this section for each grouping of contracts authorized for sale during the registration period. A late fee of eight hundred dollars shall be assessed.~~

~~(4) **Fees for amending registration and public offering statements:**~~

~~(a) For each amendment of registration or the public offering statement, pursuant to RCW 19.105.420, not requiring an examination of documentation for adding campgrounds or additional contracts to the registration, a fee of fifty dollars shall be paid.~~

~~(b) Amendment for the establishment of an additional campground into the registration, for which an examination of documentation is required exclusive of any other fees owed under this rule, a fee of one thousand five hundred dollars shall be paid. A penalty fee of one hundred dollars shall be assessed and paid for failure to file an amendment within 30 days of the occurrence of a material change as defined in WAC 308-420-030 or 308-420-040.~~

~~(5) **Fees for impounds, escrows, trusts and depositories:** For each impound, escrow, trust, or other arrangement requiring agency monitoring for purposes of satisfying the provisions of RCW 19.105.340 and 19.105.350, the initial fee~~

~~for establishing the impound, escrow, trust or other arrangement shall be two hundred fifty dollars and the fee for each required periodic report shall be twenty dollars.~~

~~(6) **Fees and advertisement filings:**~~

~~(a) For each individual advertisement filed with the department, there shall be a fee of fifty dollars paid at the time of the initial submission of the advertisement to the department. Should a registrant fail to submit a required filing of an advertisement or advertisements in a timely manner, the fifty dollar fee for each advertisement shall be collected from the registrant, even if the advertisement or advertisements at issue are no longer in use or being disseminated.~~

~~(b) Registrants or applicant submitting an advertisement or advertisements involving no examination of campground instruments and which are for the purpose of marketing surveys or feasibility studies shall pay a fee of seventy five dollars.~~

~~(7) **Inspection fees:** Applicants and registrants shall pay the costs of site inspections. The inspection fee shall be paid within 30 days of the inspection. The inspection fee shall be the actual cost to the agency for conducting the inspection. The inspection fees must be paid prior to the processing of a registration, a renewal of registration, or amendment seeking addition of a campground to a program.~~

~~(8) **Salesperson fees:** Applicants for registration as camping resort salespersons shall pay an initial application renewal, or transfer fee of one hundred dollars. Failure to renew a salesperson registration within 30 days after expiration shall result in termination of the registration and a new application for registration must be made. A duplicate registration fee is \$35.00.~~

~~(9) **Fees for exemptions and exemption applications:** For a review of an application for exemption under RCW 19.105.320(2), the applicant shall submit a fee of one hundred fifty dollars. If the exemption request is denied, the registrant shall be given credit for the one hundred fifty dollars fee submitted toward the registration fee under subsection (1) of this section.~~

~~(10) All fees are nonrefundable after the application has been received.~~

~~(11) All fees shall be paid to the order of the Washington state treasurer.))~~

	<u>TITLE OF FEE</u>	<u>FEE</u>
(1)	<u>Original registration:</u>	
	<u>One camping resort</u>	<u>\$3,200.00</u>
	<u>Each additional camping resort in this state</u>	<u>1,000.00</u>
(2)	<u>Contract fees:</u>	
	<u>One to five hundred contracts</u>	<u>500.00</u>
	<u>Each additional five hundred contracts, or fraction thereof</u>	<u>100.00</u>
(3)	<u>Renewal fees:</u>	
	<u>Annual renewal</u>	<u>2,000.00</u>
	<u>Each additional camping resort in this state</u>	<u>800.00</u>

PROPOSED

<u>Contract fees as described in subsection (2) of this section for each grouping of contracts:</u>	
<u>One to five hundred contracts</u>	<u>500.00</u>
<u>Each additional five hundred contracts, or fraction thereof</u>	<u>100.00</u>
<u>Late renewal penalty</u>	<u>800.00</u>

(4) Fees for amending registration and public offering statements:

<u>For each amendment of registration or the public offering statement, not requiring an examination of documentation for adding campground or additional contracts to registration</u>	<u>50.00</u>
<u>Amendment for the establishment of an additional campground into the registration for which an examination of documents is required exclusive of any other fees</u>	<u>1,500.00</u>
<u>Penalty fee for failure to file an amendment within thirty days of the occurrence of a material change as defined in WAC 308-420-030 or 308-420-040</u>	<u>100.00</u>

(5) Fees for impounds, escrows, trust and depositories:

<u>For each initial establishment of impound, escrow, trust or other arrangement requiring agency monitoring</u>	<u>250.00</u>
<u>Each required periodic report</u>	<u>20.00</u>

(6) Advertising filings:

<u>Each individual advertisement filed with the department</u>	<u>100.00</u>
<u>Advertisement involving no examination of campground instruments and which are for the purpose of marketing surveys or feasibility studies</u>	<u>75.00</u>

(7) Salesperson fees:

<u>Registration</u>	<u>150.00</u>
<u>Renewal</u>	<u>150.00</u>
<u>Transfer</u>	<u>150.00</u>
<u>Duplicate license</u>	<u>35.00</u>

(8) Fees for exemptions and exemption applications:

<u>Review of application for exemption under RCW 19.105.320(2)</u>	<u>150.00</u>
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- (9) All fees are nonrefundable after the application has been received.
- (10) All fees shall be paid to the order of the Washington state treasurer.

WSR 02-12-082
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed June 4, 2002, 12:06 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-22-059.

Title of Rule: Chapter 308-127 WAC, Timeshare, amending WAC 308-127-160 Fees.

Purpose: The department has reviewed the rule noted and recommends amending with new fee levels which will still allow for a sufficient level of revenue to defray the costs of administering the program.

Statutory Authority for Adoption: RCW 64.36.081 and 43.24.086.

Statute Being Implemented: RCW 64.36.081.

Summary: Amend WAC 308-127-160 for a reduction in licensing and renewal fees.

Reasons Supporting Proposal: Amending the rule with a fee decrease will still ensure that there is a sufficient level of revenue to defray program administration costs as required under RCW 43.24.086.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randy Renfrow, 405 Black Lake Boulevard, Building 2, Olympia, WA 98502, (360) 664-6632.

Name of Proponent: Department of Licensing, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Fees to become effective on January 1, 2003.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amends one rule reducing the initial and renewal fees for timeshare companies and timeshare salespersons. New reduced fees will still allow the department sufficient revenue in order to maintain the costs associated with the administration of the program.

Proposal Changes the Following Existing Rules: Amended rule will allow for a reduction in revenue collection used to off set program administration fees required according to RCW 43.24.086.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 43.24.086 requires that regulatory program raise sufficient revenue to be self-supporting. The current level of revenue collection warrants a reduction in fees and still maintains the level of revenue required administratively to operate the program.

RCW 34.05.328 does not apply to this rule adoption.

PROPOSED

Hearing Location: Department of Licensing, 405 Black Lake Boulevard, Building 2, Conference Room 1, Olympia, WA 98502, on July 17, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Hood by July 16, 2002, TDD (360) 586-2788, or (360) 664-6632.

Submit Written Comments to: Randy Renfrow, Timeshare Section, P.O. Box 9026, Olympia, WA 98507-9026, fax (360) 570-4956, by July 16, 2002.

Date of Intended Adoption: July 22, 2002.

June 4, 2002

Alan E. Rathbun
Assistant Director

AMENDATORY SECTION (Amending WSR 90-07-023, filed 3/14/90, effective 4/14/90)

WAC 308-127-160 Fees. The following fees shall be charged under the authority of RCW 64.36.081 and 43.24.086:

(1) Registration application fees:	
Start-up timeshare program including one project.	((\$2500.00) <u>\$1500.00</u>
Each additional project in program.	((1000.00) <u>500.00</u>
Each apartment unit in program.	(((150.00)) <u>50.00</u>
The first unit of personal property in the timeshare program.	1000.00
Each additional unit of personal property in the timeshare program.	100.00
Businesses of listing or brokering resale intervals.	500.00
(2) Interval Fees:	
For each interval through one thousand.	1.00
Intervals beyond one thousand.	0.00
Each monthly filing of listings of resale intervals (in lieu of interval fees for resale intervals).	10.00
(3) Renewal fees:	
Timeshare program including one project.	(((2000.00)) <u>1000.00</u>
Late renewal fee for timeshare program.	(((2500.00)) <u>2000.00</u>
Each additional project to a maximum of five projects.	(((500.00)) <u>350.00</u>
Each apartment unit - to maximum of twenty-five apartment units.	(((100.00)) <u>50.00</u>

(4) Consolidation fees:	
Each additional project added.	(((1000.00)) <u>500.00</u>
Each additional apartment unit.	(((150.00)) <u>50.00</u>
The first additional unit of personal property being consolidated.	500.00
Each additional unit of personal property added in one consolidation.	100.00
(5) Exemption fees:	
Programs consisting of a single apartment unit in a single project with fifty-two or fewer intervals.	250.00
All other types of programs.	1000.00
(6) Impound fees:	
Initial establishment of an impound, escrow, trust, or other arrangement requiring a depository.	500.00
Each required periodic report.	50.00
(7) Advertising fees:	
Each initial submission of advertisement whether or not submitted in a timely manner, and whether or not in use at the time of payment.	100.00
Examination of advertisement which are for the purpose of marketing surveys and not involving an examination of project or program instruments.	150.00
(8) Fees for persons in the business of offering commercial promotional programs:	
Registration of individual.	500.00
(9) Salespersons fees:	
Registration.	(((150.00)) <u>50.00</u>
Renewal.	(((75.00)) <u>50.00</u>
Transfer.	(((75.00)) <u>50.00</u>
Duplicate license.	25.00
(10) Fees for amendment of registration:	
For a timely submission of an amendment filing.	50.00
Penalty fee for failure to file an amendment within twenty days of the occurrence of a materially adverse change.	500.00

PROPOSED

(11) Inspection fees:

Applicants and registrants shall pay the cost of inspections conducted pursuant to chapter 64.36 RCW. The inspection fees shall be paid prior to the granting of a registration or consolidation. The inspection fee shall be the actual cost to the department for conducting of the inspection.

WSR 02-12-092
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed June 4, 2002, 2:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-03-093.

Title of Rule: Chapter 388-530 WAC, Pharmacy services, amending WAC 388-530-1000, 388-530-1050, 388-530-1100, 388-530-1125, 388-530-1150, 388-530-1200, 388-530-1250, 388-530-1300, 388-530-1350, 388-530-1400, 388-530-1410, 388-530-1425, 388-530-1450, 388-530-1500, 388-530-1550, 388-530-1600, 388-530-1625, 388-530-1650, 388-530-1700, 388-530-1750, 388-530-1800, 388-530-1850, 388-530-1900, 388-530-1950, 388-530-2050; and new sections WAC 388-530-1360, 388-530-1380, and 388-530-1405.

Purpose: MAA is revising this chapter of rules to ensure consistency with program policy; to add reimbursement methodology needed to obtain necessary rate-setting data; to add language to comply with new federal requirements regarding billing units; to make department reimbursement policy consistent with other healthcare payers, and; to clarify regulatory language.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050 and 42 C.F.R. Subpart K, subsection 162.1102.

Statute Being Implemented: RCW 74.08.090, 74.04.050 and 42 C.F.R. Subpart K, subsection 162.1102.

Summary: See Purpose above.

Reasons Supporting Proposal: The proposed rule changes simplify and clarify program administration and they add no administrative burden or costs on those who must comply. See Small Business Economic Impact Statement below.

Name of Agency Personnel Responsible for Drafting: L. Mike Freeman, Rules and Publications, P.O. Box 45533, Olympia, WA, (360) 725-1350; Implementation and Enforcement: Ayuni Haute-Wimpee, Program Manager, P.O. Box 45510, Olympia, WA, (360) 725-1835.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: MAA is revising this chapter of rules to ensure consistency with program policy; to add reimbursement method-

ology needed to obtain necessary rate-setting data; to add language to comply with new federal requirements regarding billing units; to make department reimbursement policy consistent with other healthcare payers, and; to clarify regulatory language. The proposed rules will allow MAA to implement long-standing rate policies more effectively, eliminate certain identified areas of confusion and eliminate dispensing fees for supply items consistent with the policies of other healthcare payers.

Proposal Changes the Following Existing Rules: See Purpose above.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

The Medical Assistance Administration (MAA) is proposing to amend chapter 388-530 WAC, Pharmacy services. The primary purpose of this WAC revision is to incorporate language that would allow MAA flexibility in establishing reimbursement methods for pharmacy services. A secondary purpose is to establish new policies or change some of the existing provisions to make them consistent with the goals of MAA's utilization and cost containment initiatives (UCCI).

Other proposed changes are intended to make the rules more understandable to readers.

BACKGROUND: The prescription drug benefit is the most widely used benefit in the medical assistance program. An average of 170,000 medical assistance clients a month use this benefit under fee-for-service. (Clients in capitated programs obtain most of their drug benefit through their managed care plans.) The prescription drug program costs approximately \$500 million per year.

There is a great interest on the part of legislators and state executives to ensure that the program is efficient and cost-effective.

In the summer of 2001 MAA set out to revise chapter 388-530 WAC, with the goal of streamlining and clarifying program policies and procedures. At about the same time, the federal Office of Inspector General (OIG) published a preliminary report of its audit findings, based on an audit conducted in eight states, indicating that pharmacists' acquisition costs for drugs were well below states' estimates of acquisition costs. Thus, pharmacists were getting reimbursed for ingredient costs at levels higher than they should. The OIG report recommended that state Medicaid agencies consider these findings in setting prescription drug reimbursement levels.

In response to a major budget shortfall, the governor presented to the 2002 legislature a budget proposal incorporating the OIG recommendation regarding payment levels for drugs. While the legislature did not adopt the full reduction proposed by the governor, it did assume certain savings regarding the drug program. These program savings were to be generated by an increased discount from average wholesale price (AWP) for drug ingredient costs, and were in addition to expected savings from other mandated cost savings initiatives. Although the actual reimbursement levels (percentage discounts from AWP) are not specified in the WAC, the proposed changes are intended to give MAA flexibility to

implement various strategies to attain the savings level assumed in the budget.

SUMMARY OF PROPOSED RULES: As stated, the primary changes being proposed relate to reimbursement issues. These include:

- Allowing MAA to include other reimbursement methods in the pricing algorithm for prescription drug services, and using pricing information sources other than in-state wholesalers. Alternative information sources for rate development purposes include survey and/or audit findings, pharmacy benefit managers (PBM), actuaries, other state agencies, and individual providers.
- Increasing MAA's flexibility in establishing the Maximum Allowable Cost (MAC) for multisource drugs. Language exempting unit dose National Drug Codes (NDC) from inclusion in the MAC pricing algorithm is being eliminated.
- Establishing a separate section for the automated maximum allowable cost (AMAC) program. (See new WAC 388-530-1405.) This allows MAA to make a distinction between the methods employed in setting rates under MAC and AMAC.
- Treating hospital-based pharmacies that serve both inpatient and outpatient clients as high-volume pharmacies. Currently, the drugs provided by hospital-based pharmacies to inpatients are excluded from the total number of prescriptions used in determining a hospital-based pharmacy's dispensing fee tier.
- Adding a new section on certified average wholesale prices (CAWP) to address MAA reimbursement for selected infusion, injectable, and inhalation drugs from a handful of manufacturers/labelers who signed an agreement with the Department of Justice to report "accurate" wholesale prices for these products.
- Clarifying coverage policies for unit dose systems and compounded prescriptions. Payment of "preparation fees" for compounded prescriptions is being eliminated, consistent with other third party payers' payment policies (preparation fees not separately reimbursed).
- Adding language allowing pharmacy providers to bill MAA for selected drug-related supplies using the point-of-sale (POS) system. Language is also added to the effect that pharmacists are not entitled to a dispensing fee for dispensing nondrug items and supplies.
- Adding language requiring providers to bill MAA using metric decimal quantities in accordance with the National Council for Prescription Drug Program (NCPDP) standards.

In addition, there are proposed changes to the definitions section, and a proposed limit on the number of fills per month that a client may have of the same compounded drug without requiring prior authorization.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT: Chapter 19.85 RCW, the Regulatory Fairness Act, requires that the economic impact of proposed regulations be analyzed in relation to small businesses. A small business economic impact statement (SBEIS) is required when a proposed rule has the potential of placing more than a minor economic impact on small businesses.

There were 1,493 pharmacy providers participating in the medical assistance program in April 2002. The majority of these providers meet the definition of a small business (for profit, and has fifty or fewer employees) under RCW 19.85-020(1).

Because MAA's Drug Program reimbursement levels apply to all pharmacy providers participating in the medical assistance program, all participating pharmacy providers are affected by one or more of the changes MAA is proposing. Since MAA applies the same pricing algorithm to all drug claims, the proposed changes will not have a disproportionate impact on small businesses (pharmacies).

COST OF COMPLIANCE BY PROVIDERS: MAA believes there are no additional administrative costs imposed on providers by adoption of the proposed rules.

All payment system-related changes necessary to implement MAA's proposals, involving both new rules and modifications to existing rules, are being made by MAA. Although some of the proposed changes to MAA's reimbursement methods could result in a substantial reduction in MAA's payment to pharmacy providers, there are no new reporting requirements or procedural changes being made with respect to how providers conduct business with MAA. Providers are not expected to incur additional administrative costs if MAA's proposed changes are adopted.

Some MAA policies are being stated in rule for the first time, but have been in effect or published in the billing instructions for a considerable period of time.

MITIGATION: MAA has kept representatives of stakeholder groups informed of the proposed changes. Draft copies of the proposed rule changes were mailed to the Washington State Pharmacy Association (WSPA) and others for review and comment early this year, prior to review by the general public.

MAA is working with the Washington Community Pharmacy Coalition to develop and implement strategies that will help mitigate the effects of the proposed reimbursement changes on providers. The coalition comprises of WSPA, the National Association of Chain Drug Stores (NACDS), Washington Retail Association (WRA), and the long-term care alliance. The mitigation will take the form of either delayed implementation of the proposed reimbursement reductions, or implementation of a smaller reduction than that assumed in the budget, provided clearly identifiable and supportable savings are obtained through other strategies to offset the mitigating option(s).

MAA is doing several things to help pharmacy providers deal with the proposed cuts:

- MAA is doing the system changes necessary, such as programming changes, to implement the proposed reductions. There is no need for individual providers to reprogram their systems, unless they choose to do so for their own reasons.
- MAA is trying to make it easier for pharmacy providers to bill for drug-related supplies through the point-of-sale (POS) system. POS billing helps facilitate faster claims payment.
- Providers are being informed that they have latitude in deciding whether to continue participation in the medi-

cal assistance program. Providers can opt out anytime before, during, or after implementation of the proposed cuts.

CONCLUSION: MAA has given careful consideration to the impact of proposed rules in chapter 388-530 WAC, Pharmacy services. In accordance with the Regulatory Fairness Act, chapter 19.85 RCW, MAA has analyzed impacts on small businesses and concluded that there are no additional administrative costs imposed by the proposed rules. MAA is working with the Washington Community Pharmacy Coalition to mitigate the effects of anticipated reductions in MAA's prescription drug reimbursement.

Other rule changes improve readability and increase understanding of the program.

A copy of the statement may be obtained by writing to Ayuni Haute-Wimpee, Pharmacy Reimbursement Program Manager, P.O. Box 45510, Olympia, WA 98504-5510, phone (360) 725-1835, fax (360) 753-9152.

RCW 34.05.328 applies to this rule adoption. The proposed rules meet the definition of a significant legislative rule. However, the new rules impose no additional significant costs to businesses or local governments. A cost-benefit analysis was completed and is available on request from the persons listed in Name of Agency Personnel above.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on July 9, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by July 5, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaa@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaa@dshs.wa.gov by 5:00 p.m., July 9, 2002.

Date of Intended Adoption: Not before July 10, 2002.

June 3, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-01-028, filed 12/7/00, effective 1/7/01)

WAC 388-530-1000 The medical assistance administration (MAA) drug program. (1) The medical assistance administration (MAA) reimburses providers for prescription drugs and pharmaceutical supplies according to department rules and subject to the exceptions and restrictions listed in this chapter.

(2) MAA reimburses only pharmacies that:

(a) Are MAA-enrolled providers; and

(b) Meet the general requirements for providers described under WAC 388-502-0020.

(3) To be both covered and reimbursed under this chapter, prescription drugs must be:

(a) Medically necessary as defined in WAC 388-500-0005;

(b) Within the scope of coverage of an eligible client's medical assistance program. Refer to chapter 388-529 WAC for scope of coverage information;

(c) For a medically accepted indication appropriate to the client's condition;

(d) Billed according to the conditions under WAC 388-502-0150 and 388-502-0160; and

~~((e) Within the scope of an eligible client's medical care program. Refer to chapter 388-529 WAC.))~~ (e) Billed according to the conditions and requirements of this chapter.

(4) Acceptance and filling of a prescription for a client eligible for a medical care program constitutes acceptance of MAA's rules and fees. See WAC 388-502-0100 for general conditions of payment.

AMENDATORY SECTION (Amending WSR 01-24-066, filed 11/30/01, effective 1/2/02)

WAC 388-530-1050 Definitions. The following definitions and abbreviations and those found in WAC 388-500-0005, Medical definitions, apply to this chapter.

"Active ingredient" means the chemical component of a drug responsible for a drug's prescribed/intended therapeutic effect. The medical assistance administration (MAA) limits coverage of active ingredients to those with a national drug code (NDC) and those specifically authorized by MAA.

"Actual acquisition cost (AAC)" means the actual price a provider paid for a drug marketed in the package size of drug purchased, or sold by a particular manufacturer or labeler. Actual acquisition cost is calculated based on factors including, but not limited to:

(1) Invoice price, including other invoice-based considerations, such as prompt payment discounts;

(2) Order quantity and periodic purchase volume discount policies of suppliers (wholesalers and/or manufacturers);

(3) Membership/participation in purchasing cooperatives;

(4) Advertising and other promotion/display allowances, free merchandise deals; and

(5) Transportation or freight allowances.

"Administer" means the direct application of a prescription drug by injection, inhalation, ingestion, or any other means, to the body of a patient by a practitioner, or at the direction of the practitioner.

"Automated maximum allowable cost (AMAC)" means the rate established by the medical assistance administration (MAA) for ((a)) a multiple-source drug((s)) that is not on the maximum allowable cost (MAC) list and that is designated by ((three)) two or more products at least one of which must be under a federal drug rebate contract ((and which are not on the maximum allowable cost (MAC) list)).

"Average wholesale price (AWP)" means the average price of a drug product that is calculated from ((wholesalers)) wholesale prices nationwide at a point in time and reported to the medical assistance administration (MAA) by MAA's drug pricing file contractor.

"Certified average wholesale price (CAWP)" means the price certified by the First Data Bank to be the actual

average wholesale price of an infusion, injectable, or inhalation drug marketed by a manufacturer or labeler who is subject to a consent order with the United States Department of Justice regarding the reporting of average wholesale price(s).

"**Compendia of drug information**" includes the following:

- (1) The American Hospital Formulary Service Drug Information;
- (2) The United States Pharmacopeia Drug Information; and
- (3) DRUGDEX Information System.

"**Compounding**" means the act of combining two or more active ingredients or adjusting therapeutic strengths in the preparation of a prescription.

"**Contract drugs**" means drugs manufactured or distributed by manufacturers/labelers who signed a drug rebate agreement with the federal Department of Health and Human Services (DHHS).

"**Deliver or delivery**" means the transfer of a drug or device from one person to another.

~~("Department" means the department of social and health services (DSHS).)~~

"**Dispense as written (DAW)**" means an instruction to the pharmacist forbidding substitution of a generic drug or a therapeutically equivalent product for the specific drug product prescribed.

"**Dispensing fee**" means the fee the medical assistance administration (MAA) sets to reimburse pharmacy providers ((in addition to ingredient costs,)) for dispensing MAA covered prescriptions. The fee is MAA's maximum reimbursement for expenses ((that include but are not limited to, information provided to the client as required by state laws and federal regulations, compounding time, and overhead expenses incurred in filling medical assistance prescriptions)) involved in the practice of pharmacy and is in addition to MAA's payment for the costs of covered ingredients.

"**Drug Evaluation Unit (DEU)**" means a unit or group designated by the medical assistance administration (MAA) that makes drug coverage recommendations after studying the clinical and pharmacoeconomic attributes of drugs using the Academy of Managed Care Pharmacy drug review submission process. The DEU has physician and pharmacist staff and an advisory committee of actively practicing physicians and pharmacists.

"**Drug file**" means a list of drug(s) products, pricing and other information provided to the medical assistance administration's (MAA's) drug data base and maintained by a drug file contractor.

"**Drug file contractor**" also referred to as "**drug pricing file contractor**," means the entity which has contracted to provide the medical assistance administration (MAA), at specified intervals, the latest information and/or data base on drugs and related supplies produced, prepared, processed, packaged, labeled, distributed, marketed, or sold in the marketplace. Contractor-provided information includes, but is not limited to, identifying characteristics of the drug (national drug code, drug name, manufacturer/labeler, dosage form,

and strength) for the purpose of identifying and facilitating payment for drugs billed to MAA.

"**Drug rebates**" means payments provided by pharmaceutical manufacturers to state Medicaid programs under the terms of the manufacturers' agreements with the Department of Health and Human Services.

"**Drug-related supplies**" means ~~((nonpharmaceutical))~~ nondrug items necessary for the administration ((of)), delivery, or monitoring of a drug or drug regimen.

"**Drug utilization review (DUR)**" means a ~~((quality))~~ review ((for)) of covered outpatient drugs that assures prescriptions are appropriate, medically necessary, and not likely to result in adverse medical outcomes.

"**Emergency kit**" means a set of limited pharmaceuticals furnished to a nursing facility by the pharmacy that provides prescription dispensing services to that facility. Each kit is specifically set up to meet the emergency needs of ~~((an individual))~~ each nursing facility's client population and is for use during those hours when pharmacy services are unavailable.

"**Estimated acquisition cost (EAC)**" means ~~((MAA's))~~ the medical assistance administration's estimate of the price providers generally and currently pay for a drug marketed or sold by a particular manufacturer or labeler.

"**Expedited prior authorization (EPA)**" means the process for authorizing selected drugs in which providers use a set of numeric codes to indicate to the medical assistance administration (MAA) the acceptable indications((f)), conditions((f)), diagnoses((f)), and criteria that are applicable to a particular request for drug authorization.

"**Experimental drugs**" means drugs the Food and Drug Administration (FDA) has not approved, or approved drugs when used for medical indications other than those listed by the FDA.

"**Expired drug**" means a drug for which the shelf life expiration date has been reached.

"**Federal upper limit (FUL)**" means the maximum allowable payment set by the ~~((Health Care Financing Administration ()))~~ Centers for Medicare and Medicaid Services (CMS) (formerly known as HCFA) for a multiple-source drug.

"**Four brand name prescriptions per calendar month limit**" means the maximum number of paid prescription claims for brand name drugs that MAA allows for each client in a calendar month without a complete review of the client's drug profile.

"**Generic code number sequence number**" means a number used by the medical assistance administration's drug file contractor to group together products that have the same ingredients, route of administration, drug strength, and dosage form. It is applied to all manufacturers and package sizes.

"**Generic drug**" means a nonproprietary drug that is required to meet the same bioequivalency tests as the original brand name drug.

"**Inactive ingredient**" means a drug component that remains chemically unchanged during compounding but serves as the:

(1) Necessary vehicle for the delivery of the therapeutic effect; or

(2) Agent for the intended method or rate of absorption for the drug's active therapeutic agent.

"**Ingredient cost**" means the portion of a prescription's cost attributable to the covered drug ingredients(~~(;)~~) or chemical components(~~(, and/or substances)~~).

"**Less than effective drug**" or "**DESI**" means a drug for which:

(1) Effective approval of the drug application has been withdrawn by the Food and Drug Administration (FDA) for safety or efficacy reasons as a result of the drug efficacy study implementation (DESI) review; or

(2) The secretary of the department of health and human services (DHHS) has issued a notice of an opportunity for a hearing under section 505(e) of the federal Food, Drug, and Cosmetic Act on a proposed order of the secretary to withdraw approval of an application for such drug under such section because the secretary has determined the drug is less than effective for some or all conditions of use prescribed, recommended, or suggested in its labeling.

"**Long-term therapy**" means (~~(treatment)~~) a drug regimen a client receives or will receive continuously through and beyond ninety days.

"**Maximum allowable cost (MAC)**" means the maximum amount that (~~(MAA will)~~) the medical assistance administration pays for a specific dosage form and strength of a multiple-source drug product.

"**Medically accepted indication**" means any (~~(indicated)~~) use for a covered outpatient drug:

(1) Which is approved under the federal Food, Drug, and Cosmetic Act; or

(2) The use of which (~~(appears in peer reviewed medical literature; or~~

~~(3) Which is accepted~~) is supported by one or more (~~(of the references listed in)~~) citations included or approved for inclusion in any of the compendia of drug information, as defined in this chapter.

"**Modified unit dose delivery system**" (also known as blister packs or "bingo/punch cards") means a method in which each patient's medication is delivered to a nursing facility:

(1) In individually sealed, single dose packages or "blisters"; and

(2) In quantities for one month's supply, unless the prescriber specifies (~~(short term)~~) a shorter period of therapy.

"**Multiple-source drug**" means a drug marketed or sold by:

(1) Two or more manufacturers or labelers; or

(2) The same manufacturer or labeler:

(a) Under two or more different proprietary names; or

(b) Under a proprietary name and a generic name.

"**National drug code (NDC)**" means the eleven-digit number the manufacturer or labeler assigns to a pharmaceutical product and attaches to the product container at the time of packaging (~~(that identifies the product's manufacturer, dose form and strength, and)~~). The NDC is composed of digits in 5-4-2 groupings. The first five digits comprise the labeler code assigned to the manufacturer by the Food and

Drug Administration (FDA). The second grouping of four digits is assigned by the manufacturer to describe the ingredients, dose form, and strength. The last grouping of two digits describes the package size.

"**Noncontract drugs**" are drugs manufactured or distributed by manufacturers/labelers who have not signed a drug rebate agreement with the federal Department of Health and Human Services.

(~~("Nonprescription drugs" means drugs that may be lawfully sold without a prescription.)~~)

"**Obsolete NDC**" means a national drug code replaced or discontinued by the manufacturer or labeler.

"**Over-the-counter (OTC) drugs**" means drugs that do not require a prescription before they can be sold or dispensed.

"Peer reviewed literature" means a research study, report, or findings regarding the specific use of a drug that has been submitted to one or more professional journals, reviewed by experts with appropriate credentials, and subsequently published by a reputable professional journal. A clinical drug study used as the basis for the publication must be a double blind, randomized, placebo or active control study.

"**Pharmacist**" means a person licensed in the practice of pharmacy by the state in which the prescription is filled.

(~~("Pharmacy research specialist" means a licensed pharmacist employed by MAA.)~~)

"**Pharmacy**" means every location licensed by the State Board of Pharmacy in the state where the practice of pharmacy is conducted.

"**Point-of-sale (POS)**" means a pharmacy claims processing system capable of receiving and adjudicating claims on-line.

"**Practice of pharmacy**" means the practice of and responsibility for:

(1) Accurately interpreting prescription orders;

(2) Compounding(~~(;)~~) drugs;

(3) Dispensing, labeling, administering, and distributing of drugs and devices;

(~~(3))~~ (4) Providing drug information to the client that includes, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices;

(~~(4))~~ (5) Monitoring of drug therapy and use;

(~~(5))~~ (6) Proper and safe storage of drugs and devices;

(~~(6))~~ (7) Documenting and maintaining records;

(~~(7))~~ (8) Initiating or modifying drug therapy in accordance with written guidelines or protocols previously established and approved for a pharmacist's practice by a practitioner authorized to prescribe drugs; and

(~~(8))~~ (9) Participating in drug utilization reviews and drug product selection.

"**Practitioner**" means an individual who has met the professional and legal requirements necessary to provide a health care service, such as a physician, nurse, dentist, physical therapist, pharmacist or other person authorized by state law as a practitioner.

"**Preferred drug**" means MAA's drug(s) of choice within a selected therapeutic class.

"Prescriber" means a physician, osteopathic physician/surgeon, dentist, nurse, physician assistant, optometrist, pharmacist, or other person authorized by law or rule to prescribe drugs. See WAC 246-863-100 for pharmacists' prescriptive authority.

"Prescription" means an order for drugs or devices issued by a practitioner authorized by state law or rule to prescribe drugs or devices, in the course of the practitioner's professional practice, for a legitimate medical purpose.

"Prescription drugs" means drugs required by any applicable federal or state law or regulation to be dispensed by prescription only or that are restricted to use by practitioners only.

"Prior authorization program" means a medical assistance administration (MAA) program, subject to the requirements of 42 U.S.C. 1396r-8 (d)(5), that may require, as a condition of payment, that a drug on MAA's drug file be prior authorized. See WAC 388-530-1200.

"Prospective drug utilization review (Pro-DUR)" means a process in which a request for a drug product for a particular ((patient)) client is screened, before the product is dispensed, for potential drug therapy problems.

"Reconstitution" means the process of returning a single active ingredient, previously altered for preservation and storage, to its approximate original state. Reconstitution is not compounding.

"Retrospective drug utilization review (Retro-DUR)" means the process in which ((patient)) client's drug utilization is reviewed on a periodic basis to identify patterns of fraud, abuse, gross overuse, or inappropriate or unnecessary care.

"Risk/benefit ratio" means the result of assessing the side effects of a drug or drug regimen compared to the positive therapeutic outcome of therapy.

"Single source drug" means a drug produced or distributed under an original new drug application approved by the Food and Drug Administration (FDA).

"Substitute" means to replace a prescribed drug, with the prescriber's authorization, with:

- (1) An equivalent generic drug product of the identical base or salt as the specific drug product prescribed; or
- (2) A therapeutically equivalent drug other than the identical base or salt.

"TCS" See **"therapeutic consultation service."**

~~("Terminated drug product" means a product for which the shelf life expiration date has been met, per manufacturer notification.)~~

"Terminated NDC" means a national drug code (NDC) that is discontinued by the manufacturer for any reason. The NDC may be terminated immediately due to health or safety issues or it may be phased out based on the product's shelf life.

"Therapeutic alternative" means a drug product that contains a different ((therapeutic agent)) chemical structure than the drug ((in question)) prescribed, but is in the same ((pharmacological)) pharmacologic or therapeutic class and can be expected to have a similar therapeutic effect and

adverse reaction profile when administered to patients in a therapeutically equivalent dosage.

"Therapeutic class" means a group of drugs used for the treatment, remediation, or cure of a specific disorder or disease.

"Therapeutic consultation service (TCS)" means the prescriber and ((an MAA designated)) a medical assistance administration (MAA) designated clinical pharmacist jointly review prescribing activity when drug claims for a medical assistance client exceed program limitations.

"Therapeutically equivalent" means ((chemically dissimilar prescription drugs with)) drug products that contain different chemical structures but have the same efficacy and safety when administered to an individual, as determined by:

- (1) Information from the Food and Drug Administration (FDA);
- (2) Published and peer-reviewed scientific data;
- (3) Randomized controlled clinical trials; ((and)) or
- (4) Other scientific evidence.

"Tiered dispensing fee system" means a system of paying pharmacies different dispensing fee rates, based on the individual pharmacy's total annual prescription volume and/or the drug delivery system used.

"True unit dose delivery" means a method in which each patient's medication is delivered to the nursing facility in quantities sufficient only for the day's required dosage.

"Unit dose drug delivery" means true unit dose or modified unit dose delivery systems.

"Usual and customary charge" means the fee that the provider typically charges the general public for the product or service.

"Wholesale acquisition cost (WhAC)" means the net price a manufacturer charges wholesalers for a drug. The WhAC is supplied to the medical assistance administration (MAA) by MAA's drug file contractor.

AMENDATORY SECTION (Amending WSR 01-01-028, filed 12/7/00, effective 1/7/01)

WAC 388-530-1100 Covered drugs, devices, and pharmaceutical supplies. (1) The medical assistance administration (MAA) covers medically necessary ((prescribed)) drugs, devices, and pharmaceutical supplies when they are prescribed for medically accepted indications, subject to the restrictions described in this section and other published WAC ((, except for those excluded under WAC 388-530-1150)). For exceptions to the prescription requirement, see subsection (4) of this section.

(2) MAA reimburses a provider for medically necessary drugs ((listed in subsection (1)(a) through (e) of this section)) only when the manufacturer has a signed drug rebate agreement with the federal Department of Health and Human Services (DHHS). ((Refer to WAC 388-530-1125 for information on)) Exceptions to the drug rebate requirement are described in WAC 388-530-1125 which describes the drug rebate program. ((Covered drugs))

(3) MAA covers the following medically necessary drugs, devices, and supplies ((include)):

- (a) Outpatient drugs, generic or brand name.

- (b) Over-the-counter (OTC) drugs when the drug:
- (i) Is prescribed by a provider with prescribing authority (see exceptions in subsection (4) of this section);
- (ii) Is not excluded from coverage under WAC 388-530-1150;

(iii) Is a less costly therapeutic alternative; and
~~((#))~~ (iv) Does not require prior authorization.

(c) Drugs requiring prior authorization when:

(i) Prior authorized by MAA; or

(ii) They meet MAA's published expedited prior authorization (EPA) criteria and the disposition pharmacist follows the EPA process ~~((defined in WAC 388-530-1050))~~ described in WAC 388-530-1250(4).

(d) Oral, topical and/or injectable drugs, vaccines for immunizations, and biologicals, prepared or packaged for individual use.

(e) Drugs with obsolete national drug codes (NDCs) for up to two years from the date the NDC is designated obsolete, ~~((#)) unless the drug is ((not a terminated drug product))~~ expired as defined in WAC 388-530-1050.

~~((#))~~ (f) (Drug-related supplies as determined in consultation with federal guidelines.

~~((g))~~ (g) Family planning) Drugs and supplies used in conjunction with family planning under subsection (4) of this section and under chapter 388-532 WAC, including drugs dispensed for emergency contraception and nonprescribed OTC contraceptive supplies.

~~((h))~~ (g) Drugs, devices, and supplies provided under unusual and extenuating circumstances to clients by providers who request and receive MAA approval.

~~((#))~~ (h) Drug-related supplies as determined in consultation with federal guidelines.

(4) MAA covers family planning drugs, devices, and supplies per chapter 388-532 WAC and as follows:

(a) MAA covers certain over-the-counter (OTC) family planning drugs, devices, and supplies without a prescription when they meet the criteria of WAC 388-530-1200(3); and

(b) MAA may cover family planning drugs that do not meet the federal drug rebate requirement in WAC 388-530-1125 on a case-by-case basis, under the provisions of subsection (6) of this section.

(5) MAA determines if certain drugs are medically necessary and covered with or without restrictions based on evidence contained in compendia of drug information and ~~((#))~~ peer-reviewed medical literature.

(a) Decisions regarding restrictions are based on, but are not limited to:

- (i) Client safety;
- (ii) FDA-approved indications;
- (iii) Quantity;
- (iv) Client age and/or gender; and
- (v) Cost.

(b) Restrictions apply ~~((#))~~, but are not limited to:

- (i) Drugs covered in the nursing facility per diem rate;
- (ii) Number of refills within a calendar month; and
- (iii) Refills requested before seventy-five percent of the ~~((therapy days' supply has elapsed))~~ previously dispensed supply is scheduled to be exhausted.

(6) MAA evaluates requests for drugs, devices, and pharmaceutical supplies that are subject to limitations or other

restrictions in this chapter on a case-by-case basis. MAA approves the requested services that are beyond the stated limits or restrictions of this chapter when MAA determines that the services are medically necessary, under the standards for covered services in WAC 388-501-0165.

AMENDATORY SECTION (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01).

WAC 388-530-1125 Drug rebate program. The medical assistance administration (MAA) covers only those out-patient prescription drugs and over-the-counter (OTC) drugs supplied by manufacturers who have a drug rebate contract with the ~~((Health Care Financing Administration (HCFA)))~~ Department of Health and Human Services (DHHS). MAA may make exceptions to the drug rebate requirement based on medical necessity ~~((and))~~ on a case-by-case basis. Exceptions ~~((require prior authorization—refer to WAC 388-501-0165))~~ to this requirement must be prior authorized by MAA. MAA may exempt the following from the drug rebate requirement in WAC 388-530-1100(2):

- (1) Family planning drugs as provided by WAC 388-530-1100(4); and
- (2) Other drugs approved under WAC 388-501-0165.

AMENDATORY SECTION (Amending WSR 01-01-028, filed 12/7/00, effective 1/7/01)

WAC 388-530-1150 Noncovered drugs and pharmaceutical supplies and reimbursement limitations.

(1) The medical assistance administration (MAA) does not cover:

(a) ~~((Noncontract drugs,))~~ Brand or generic drugs, when the manufacturer has not signed a rebate agreement with the federal Department of Health and Human Services. Refer to WAC 388-530-1125 for information on the drug rebate program.

(b) A drug prescribed:

- (i) For weight loss or gain;
- (ii) For infertility, frigidity, impotency, or sexual dysfunction;

(iii) For cosmetic purposes or hair growth; or

(iv) To promote smoking cessation, except as described in WAC 388-533-0400(21), smoking cessation for pregnant women.

(c) Over-the-counter (OTC) drugs ~~((#))~~ and supplies, ~~((unless)) except as described under WAC 388-530-1100 ~~((1))~~(b), or for family planning as described under chapter 388-532 WAC).~~

(d) Prescription vitamins and mineral products, except:

- (i) When prescribed for clinically documented deficiencies;
- (ii) Prenatal vitamins, only when prescribed and dispensed to pregnant women; or
- (iii) Fluoride preparations for children under the early and periodic screening, diagnosis, and treatment (EPSDT) ~~((or "healthy kids") services))~~ program.

(e) A drug prescribed for an indication that is not evidence based as determined by:

- (i) MAA in consultation with federal guidelines; or

(ii) The Drug Utilization and Education (DUE) Council; and

(iii) MAA medical consultants and ~~((pharmacy research specialist))~~ MAA pharmacist(s).

(f) Drugs listed in the federal register as "less-than-effective" ("DESI" drugs) or which are identical, similar, or related to such drugs.

(g) ~~((Outpatient drugs for which the manufacturer seeks to require as a condition of sale that associated tests or monitoring services be purchased exclusively from the manufacturer or manufacturer's designee.~~

~~((h))~~ Drugs that are:

(i) Not approved by the Food and Drug Administration (FDA); or

(ii) Prescribed for non-FDA approved indications or dosing, unless prior authorized; or

(iii) Unproven for efficacy or safety.

(h) Outpatient drugs for which the manufacturer requires as a condition of sale that associated tests or monitoring services be purchased exclusively from the manufacturer or manufacturer's designee.

(i) Drugs requiring prior authorization for which MAA authorization has been denied.

(j) Preservatives, flavoring and/or coloring agents.

(k) Less than a one-month supply of drugs for long-term therapy.

(l) A drug with an obsolete National Drug Code (NDC) more than two years from the date the NDC is designated obsolete by the manufacturer.

(m) Products or items that do not have an eleven-digit NDC.

(2) MAA does not reimburse enrolled providers for:

(a) Outpatient drugs, biological products, insulin, supplies, appliances, and equipment included in other reimbursement methods including, but not limited to:

(i) Diagnosis-related group (DRG);

(ii) Ratio of costs-to-charges (RCC);

(iii) Nursing facility per diem;

(iv) Managed care capitation rates;

(v) Block grants; or

(vi) Drugs prescribed for clients who are on the MAA hospice program when the drugs are related to the client's terminal condition.

(b) Any drug regularly supplied as an integral part of program activity by other public agencies (e.g., immunization vaccines for children).

(c) Prescriptions written on pre-signed prescription blanks filled out by nursing facility operators or pharmacists. MAA may terminate the core provider agreement of pharmacies involved in this practice.

(d) Drugs used to replace those taken from nursing facility emergency kits.

(e) Drugs used to replace a physician's stock supply.

(f) Free pharmaceutical samples.

(g) ~~((Terminated))~~ A drug product(s) after the product's national drug code (NDC) termination date.

(h) A drug product whose shelf life has expired.

(3) MAA evaluates ~~((a))~~ each request for a noncovered drug ~~((that is listed as nonecovered in this section))~~ under the provisions of WAC ~~((388-501-0160 which relates to noneov-~~

~~ered services. The request for a nonecovered drug is called exception to rule. See WAC 388-501-0160 for information about exception to rule))~~ 388-501-0165.

AMENDATORY SECTION (Amending WSR 01-01-028, filed 12/7/00, effective 1/7/01)

WAC 388-530-1200 Prior authorization program.

(1) The medical assistance administration (MAA) ~~((pharmacy research specialist))~~ pharmacist(s), medical consultants, and drug utilization review team evaluate drugs to determine prior authorization status on the drug file ~~((, and))~~. MAA may consult with a drug evaluation unit, the Drug Utilization and Education (DUE) Council, and/or participating MAA providers in this evaluation.

(2) To facilitate the evaluation process for a drug product, a drug manufacturer may send the ~~((pharmacy research specialist))~~ MAA pharmacist(s) a written request and the following supporting documentation:

(a) Background data about the drug;

(b) Product package information;

(c) Any pertinent clinical studies; ~~((and))~~

(d) Outcome and effectiveness data using the Academy of Managed Care Pharmacy's drug review submission process; and

(e) Any additional information the manufacturer considers appropriate.

(3) ~~((Evaluation of))~~ MAA evaluates a drug ~~((includes))~~ based on, but ~~((is))~~ not limited to, the following criteria:

(a) ~~((There is))~~ Whether the manufacturer has signed a federal drug rebate ~~((contract))~~ agreement ~~((signed by the manufacturer))~~ except as specified in WAC 388-530-1125;

(b) Whether the drug is a less-than-effective drug;

(c) The drug's ~~((has a favorable))~~ risk/benefit ratio;

(d) ~~((The))~~ Whether like drugs are on MAA's drug file ~~((status of:~~

~~((i) Like drugs;))~~ list and ~~((iii))~~ there are less costly therapeutic alternative drugs;

(e) Whether the drug falls into one of the categories authorized by federal law to be excluded from coverage; ~~((and))~~

(f) The drug's ~~((has a))~~ potential for abuse; and

(g) Whether outcome data demonstrate that the drug is cost effective.

(4) MAA updates and reviews the drug file list as necessary and periodically publishes a list of drugs not requiring prior authorization.

(5) Manufacturers may seek review of ~~((formulary))~~ MAA's prior authorization decisions by writing to ~~((the MAA medical director))~~ MAA's chief medical officer.

AMENDATORY SECTION (Amending WSR 01-01-028, filed 12/7/00, effective 1/7/01)

WAC 388-530-1250 Prior authorization process. (1) The medical assistance administration (MAA) requires pharmacies to obtain prior authorization for:

(a) Drugs with a prior authorization indicator on the MAA drug file list;

(b) Drugs that ~~((have))~~ exceed specific ~~((per-month dose))~~ dosage or unit limits as indicated by the Food and Drug Administration (FDA); and

(c) Additional fills in a calendar month for drugs dispensed for a less than thirty-four day supply when:

(i) Two fills for the same prescription have been dispensed, except for:

(A) ~~((Compounded prescriptions; (B)))~~ Over-the-counter (OTC) contraceptives; or
~~((C))~~ (B) Drugs prescribed to a suicidal patient or a patient at risk for potential drug abuse; or

(ii) Four fills in the same calendar month for the same prescription have been dispensed for any of the following:

(A) Antibiotics;
 (B) Anti-asthmatics;
 (C) Schedule II and III drugs;
 (D) Antineoplastic agents;
 (E) Topical preparations; or
 (F) Propoxyphene, propoxyphene napsylate, and all propoxyphene combinations.

(2) The pharmacy provider must make a request to MAA for a drug requiring prior authorization before dispensing the drug. The pharmacy provider must:

(a) Ensure the request states the medical diagnosis and includes medical justification for the drug; and

(b) Keep on file documentation of the prescriber's medical justification that is communicated to the pharmacy by the prescriber at the time the prescription is filled. The records must be retained for the period specified in WAC 388-502-0020 (1)(c).

(3) MAA evaluates a request for prior authorization based on, but not limited to:

(a) Requirements in this section;
 (b) Requirements under WAC 388-530-1000, 388-530-1150, and 388-501-0165; and

(c) The least costly alternative between two or more ~~((preparations))~~ products of equal effectiveness.

(4) MAA authorizes certain prescribed drugs through a process called "expedited prior authorization (EPA)." MAA determines which drugs can be authorized through the ~~((expedited prior authorization))~~ EPA process by ~~((establishing specific utilization criteria))~~ using factors which include, but are not limited to:

(a) ~~((High))~~ Product cost;
 (b) Potential for clinical misuse;
 (c) Narrow therapeutic indication; and
 (d) Safety concerns.

(5) MAA may authorize reimbursement at the brand name estimated acquisition cost (EAC) for a brand name multiple-source drug that would have been reimbursed at the maximum allowable cost (MAC) for that multiple-source drug, if:

(a) The pharmacist calls for prior authorization; and
 (b) The prescriber indicates:
 (i) "Dispense as written" ~~((for))~~ on the prescription; and
 (ii) That a specific brand is "medically necessary" for a particular client; or

(c) The availability of generic~~((s))~~ equivalents in the marketplace is severely curtailed and the price disparity between the brand name EAC and the generic MAC ~~((is such~~

~~that))~~ reimbursement affects clients' ~~((would be denied))~~ access to the medication.

(6) MAA provides a response ~~((to a request for drugs requiring prior authorization))~~, by telephone or other telecommunication device, within twenty-four hours of a request for drugs that require prior authorization, if the request is received during normal state business hours. If a provider needs prior authorization to dispense a drug during a weekend or Washington state holiday, the provider may dispense the drug without prior authorization only when:

(a) Given in an emergency;
 (b) MAA receives justification within seventy-two hours of the fill date, excluding weekends and Washington state holidays; and

(c) MAA agrees with the justification and approves the request.

(7) MAA's prior authorization:

(a) Is limited to a decision of medical appropriateness for a drug; and

(b) Does not guarantee payment.

AMENDATORY SECTION (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

WAC 388-530-1300 General reimbursement methodology. (1) ~~((MAA's))~~ The medical assistance administration's (MAA) total reimbursement for a prescription drug must not exceed the lowest of:

(a) Estimated acquisition cost (EAC) plus a dispensing fee;

(b) Maximum allowable cost (MAC) plus a dispensing fee;

(c) Federal Upper Limit (FUL) plus a dispensing fee;

(d) Actual acquisition cost (AAC) plus a dispensing fee for drugs purchased under section 340 B of the Public Health Service (PHS) Act and dispensed to medical assistance clients; ~~((or))~~

(e) Automated maximum allowable cost (AMAC) plus a dispensing fee;

(f) Certified average wholesale price (CAWP) plus a dispensing fee;

(g) Wholesale acquisition cost (WhAC) plus a dispensing fee; or

(h) The provider's usual and customary charge to the non-Medicaid population.

(2) MAA selects the ~~((in-state pharmaceutical wholesalers))~~ sources for pricing information used to set EAC and MAC. These sources may include pharmaceutical wholesalers.

(3) MAA may solicit assistance from ~~((representative))~~ pharmacy providers, ~~((through their state associations;))~~ pharmacy benefit managers (PBM), other government agencies, actuaries, and/or other consultants when establishing EAC and/or MAC.

(4) If the pharmacy provider offers a discount, rebate, promotion or other incentive which directly relates to the reduction of the price of a prescription to the individual non-Medicaid customer, the provider must similarly reduce its charge to MAA for the prescription.

(5) If a pharmacy gives a product free to the general public, the pharmacy must not submit a claim to MAA when giving the free product to a medical assistance client.

AMENDATORY SECTION (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

WAC 388-530-1350 Estimated acquisition cost (EAC) methodology. (1) The medical assistance administration (MAA) determines EAC as follows:

~~((1) No more than once every three years and no less than once every ten years, MAA:))~~

~~(a) ((Takes a minimum sample of two hundred fifty of the top national drug codes (NDCs) paid by MAA, excluding drugs under the MAC program; and~~

~~(b)) When acquisition cost data are made available to MAA by drug wholesalers:~~

~~(i) MAA determines pharmacies' ((average)) acquisition costs for ((these products-~~

~~(2) The pharmacies' average acquisition cost for the products in the NDC sample is based on in-state wholesalers' charges to pharmacy subscribers.~~

~~(3) MAA represents the average)) top 100 single-source drugs reimbursed by MAA.~~

~~(ii) Establishes the actual acquisition cost (AAC) for each product on the sample list as a percentage of the published average ((published)) wholesale price (AWP), determined for that product by MAA's drug pricing file contractor.~~

~~((4)) (iii) MAA averages the percentages obtained from the sample, and that average represents the EAC.~~

~~((5)) (b) When drug wholesalers do not make acquisition cost data available to MAA, MAA may set EAC using acquisition cost information provided, or rates set, by any of the following:~~

~~(i) Audit agencies, federal or state;~~

~~(ii) Other state health care purchasing agencies;~~

~~(iii) Pharmacy benefit managers;~~

~~(iv) Individual pharmacy providers participating in MAA's programs;~~

~~(v) Other third party payers; and/or~~

~~(vi) Actuaries or other consultants.~~

~~(2) MAA establishes EAC as a percentage of AWP, derived by applying a discount to AWP.~~

~~(3) MAA may set EAC for specified drugs or drug categories at a percentage of AWP other than that determined in subsection ((4)) (1)(a) of this section when MAA considers it necessary. MAA ends the exemption when ((it considers)) the necessity no longer exists.~~

~~((6) MAA pays EAC for a drug with an established MAC when the EAC for the particular drug is lower than the MAC price.~~

~~(7)) The factors MAA considers in setting a rate for a class of drugs under this subsection include, but are not limited to:~~

~~(a) Product cost;~~

~~(b) MAA's documented clinical concerns; and~~

~~(c) MAA's budget limits.~~

~~(4) MAA bases EAC drug reimbursement on the actual package size dispensed.~~

(5) MAA uses the EAC as MAA's reimbursement for a drug when the EAC is the lowest of the rates calculated under the methods listed in WAC 388-530-1300(1), or when the conditions of WAC 388-530-1400(3) are met.

NEW SECTION

WAC 388-530-1360 Certified average wholesale price (CAWP). (1) The medical assistance administration (MAA) reimburses providers the certified average wholesale price (CAWP) for selected infusion, injectable, and inhalation drugs manufactured and/or marketed by manufacturers/labelers who are subject to a consent order with the United States Department of Justice.

(2) The CAWP is determined by First Data Bank (FDB) through a survey of wholesale prices. FDB reports these prices to states and certifies that they accurately represent the price from wholesalers to retailers for these drugs.

NEW SECTION

WAC 388-530-1380 Wholesale acquisition cost (WhAC) methodology. (1) The medical assistance administration (MAA) may use the wholesale acquisition cost (WhAC) provided by MAA's drug pricing file contractor in pricing drugs for the purpose of setting MAA's reimbursement rates.

(2) MAA may use WhAC information to determine a rate that MAA considers to be equivalent to the estimated acquisition cost (EAC). The WhAC and the EAC are both expressed as a percentage of the average wholesale price (AWP) as described in WAC 388-530-1350.

(3) When a WhAC is available for a drug, MAA may use the WhAC price as MAA's reimbursement rate for the drug when the WhAC price is the lowest of the rates calculated under the methods listed in WAC 388-530-1300(1).

AMENDATORY SECTION (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

WAC 388-530-1400 Maximum allowable cost (MAC) methodology. (1) The medical assistance administration (MAA) establishes a maximum allowable cost (MAC) for a multiple-source drug which is available from at least ~~((three))~~ two manufacturers/labelers.

~~((2) ((MAA may exclude from MAC selected multiple-source drugs when clinical response significantly differs between brand and generic equivalents.~~

~~(3)) MAA determines the MAC for a multiple-source drug by:~~

~~(a) ((Obtaining copies of in-state wholesalers' product catalogs;~~

~~(b) Identifying)) When drug wholesalers make acquisition cost data available to MAA, MAA:~~

~~(i) Identifies what products are available from ((each in-state)) wholesalers for each MAC drug;~~

~~((c) Determining the average)) (ii) Determines pharmacy ((subscriber's)) subscribers' approximate acquisition costs for these products;~~

~~((d) Ranking))~~ (iii) Ranks the products in descending order by approximate acquisition cost; and

~~((e) Establishing))~~ (iv) Establishes the MAC at a level which gives ~~((most))~~ pharmacists access to ~~((two))~~ one product(s) from a manufacturer with a qualified rebate agreement (see WAC 388-530-1125).

(b) When drug wholesalers do not make acquisition cost data available to MAA, MAA may set a MAC for a drug in the same manner described in WAC 388-530-1350 (1)(b).

~~((4) MAA may establish a MAC for a drug using the maximum allowable cost set by another third party for that drug.~~

~~(5))~~ (3) The MAC established for a multiple-source drug does not apply if the written prescription identifies that a specific brand is medically necessary for a particular client. In such cases EAC for the particular brand applies, provided prior authorization is obtained from MAA as specified under WAC 388-530-1250(5), Prior authorization.

~~((6))~~ (4) Except as provided in subsection (3) of this section, MAA reimburses providers for a multiple-source drug at the lowest of the rates calculated under the methods listed in WAC 388-530-1300(1).

(5) The MAC established for a multiple-source drug applies to all package sizes of that drug, ~~((except))~~ including those identified as unit dose National Drug Codes (NDCs) by the manufacturer(s) of the drug.

~~((7) MAA pays the EAC for a multiple source product if the EAC for that product is less than the MAC established for the drug.~~

~~(8) The automated maximum allowable cost (AMAC) pricing applies to multiple source drugs:~~

~~(a) Produced by three or more manufacturers/labelers at least one of which must have a federal drug rebate agreement; and~~

~~(b) Which are not on the MAC list.~~

~~(9) AMAC reimbursement for all products within a generic code number (GCN) sequence is at the EAC of the third lowest priced product in that sequence, or the EAC of the lowest priced drug under a federal rebate agreement in that sequence, whichever is higher.~~

~~(10) For a multiple source product under AMAC, MAA pays the EAC if the EAC for the multiple source product is less than the AMAC established for that product.~~

~~(11) MAA recalculates AMAC each time there is a pricing update provided by the drug file contractor to any product in GCN sequences.))~~

NEW SECTION

WAC 388-530-1405 Automated maximum allowable cost (AMAC). (1) The medical assistance administration (MAA) uses the automated maximum allowable cost (AMAC) pricing methodology for multiple-source drugs that are:

(a) Not on the published maximum allowable cost (MAC) or federal upper limit (FUL) lists; and

(b) Produced by two or more manufacturers/labelers, at least one of which must have a federal drug rebate agreement.

(2) MAA establishes AMAC as a specified percentage of the published average wholesale price (AWP). MAA may

use different percentage discounts from AWP for the estimated acquisition cost (EAC) and AMAC.

(3) MAA sets the percentage discount from AWP for AMAC reimbursement using any of the information sources identified in WAC 388-530-1350 (1)(b).

(4) MAA may set AMAC reimbursement at different percentage discounts from AWP for different multiple source drugs. MAA considers the same factors as those in WAC 388-530-1350(3).

(5) AMAC reimbursement for all products within a generic code number sequence number is at the AMAC determined for the second lowest priced product in that sequence, or the AMAC of the lowest priced drug under a federal rebate agreement.

(6) MAA recalculates AMAC each time the drug file contractor provides a pricing update to any product in a GCN sequence.

(7) Except as provided in WAC 388-530-1400(3), MAA reimburses at the lowest of the rates calculated under the methods listed in WAC 388-530-1300(1).

AMENDATORY SECTION (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

WAC 388-530-1410 Federal upper limit (FUL) methodology. (1) ~~The medical assistance administration (MAA) adopts the federal upper limit (FUL) set by the ((Health Care Financing Administration (HCFA) unless a lower MAC is already in place for the multiple source drug))~~ Centers for Medicare and Medicaid Services (CMS) (formerly known as HCFA).

~~(2) ((MAA pays the EAC for a multiple source product if the EAC for that product is less than the FUL established for that drug.~~

~~(3))~~ MAA's maximum payment for multiple-source drugs for which ~~((HCFA))~~ CMS has set ~~((a))~~ FULs will not exceed, in the aggregate, the prescribed upper limits plus the dispensing fees set by MAA.

(3) Except as provided in WAC 388-530-1400(3), MAA uses the FUL as MAA's reimbursement rate for the drug when the FUL price is the lowest of the rates calculated under the methods listed in WAC 388-530-1300(1).

AMENDATORY SECTION (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

WAC 388-530-1425 Payment methodology for drugs purchased under the Public Health Service (PHS) Act. ~~((4))~~ Drugs purchased under section 340B of the Public Health Service (PHS) Act can be dispensed to medical assistance clients only by PHS-qualified health facilities ~~((to medical assistance clients))~~. These medications must be billed using the actual acquisition cost (AAC) of the drug plus the appropriate dispensing fee.

~~(2) ((Drugs provided or dispensed by other specified providers must be billed using AAC. See WAC 388-530-1700.~~

~~(3) AAC includes allowances or discounts for volume purchases, purchasing cooperatives, and advertising or other promotional allowances.))~~ Providers dispensing drugs under this section are required to submit their valid MAA provider

number(s) to the PHS Health Resources and Services Administration, Office of Pharmacy Affairs. This requirement is to ensure that claims for drugs dispensed under this section and paid by MAA are excluded from the drug rebate claims that are submitted to the manufacturers of the drugs. See WAC 388-530-1125 for information on the drug rebate program.

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

AMENDATORY SECTION (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

WAC 388-530-1450 Dispensing fee determination.

(1) Subject to the provisions of WAC 388-530-1300, the medical assistance administration (MAA) pays a dispensing fee for each prescribed and covered ((prescription)) drug.

~~((4))~~ (2) MAA does not pay a dispensing fee for non-drug items, devices, or supplies.

(3) MAA adjusts the dispensing fee by considering factors including, but not limited to:

- (a) Legislative appropriations for vendor rates;
- (b) Input from provider and/or advocacy groups;
- (c) Input from state-employed or contracted actuaries;

and

(d) Dispensing fees paid by other third-party payers, including, but not limited to, health care plans and other states' Medicaid agencies.

~~((2))~~ (4) MAA uses a tiered dispensing fee system which reimburses higher volume pharmacies at a lower fee and ~~((small))~~ lower volume pharmacies at a higher fee.

~~((3))~~ (5) MAA uses total annual prescription volume (both Medicaid and non-Medicaid) reported to MAA to determine each pharmacy's dispensing fee tier.

(a) A pharmacy which fills more than thirty-five thousand prescriptions annually is a high-volume pharmacy. MAA considers hospital-based pharmacies that serve both inpatient and outpatient clients as high-volume pharmacies.

(b) A pharmacy which fills between fifteen thousand one and thirty-five thousand prescriptions annually is a mid-volume pharmacy.

(c) A pharmacy which fills fifteen thousand or fewer prescriptions annually is a low-volume pharmacy.

~~((4))~~ (6) MAA determines a pharmacy's annual total prescription volume as follows:

(a) MAA sends out a prescription volume survey form to pharmacy providers during the first quarter of the calendar year;

(b) Pharmacies return completed prescription volume surveys to MAA by the date specified, typically April 15th of each year. Pharmacy providers not responding to the survey by the specified date are assigned to the high volume category;

(c) Pharmacies must include all prescriptions dispensed from the same physical location in the pharmacy's total prescription count;

~~((Hospital-based pharmacies which serve both inpatient and outpatient clients are not required to include hospital inpatient doses/prescriptions in the total volume reported to MAA;~~

~~(e))~~ MAA considers prescriptions dispensed to nursing facility clients as outpatient prescriptions;

~~((#))~~ (e) Assignment to a new dispensing fee tier is effective on the first of the month, (typically May 1st of each year) following the date specified by MAA.

~~((#))~~ (7) A pharmacy may request a change in dispensing fee tier during the interval between the annual prescription volume surveys. The pharmacy must substantiate such a request with documentation showing that the pharmacy's most recent six-month dispensing data, annualized, would qualify the pharmacy for the new tier. If MAA receives the documentation by the twentieth of the month, assignment to a new dispensing fee tier is effective on the first of the following month.

~~((#))~~ (8) MAA grants general dispensing fee rate increases only when authorized by the legislature. Amounts authorized for dispensing fee increases may be distributed nonuniformly (e.g., tiered dispensing fee based upon volume).

AMENDATORY SECTION (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

WAC 388-530-1500 Reimbursement for compounded prescriptions. (1) The medical assistance administration (MAA) covers a drug ingredient used for a compounded prescription only when the manufacturer has a signed rebate agreement with the federal Department of Health and Human Services (DHHS). MAA considers bulk chemical supplies used in compounded prescriptions as non-drug items, which do not require a drug rebate agreement. MAA covers such bulk chemical supplies only as specifically approved by MAA.

(2) MAA does not cover or reimburse for coloring agents, preservatives, and flavoring agents used in compounded prescriptions except when they are necessary as a complete vehicle for compounding (e.g., simple syrup).

(3) MAA does not consider reconstitution to be compounding.

(a) MAA ~~((may consider the act of combining two or more active ingredients or the adjustment of therapeutic strengths and/or forms by a pharmacist in the preparation of a prescription to be))~~ reimburses pharmacists for compounding drugs only if the client's drug therapy needs are unable to be met by commercially available dosage strengths and/or forms of the medically necessary drug.

(b) The pharmacist must ensure the need for the adjustment of the drug's therapeutic strength and/or form is well documented in the client's file.

~~((2))~~ (c) The pharmacist must ensure that the ingredients used in a compounded prescription are for an approved use as defined in "medically approved indication" in WAC 388-530-1050.

(4) MAA requires that each drug ingredient used for a compounded prescription be billed to MAA using its eleven-digit national drug code (NDC) number.

(5) Compounded prescriptions are reimbursed as follows:

(a) MAA allows only the lowest cost for each covered ingredient, whether ~~((EAC, MAC))~~ that cost is determined by

actual acquisition cost (AAC), estimated acquisition cost (EAC), federal upper limit (FUL), maximum allowable cost (MAC), automated maximum allowable cost (AMAC), certified average wholesale price (CAWP), wholesale acquisition cost (WhAC), or amount billed.

(b) MAA applies current prior authorization requirements to drugs used as ingredients in compounded prescriptions, except as provided under subsection ~~((2))~~(5)(c) of this section. MAA denies payment for a drug requiring prior authorization used as an ingredient in a compounded prescription when prior authorization was not obtained.

(c) MAA may designate selected drugs as not requiring prior authorization when used for compounded prescriptions, but requiring prior authorization for other uses. For the list of selected drugs, refer to ~~(the pharmacy)~~ MAA's prescription drug program billing instructions.

(d) MAA reimburses a dispensing fee as described under WAC 388-530-1450 for:

(i) Each covered or prior authorized drug ingredient billed separately; and

(ii) Drugs used in compounding under subsection ~~((2))~~(5)(c) of this section.

(e) MAA does not pay a separate fee for compounding time.

~~(((3) In addition to reimbursement for ingredient and dispensing fees, MAA may set maximum allowable fees, called compounded prescription preparation fees, for special procedures, equipment, or supplies used in compounding prescriptions.~~

~~(a) The pharmacy must note in its records any necessary special procedures, equipment, supplies, or containers used in preparing the compounded prescription.~~

~~(b) MAA adjusts compounded prescription preparation fees by considering factors including, but not limited to:~~

~~(i) Legislative appropriations for vendor rates;~~

~~(ii) Input from provider and/or advocacy groups;~~

~~(iii) Audit findings regarding costs of compounding equipment and supplies, as specified in subsection (4) of this section; and~~

~~(iv) Compounded prescription preparation fees paid by other third party payers, including but not limited to health care plans and other states' Medicaid agencies.~~

~~(e) MAA does not reimburse compounded prescription preparation fees for infusion products; MAA reimbursement for home infusion and other intravenous admixtures is limited to ingredient costs and dispensing fees only.~~

~~(d) MAA reimburses pharmacies for only one preparation fee for each compounded prescription.~~

~~(e) Pharmacies bill MAA for compounded prescription preparation fees using state assigned drug codes, which MAA publishes periodically in the pharmacy billing instructions.~~

~~(f) A separate dispensing fee does not apply to the state assigned drug preparation fee codes.~~

~~(4) MAA may audit selected pharmacies dispensing compounded prescriptions, to determine acquisition or estimated costs of equipment and/or supplies used in compounding.)~~ (6) MAA requires pharmacists to document the need for each inactive ingredient added to the compounded prescription. MAA limits reimbursement to those that meet the

following criteria. To be reimbursed by MAA, each inactive ingredient must be:

(a) A necessary component of a compounded drug; and

(b) Listed in MAA's prescription drug program billing instructions.

AMENDATORY SECTION (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

WAC 388-530-1550 Unit dose drug delivery systems.

(1) The medical assistance administration (MAA) pays for unit dose drug delivery systems only for clients residing in nursing facilities, except as provided in subsections ~~((6))~~ (7) and ~~((7))~~ (8) of this section.

(2) Unit dose delivery systems may be either true or modified unit dose.

(3) MAA pays pharmacies that provide unit dose delivery service MAA's highest allowable dispensing fee for each unit dose prescription dispensed to clients in nursing facilities. MAA reimburses ingredient costs for drugs under unit dose systems ~~((at the appropriate MAC, FUL, AAC, EAC, or billed charge, whichever is lowest. MAA reimburses unit dose providers for drugs dispensed in manufacturers' unit dose packaging at the EAC for the specific unit dose NDCs))~~ as described in WAC 388-530-1500 (5)(a).

(4) MAA pays a pharmacy that dispenses drugs in bulk containers or multi-dose form to clients in nursing facilities the regular dispensing fee applicable to the pharmacy's total annual prescription volume tier. Drugs MAA considers not deliverable in unit dose form include, but are not limited to, liquids, creams, ointments, ophthalmic and otic solutions. MAA reimburses ingredient costs ~~((for such drugs at the lowest of MAC, FUL, AAC, EAC, or billed charge))~~ as described in WAC 388-530-1500 (5)(a).

(5) MAA pays a pharmacy that dispenses drugs prepackaged by the manufacturer in unit dose form to clients in nursing facilities the regular dispensing fee applicable ~~((to that pharmacy's total annual prescription volume tier))~~ under WAC 388-530-1450(5). MAA reimburses ingredient costs ~~((at the EAC applicable to the unit dose NDC))~~ for drugs prepackaged by the manufacturer in unit dose form as described in WAC 388-530-1500 (5)(a).

(6) MAA limits its coverage and payment for manufacturer-designated unit dose packaging to the following conditions:

(a) The drug is a single source drug and a multidose package for the drug is not available;

(b) The drug is a multiple source drug but there is no other multidose package available among the drug's generic equivalents; or

(c) The manufacturer-designated unit dose package is the most cost-effective package available or it is the least costly alternative form of the drug.

(7) MAA reimburses a pharmacy provider for manufacturer-designated unit dose drugs dispensed to clients not residing in nursing facilities only when such drugs:

(a) Are available in the marketplace only in manufacturer-designated unit dose packaging; and

(b) Would otherwise have been covered outpatient drugs. The unit dose dispensing fee does not apply in such

cases. MAA pays the pharmacy the dispensing fee applicable to the pharmacy's total annual prescription volume tier.

~~((7))~~ (8) MAA may pay for unit dose delivery systems for developmentally disabled (DD) clients residing in approved community living arrangements.

AMENDATORY SECTION (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

WAC 388-530-1600 Unit dose pharmacy billing requirements. (1) To be eligible for a unit dose dispensing fee from the medical assistance administration (MAA), a pharmacy must:

- (a) Notify MAA in writing of its intent to provide unit dose service;
- (b) Identify the nursing facility(ies) to be served;
- (c) Indicate the approximate date unit dose service to the facility(ies) will commence; and
- (d) ~~((Sign an agreement to))~~ Follow department requirements for unit dose reimbursement.

(2) Under a unit dose delivery system, a pharmacy must bill only for the number of drug units actually used by the medical assistance client in the nursing facility, except as provided in subsections (3) ~~((and)),~~ (4), and (5) of this section. It is the unit dose pharmacy provider's responsibility to coordinate with nursing facilities to ensure that the unused drugs the pharmacy dispensed to MAA clients are returned to the pharmacy for credit.

(3) The pharmacy must submit an adjustment form or claims reversal of the charge to MAA for the cost of all unused drugs returned to the pharmacy from the nursing facility on or before the sixtieth day following the date the drug was dispensed, except as provided in subsection ~~((4))~~ (5) of this section. Such adjustment must conform to the nursing facility's monthly log as described in subsection ~~((6))~~ (7) of this section.

(4) MAA pays a unit dose provider a dispensing fee when a provider-packaged unit dose prescription is returned, in its entirety, to the pharmacy. A dispensing fee is not paid if the returned prescription is for a drug with a manufacturer-designated unit dose national drug code (NDC). In addition to the dispensing fee paid under this subsection, the provider may bill MAA one unit of the tablet or capsule but must credit MAA for the remainder of the ingredient costs for the returned prescription.

(5) Unit dose providers do not have to credit MAA for federally designated schedule two drugs which are returned to the pharmacy. These returned drugs must be disposed of according to federal regulations.

~~((5))~~ (6) Pharmacies must not charge clients or MAA a fee for repackaging a client's bulk medications in unit dose form. The costs of repackaging are the responsibility of the nursing facility when the repackaging is done:

- (a) To conform with a nursing facility's drug delivery system; or
- (b) For the nursing facility's convenience.

~~((6))~~ (7) The pharmacy must maintain detailed records of medications dispensed under unit dose delivery systems. The pharmacy must keep a monthly log for each nursing

facility served, including but not limited to the following information:

- (a) Facility name and address;
- (b) Client's name and patient identification code (PIC);
- (c) Drug name/strength;
- (d) National Drug Code (NDC);
- (e) Quantity and date dispensed;
- (f) Quantity and date returned;
- (g) Value of returned drugs or amount credited;
- (h) Explanation for no credit given or nonreusable returns; and
- (i) Prescription number.

~~((7))~~ (8) Upon MAA's request, the pharmacy must submit copies of the logs referred to in subsection ~~((6))~~ (7) of this section.

~~((8))~~ (9) When the pharmacy submits the completed annual prescription volume survey to MAA, it must include an updated list of all nursing facilities currently served under unit dose systems.

AMENDATORY SECTION (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

WAC 388-530-1625 Compliance packaging services. (1) The medical assistance administration (MAA) reimburses pharmacies for compliance packaging services provided to clients considered at risk for adverse drug therapy outcomes. Clients who are eligible for compliance packaging services must not reside in a nursing home or other inpatient facility, and must meet (a) and either (b) or (c) of this subsection. The client must:

(a) Have one or more of the following representative disease conditions:

- (i) Alzheimer's disease;
- (ii) Blood clotting disorders;
- (iii) Cardiac arrhythmia;
- (iv) Congestive heart failure;
- (v) Depression;
- (vi) Diabetes;
- (vii) Epilepsy;
- (viii) HIV/AIDS;
- (ix) Hypertension;
- (x) Schizophrenia; or
- (xi) Tuberculosis.

(b) Concurrently consume two or more prescribed medications for chronic medical conditions, that are dosed at three or more intervals per day; or

(c) Have demonstrated a pattern of noncompliance that is potentially harmful to ~~((their))~~ the client's health. The client's pattern of noncompliance with the prescribed drug regimen must be fully documented in the provider's file.

(2) Compliance packaging services include:

- (a) Reusable hard plastic containers of any type (e.g., medisets); and
- (b) Nonreusable compliance packaging devices (e.g., blister packs).

(3) MAA pays a filling fee and reimburses pharmacies for the compliance packaging device and/or container. The frequency of fills and number of payable compliance packaging devices per client is subject to limits specified by MAA.

PROPOSED

MAA does not pay filling or preparation fees for blister packs.

(4) Pharmacies must use the HCFA-1500 claim form to bill MAA for compliance packaging services.

AMENDATORY SECTION (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

WAC 388-530-1650 Reimbursement for pharmaceutical supplies. (1) The medical assistance administration (MAA) reimburses for selected covered pharmaceutical supplies that are not ((already)) included in ((other)) MAA's drug claim payment system((s)), called the point-of-sale (POS) system.

(2) MAA bases reimbursement of pharmaceutical items or supplies that are not payable through the POS on MAA-published fee schedules.

(3) MAA uses any or all of the following methodologies to set the maximum allowable reimbursement rate for ((#)) pharmaceutical ((device/supply)) items, devices, and supplies:

(a) A pharmacy provider's acquisition cost. Upon review of the claim, MAA may require an invoice which must show the name of the ((drug)) item, the manufacturer, ((drug strength, and cost)) the product description, the quantity, and the cost including any free goods associated with the invoice;

(b) Medicare's reimbursement for the item; or

(c) A specified discount off the item's list price or manufacturer's suggested retail price (MSRP).

(4) MAA does not pay a dispensing fee for nondrug items, devices, or supplies. See WAC 388-530-1450(1).

AMENDATORY SECTION (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

WAC 388-530-1700 Drugs and ((pharmaceutical)) drug-related supplies from nonpharmacy providers. The medical assistance administration (MAA) reimburses for covered drugs, supplies, and devices provided or administered by nonpharmacy providers under specified conditions.

(1) MAA reimburses actual acquisition cost (AAC) to a physician or ARNP for a covered drug (oral, topical or injectable) prepared or packaged for individual use and provided or administered to a client during an office visit. When the cost of the drug provided or administered to the client exceeds the established fee, the physician or ARNP may submit to MAA a photocopy of the invoice for the actual drug cost. The invoice must show the name of the drug, the manufacturer, the National Drug Code (NDC), drug strength, quantity, and cost.

(2) MAA reimburses drugs and supplies provided to clients by local health departments according to its established fee schedules.

(3) MAA does not reimburse providers for the cost of vaccines obtained through the state department of health (DOH); MAA does pay physicians and ARNPs a fee for administering the vaccine.

(4) MAA reimburses family planning clinics:

(a) For oral contraceptives, the lesser of the family planning clinic's certified full fee or MAA's maximum allowable

fee per cycle of birth control pills. The certified full fee is the clinic's acquisition cost for each cycle of birth control pills, as reported annually by the clinic to DOH;

(b) For contraceptive supplies and devices, the clinic's actual acquisition cost or MAA's maximum allowable fee, whichever is specified by MAA; and

(c) For other drugs, supplies, and devices, according to MAA's established fee schedules.

(5) MAA may request family planning clinics and other nonpharmacy providers to submit an invoice for the actual cost of the drug, supply, or device billed. If an invoice is requested, the invoice must show the:

(a) Name of the drug, supply, or device((, the));

(b) Drug or product manufacturer((:));

(c) NDC of the product(s);

(d) Drug strength((, and quantity of));

(e) Product description ((and));

(f) Quantity((:)); and

(g) Cost, including any free goods associated with the invoice.

AMENDATORY SECTION (Amending WSR 00-14-071, filed 7/5/00, effective 8/5/00)

WAC 388-530-1750 Drugs and pharmaceutical supplies for clients with any third-party coverage. (1) The medical assistance administration (MAA) requires pharmacy providers to meet the third party requirements of WAC 388-501-0200.

(2) Except as specified under MAA's managed care contracts, ((the medical assistance administration-)) MAA((:)) does not reimburse providers for any drugs or pharmaceutical supplies provided to clients who have pharmacy benefits under MAA-contracted managed care plans. The managed care plan is responsible for payment.

~~((2))~~ (3) The following definitions apply to this section:

(a) "Closed pharmacy network" means an arrangement made by an insurer which restricts prescription coverage to an exclusive list of pharmacies. This arrangement prohibits the coverage and/or payment of prescriptions provided by a pharmacy that is not included on the exclusive list.

(b) "Private point-of-sale (POS) authorization system" means an insurer's system, other than the MAA POS system, which requires that coverage be verified by or submitted to the insurer's agent for authorization at the time of service and at the time the prescription is filled.

~~((3))~~ (4) This subsection applies to MAA clients who have a third-party resource that is a managed care entity other than an MAA-contracted plan, or have other insurance that requires the use of "closed pharmacy networks" or "private point-of-sale authorization." MAA will not pay pharmacies for prescription drug claims until the pharmacy provider submits an explanation of benefits from the private insurance that demonstrates that the pharmacy provider has complied with the terms of the third-party's coverage.

(a) If the private insurer pays a fee based on the incident of care, the pharmacy provider must file a claim with MAA consistent with MAA's billing requirements.

(b) If the private insurer pays the pharmacy provider a monthly capitation fee for all prescription costs related to the

client, the pharmacy provider must submit a claim to MAA for the amount of the client copayment, coinsurance, and/or deductible. MAA pays the provider the lesser of:

- (i) The billed amount; or
- (ii) MAA's maximum allowable fee for the prescription.
- ~~((4))~~ (5) For clients eligible for both Medicare and medical assistance, MAA reimburses providers for:
 - (a) An amount up to MAA's maximum allowable fee for drugs Medicare does not cover, but MAA ~~((does))~~ covers; or
 - (b) Deductible and/or coinsurance amounts up to Medicare's or MAA's maximum allowable fee, whichever is less, for drugs Medicare and MAA cover; or
 - (c) Deductible and/or coinsurance amounts for clients under the qualified Medicare beneficiary (QMB) program for drugs Medicare ~~((does))~~ covers but MAA does not cover.

AMENDATORY SECTION (Amending WSR 00-01-088, filed 12/14/99, effective 1/14/00)

WAC 388-530-1800 Requirements for pharmacy claim payment. (1) When billing the medical assistance administration (MAA) for pharmacy services, providers must:

- (a) Use the appropriate department claim form or electronic billing specifications; ~~((and))~~
 - (b) Include the actual eleven-digit National Drug Code (NDC) number of the product dispensed; and
 - (c) Bill MAA using metric decimal quantities which is the National Council for Prescription Drug Programs (NCPDP) billing unit standard.
- (2) When billing drugs requiring authorization, providers must insert the authorization number in the appropriate data field on the drug claim.
- (3) When billing drugs under the expedited authorization process, providers must insert the authorization number which includes the corresponding criteria code(s) in the appropriate data field on the drug claim.
- (4) Pharmacy services for clients on restriction under WAC 388-501-0135 must be prescribed by the client's primary care provider and are paid only to the client's primary pharmacy, except in cases of:
- (a) Emergency;
 - (b) Family planning services; or
 - (c) Services properly referred from the client's assigned pharmacy or physician/ARNP.

AMENDATORY SECTION (Amending WSR 01-01-028, filed 12/7/00, effective 1/7/01)

WAC 388-530-1850 Drug utilization and education (DUE) council. The medical assistance administration (MAA) establishes a drug utilization and education (DUE) council and determines membership rotation.

- (1) The DUE council ~~((must))~~:
- (a) ~~((Have))~~ Has a minimum of eight and a maximum of ten members, representing actively practicing health care professionals who have recognized knowledge and expertise in one or more of the following:
 - (i) The clinically appropriate prescribing of covered outpatient drugs;

- (ii) The clinically appropriate dispensing and monitoring of covered outpatient drugs;
- (iii) Drug use review, evaluation, and intervention;
- (iv) Medical quality assurance; and
- (v) Disease state management.
- (b) ~~((Be))~~ Is made up of at least one-third but not more than fifty-one percent physicians, and at least one-third but not more than fifty-one percent pharmacists; and
 - (c) Includes an advanced registered nurse practitioner and a physician~~((s))~~ assistant.
- (2) The DUE council meets periodically to:
 - (a) Advise MAA on drug utilization review activities;
 - (b) Review provider and patient profiles;
 - (c) Recommend adoption of standards and treatment guidelines for drug therapy;
 - (d) Provide interventions targeted toward therapy problems; and
 - (e) Produce an annual report.

AMENDATORY SECTION (Amending WSR 01-01-028, filed 12/7/00, effective 1/7/01)

WAC 388-530-1900 Drug utilization and claims review. (1) The medical assistance administration's (MAA's) drug utilization review (DUR) consists of:

- (a) A prospective drug utilization review (Pro-DUR) that requires all pharmacy providers to:
 - (i) Obtain patient histories of allergies, ~~((idiosyncrasies))~~ idiosyncrasies, or chronic condition(s) which may relate to drug utilization~~((See WAC 246-875-020 (1)(h)(i)))~~;
 - (ii) Screen for potential drug therapy problems; and
 - (iii) Counsel the patient in accordance with existing state pharmacy laws and federal regulations; and
- (b) A retrospective drug utilization review (Retro-DUR), in which MAA provides for the ongoing periodic examination of claims data and other records in order to identify patterns of fraud, abuse, gross overuse, or inappropriate or medically unnecessary care among physicians, pharmacists, and individuals receiving benefits.
 - (2) MAA performs a periodic sampling of claims to determine if drugs are appropriately dispensed and billed. If a review of the sample finds that a provider is inappropriately dispensing or billing for drugs, MAA may implement corrective action that includes, but is not limited to:
 - (a) Educating the provider regarding the problem practice(s);
 - (b) Requiring the provider to maintain specific documentation in addition to the normal documentation requirements regarding the provider's dispensing or billing actions;
 - (c) Recouping the payment for the drug(s); and/or
 - ~~((e))~~ (d) Terminating the provider's core provider agreement.

AMENDATORY SECTION (Amending WSR 01-01-028, filed 12/7/00, effective 1/7/01)

WAC 388-530-1950 Point-of-sale (POS) system/prospective drug utilization review (Pro-DUR). (1) ~~((All))~~ Pharmacy ((drug)) claims ~~((received by MAA for payment))~~ for drugs and other products listed in the medical assistance

administration (MAA) drug file list and billed to MAA by National Drug Code (NDC) are adjudicated by the MAA point-of-sale (POS) system. Claims must be submitted for payment using the billing unit standard identified in WAC 388-530-1800.

(2) All pharmacy drug claims processed through the POS system undergo a system-facilitated prospective drug utilization review (Pro-DUR) screening as a complement to the Pro-DUR screening required of pharmacists.

(3) ~~((MAA selects national council for prescription data processing (NCPDP) codes for pharmacy provider use in overriding MAA POS system alert messages.~~

~~(4))~~ If the MAA POS system identifies a potential drug therapy problem during Pro-DUR screening, a message will alert the pharmacy provider indicating the type of potential problem.

~~((a))~~ The alerts ~~((e))~~ regarding possible drug therapy problems include, but are not limited to:

~~((i))~~ (a) Therapeutic duplication;

~~((ii))~~ (b) Duration of therapy exceeds the recommended maximum period;

~~((iii))~~ (c) Drug-to-drug interaction;

~~((iv))~~ (d) Drug disease precaution;

~~((v))~~ (e) High dose;

~~((vi))~~ (f) Ingredient duplication;

~~((vii))~~ (g) Drug-to-client age conflict;

~~((viii))~~ (h) Drug-to-client gender conflict; or

~~((ix))~~ (i) Refill too soon.

~~((b))~~ The dispensing pharmacist evaluates the potential drug therapy conflict.

~~(i)~~ If the conflict is resolved, the pharmacy may process the claim using the applicable NCPDP code.

~~(ii)~~ If the conflict is not resolved, MAA requires prior authorization for claims when an alert message is triggered in the POS system and NCPDP code is not appropriate.

~~(5))~~ (4) MAA provides pharmacy providers with a list of codes from which to choose in overriding MAA POS system alert messages. The override codes come from the national council for prescription drug programs (NCPDP).

(5) The dispensing pharmacist evaluates the potential drug therapy conflict and chooses one of the following:

(a) If the conflict is resolved, the pharmacy may process the claim using the applicable NCPDP override code.

(b) If the conflict is not resolved, MAA requires prior authorization. This includes all claims for which an alert message is triggered in the POS system and an NCPDP override code is not appropriate.

(6) MAA requires providers to retain documentation of the justification for the use of payment system override codes as described in subsections (4) and (5) of this section. MAA requires the documentation be retained for the same period as that described in WAC 388-502-0020.

(7) POS/Pro-DUR screening is not applicable to pharmacy claims included in the managed care capitated rate.

AMENDATORY SECTION (Amending WSR 01-01-028, filed 12/7/00, effective 1/7/01)

WAC 388-530-2050 Reimbursement ~~((f))~~ **for out-of-state prescriptions.** (1) The medical assistance administra-

tion (MAA) reimburses out-of-state pharmacies for prescription drugs provided to an eligible client within the scope of the client's medical care program if the pharmacy:

(a) Contracts with MAA to be an enrolled provider; and

(b) Meets the same criteria MAA requires for in-state pharmacy providers.

(2) MAA considers pharmacies located in bordering areas listed in WAC ~~((388-501-075))~~ 388-501-0175 the same as in-state pharmacies.

WSR 02-12-097
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 4, 2002, 4:25 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-021.

Title of Rule: Chapter 392-120 WAC, Finance. University of Washington (UW) Transition School and early entrance program allocations.

Purpose: To update language to be consistent with the intent of the UW program and to add two content changes:

(1) Add the University of Washington Academy as one of the early entrance programs and (2) increase the number of students eligible for entrance into the UW's early entrance programs from 30 to 110.

Statutory Authority for Adoption: RCW 28A.150.290.

Statute Being Implemented: RCW 28A.185.040.

Summary: Rule changes are needed in order to clarify participation of highly capable students who are eligible to participate in the University of Washington's early entrance programs and to identify an additional early entrance program, University of Washington Academy. Changes allow the university to increase the number of highly capable students participating in their programs.

Reasons Supporting Proposal: University of Washington's president has requested this change. There is a need to provide appropriate educational opportunities to highly capable students.

Name of Agency Personnel Responsible for Drafting and Implementation: Gayle Pauley, Office of Superintendent of Public Instruction, (360) 725-6100; and Enforcement: Mike Bigelow, Office of Superintendent of Public Instruction, (360) 725-6111.

Name of Proponent: Office of Superintendent of Public Instruction, University of Washington, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: (1) Addition of University of Washington Academy as one of the universities' early entrance programs and (2) increase the number of students from 30 to 110 who may participate in one of the transition schools and/or early entrance programs based on the Interlocal Cooperation Act, chapter 39.34 RCW.

PROPOSED

Proposal Changes the Following Existing Rules:
Increase of number of students allowed to participate.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Old Capitol Building, Wanamaker Conference Room, P.O. Box 47200, Olympia, WA 98504-7200, on July 9, 2002, at 9-11 a.m.

Assistance for Persons with Disabilities: Contact Sheila Emery by July 5, 2002, TDD (360) 664-3631, or (360) 725-6271.

Submit Written Comments to: Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, 600 South Washington Street, Olympia, WA 98504-7200, fax (360) 753-4201, by July 5, 2002.

Date of Intended Adoption: July 11, 2002.

June 2, 2002

Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-120-001 Authority. The authority for this chapter is RCW 28A.185.040 which authorizes the superintendent of public instruction to adopt rules relating to the allocation of any state and federal moneys for students attending a University of Washington transition school and/or early entrance program.

AMENDATORY SECTION (Amending Order 90-04, filed 4/12/90, effective 5/13/90)

WAC 392-120-005 Purpose. The purpose of this chapter is to set forth policies and procedures relating to the allocation of state and federal moneys to the University of Washington for eligible highly capable students attending a University of Washington transition school and/or early entrance program.

AMENDATORY SECTION (Amending Order 90-04, filed 4/12/90, effective 5/13/90)

WAC 392-120-010 Definition—University of Washington transition school and early entrance program. As used in this chapter, "University of Washington transition school and early entrance program" means ((a)) programs operated by the University of Washington for the education of highly capable students.

AMENDATORY SECTION (Amending Order 90-04, filed 4/12/90, effective 5/13/90)

WAC 392-120-020 Definition—Eligible student. As used in this chapter, "eligible student" means a student:

(1) Enrolled in the University of Washington transition school and/or early entrance program for not more than three years; and

(2) Eighteen years of age or younger at the beginning of the school year.

AMENDATORY SECTION (Amending Order 97-05, filed 9/17/97, effective 10/18/97)

WAC 392-120-025 Definition—Full-time equivalent student. As used in this chapter, "full-time equivalent student" means an eligible student enrolled in and attending all courses required for continued enrollment in ((the)) a transition school, and also means an eligible student who is enrolled in the early entrance program for 12 college credits or more per quarter.

AMENDATORY SECTION (Amending Order 97-05, filed 9/17/97, effective 10/18/97)

WAC 392-120-030 Definition—School year—Beginning—End. As used in this chapter, "school year" ((means the beginning of autumn quarter through the end of summer quarter)) shall begin on the first day of September and end with the last day of August.

AMENDATORY SECTION (Amending Order 90-04, filed 4/12/90, effective 5/13/90)

WAC 392-120-035 Definition—Resident school district. As used in this chapter, "resident school district" means the same as that term is defined in WAC ((392-137-010(4))) 392-137-120.

AMENDATORY SECTION (Amending Order 90-04, filed 4/12/90, effective 5/13/90)

WAC 392-120-050 Contract between the superintendent of public instruction and the University of Washington. The superintendent of public instruction shall contract under the Interlocal Cooperation Act, chapter 39.34 RCW, with the University of Washington for the admission and enrollment in the transition school of up to thirty highly capable students in the state of Washington each academic year and up to eighty highly capable students in the University of Washington's Academy each academic year, and for the continued enrollment and instruction in ((the)) these early entrance program(s) of such students until they turn eighteen or complete three years at the transition school and/or early entrance program, whichever first occurs.

AMENDATORY SECTION (Amending Order 97-05, filed 9/17/97, effective 10/18/97)

WAC 392-120-055 Responsibilities—University of Washington. The allocation of moneys pursuant to this chapter are conditioned on the University of Washington transition school and early entrance program(s) performing the following:

(1) Reporting for each count date for each eligible student of their:

- (a) Full-time equivalency; and
- (b) Resident school district.

(2) Expending the moneys allocated pursuant to this chapter on allowable activities.

(3) Providing health screening as agreed to by contract with the superintendent of public instruction; enforcing chapter 180-140 WAC and all applicable federal laws relating to student discipline and rights for students enrolled in the transition school or early entrance program(s) who have not yet registered or enrolled in college level courses; and enforcing Title 478 WAC and all applicable federal laws relating to student conduct, discipline, records and rights, for students who have registered and enrolled in one or more college level courses.

(4) Reporting for the October count date of each year to the resident school district of the enrollment of each student in the University of Washington transition school and early entrance program(s).

(5) Reporting annually to the superintendent of public instruction the actual expenditures on allowable activities.

AMENDATORY SECTION (Amending Order 90-04, filed 4/12/90, effective 5/13/90)

WAC 392-120-060 Responsibilities—Superintendent of public instruction. In carrying out the responsibilities associated with this chapter, the superintendent of public instruction shall:

(1) Perform such calculations as are necessary to carry out the several provisions of this chapter;

(2) Allocate such moneys as determined to the University of Washington transition school and early entrance program(s) quarterly.

AMENDATORY SECTION (Amending Order 97-05, filed 9/17/97, effective 10/18/97)

WAC 392-120-065 Calculation of quarterly allocation. The superintendent of public instruction shall calculate the quarterly allocation of moneys to the University of Washington transition school and early entrance program(s) using information available at the time the calculation is made as follows:

(1) Sum the following for each eligible student:

(a) Determine the revenue per eligible annual average full-time equivalent student; and

(b) Multiply the result obtained in (a) of this subsection by the annual average full-time equivalency of the eligible student.

(2) Adjust the result obtained in subsection (1) of this section by any over or under payments resulting from prior quarterly allocations.

AMENDATORY SECTION (Amending Order 90-04, filed 4/12/90, effective 5/13/90)

WAC 392-120-070 Recovery of unspent moneys. The University of Washington transition school and early entrance program(s) shall remit the positive difference determined by subtracting the actual expenditures on allowable activities from the total allocation.

WSR 02-12-099

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed June 5, 2002, 8:47 a.m.]

The Washington State Department of Agriculture hereby withdraws the proposal to amend the hop marketing order, under chapter 16-532 WAC, originally filed on March 6, 2002, WSR 02-06-130. The final decision of the director on the proposal to amend the hop marketing order to implement a special assessment on hops and to conduct a set-aside program denied the proposal in its entirety.

Anyone with questions should contact Deborah Anderson, Commodity Commission Coordinator, (360) 902-2043.

William E. Brookreson
Deputy Director

WSR 02-12-102

PROPOSED RULES DEPARTMENT OF HEALTH

[Filed June 5, 2002, 9:00 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 246-282-990 Sanitary control of shellfish—Fees.

Purpose: The proposed rule creates a fee assessed to commercial shellfish operations to pay for PSP testing of commercial shellfish product. This new fee is necessary to implement the 2002 supplemental operating budget, section 220, chapter 371, Laws of 2002, that transferred the Department of Health (DOH) funding authority for commercial PSP testing from general fund - state to general fund - local.

Statutory Authority for Adoption: RCW 43.70.250.

Summary: Commercial shellfish PSP testing is an integral part of the shellfish operations licensing program. It is currently supported by general fund-state dollars and performed at the DOH public health laboratories. The proposed rule is necessary to implement a funding switch for commercial product testing, made in the 2002 legislative session, from general fund-state to general fund-local (fees). The dollars collected from this new fee will be used to fund the commercial PSP testing.

Reasons Supporting Proposal: Creating a fee assessed to commercial shellfish operations will allow PSP testing to continue as part of the shellfish licensing program. The purpose of this program is the protection of public health. By preventing contaminated commercial shellfish product from reaching consumers, PSP testing is essential to this purpose.

Name of Agency Personnel Responsible for Drafting: Jan Jacobs, New Market Center, Building 4, Tumwater, (360) 236-3316; Implementation and Enforcement: Jennifer Tebaldi, New Market Center, Building 4, Tumwater, (360) 236-3325.

Name of Proponent: Washington State Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule creates a fee assessed to commercial shellfish operations to pay for PSP testing of commercial shellfish product. It implements the 2002 supplemental operating budget that switched the funding for this testing from the general fund-state account to the general fund-local account. The proposed fees vary depending on the type and size of shellfish operation.

The anticipated effect of the proposal is to generate enough revenue to allow PSP testing to continue at current levels. This testing is critical to protecting public health by preventing contaminated product from reaching consumers.

Proposal Changes the Following Existing Rules: The proposed rule creates a fee assessed to commercial shellfish operations to pay for PSP testing of commercial shellfish product.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025, a small business economic impact statement is not required for rules that set or adjust fees pursuant to legislative standards. This rule proposes to set a fee necessary to defray the costs of administering the commercial shellfish license program. The department is directed under RCW 43.27.250 to set fees so that the cost of a business license program is fully borne by members of that business. In addition, the 2002 supplemental operating budget changed the funding source for this activity from the general fund-state to general fund-local account.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328, "significant rule analysis" does not apply to rules that set or adjust fees pursuant to legislative standards, as this proposal does. See above.

Hearing Location: Department of Labor and Industries, Auditorium, 7273 Linderson Way, Tumwater, WA 98501, on July 9, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jan Jacobs by July 2, 2002, TDD (800) 833-6388.

Submit Written Comments to: Jan Jacobs, Food Safety and Shellfish Programs, P.O. Box 47824, Olympia, WA 98504-7824, fax (360) 236-3316, by July 9, 2002.

Date of Intended Adoption: July 10, 2002.

May 31, 2002

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 01-14-047, filed 6/29/01, effective 7/30/01)

WAC 246-282-990 Fees. (1) Annual shellfish operation license fees are:

Type of Operation	Annual Fee
Harvester	\$250.
Shellstock Shipper	
0 - 49 Acres	\$282.
50 or greater Acres	\$452.

Type of Operation	Annual Fee
Scallop Shellstock Shipper	\$282
Shucker-Packer	
Plants with floor space < 2000 sq. ft.	\$514.
Plants with floor space 2000 sq. ft. to 5000 sq. ft.	\$622.
Plants with floor space > 5000 sq. ft.	\$1,147.

(2) The fee for each export certificate is \$10.

(3) ~~((The fee for a harvester shellfish operation license is \$125 for the period of time between October 1, 2001, and March 31, 2002. This subsection expires on April 1, 2002.))~~
Annual PSP testing fees for companies harvesting intertidally (between the extremes of high and low tide):

Fee Category

Type of Operation	Number of Harvest Sites	Fee
Harvester	≤ 2	\$173
Harvester	3 or more	\$259
Shellstock Shipper	≤ 2	\$195
0 - 49 acres		
Shellstock Shipper	3 or more	\$292
0 - 49 acres		
Shellstock Shipper	N/A	\$468
50 or greater acres		
Shucker-Packer	≤ 2	\$354
(plants < 2000 ft ²)		
Shucker-Packer	3 or more	\$533
(plants < 2000 ft ²)		
Shucker-Packer	≤ 2	\$429
(plants 2000-5000 ft ²)		
Shucker-Packer	3 or more	\$644
(plants 2000-5000 ft ²)		
Shucker-Packer	N/A	\$1,189
(plants > 5000 ft ²)		

(a) The number of harvest sites will be the total number of harvest sites on the licensed company's harvest site certificate:

(i) At the time of first licensure; or

(ii) January 1 of each year for companies licensed as harvesters; or

(iii) July 1 of each year for companies licensed as shellstock shippers and shucker packers.

(b) Two or more contiguous parcels with a total acreage of one acre or less is considered one harvest site.

(4) Annual PSP testing fees for companies harvesting subtidal geoduck (below extreme low tide):

PROPOSED

<u>Harvester</u>	<u>Fee</u>
<u>Department of natural resources (leased tracts harvested by nontribal licensees)</u>	<u>\$17,178</u>
<u>Jamestown S'Klallam Tribe</u>	<u>\$3,135</u>
<u>Lower Elwah Klallam Tribe</u>	<u>\$3,423</u>
<u>Nisqually Indian Tribe</u>	<u>\$4,316</u>
<u>Port Gamble S'Klallam Tribe</u>	<u>\$5,312</u>
<u>Puyallup Tribe of Indians</u>	<u>\$3,862</u>
<u>Skagit System Cooperative</u>	<u>\$555</u>
<u>Skokomish Indian Tribe</u>	<u>\$2,490</u>
<u>Squaxin Island Tribe</u>	<u>\$5,153</u>
<u>Suquamish Tribe</u>	<u>\$11,595</u>
<u>Tulalip Tribe</u>	<u>\$981</u>

(5) PSP fees must be paid in full to department of health before a commercial shellfish license is issued or renewed.

(6) Refunds for PSP fees will be given only if the applicant withdraws a new or renewal license application prior to the effective date of the new or renewed license.

WSR 02-12-103
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed June 5, 2002, 9:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-15-079.

Title of Rule: Chapter 246-335 WAC, In-home services agencies licensing rules (includes requirements for home health, hospice, and home care agencies, and hospice care centers).

Purpose: To implement the legislation enacted in March, 2000 revising chapter 70.127 RCW. This legislation established a single license for all in-home services providers, including home health, hospice and home care agencies. It also established a new category of in-home services provider, hospice care centers. The focus of these rules is to merge the existing requirements for home health, hospice and home care agencies, and create requirements to implement the new category of hospice care centers.

Other Identifying Information: The proposed rules create a new chapter of Washington Administrative Code, chapter 246-335 WAC. Chapter 246-327 WAC, Home health agencies; chapter 246-331 WAC, Hospice agencies; and chapter 246-336 WAC, Home care agencies, are repealed.

Statutory Authority for Adoption: Chapter 70.127 RCW.

Statute Being Implemented: Chapter 70.127 RCW.

Summary: Chapter 246-335 WAC establishes standards for the new "in-home services" license by streamlining the current requirements for home health, hospice and home care agencies, reducing redundancy, improving clarity and reducing or eliminating restrictive requirements not necessary to protect patient health and safety. Chapter 246-335 WAC also

establishes minimum health and safety standards for hospice care centers.

Reasons Supporting Proposal: The proposed rules implement requirements of legislation.

Name of Agency Personnel Responsible for Drafting: Lynda Timothy, 2725 Harrison Avenue N.W., Suite 500, Olympia, WA 98504-7852, (425) 513-5118; Implementation: Byron Plan, 2725 Harrison Avenue N.W., Suite 500, Olympia, WA 98504-7852, (360) 705-6780; and Enforcement: Gary Bennett, 2725 Harrison Avenue N.W., Suite 500, Olympia, WA 98504-7852, (360) 605-6652.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 246-335 WAC is necessary to implement the legislation enacted in March 2000 revising chapter 70.127 RCW. This legislation established a single license for all in-home services providers, including home health, hospice and home care agencies. It also established a new category of in-home services provider, hospice care centers. This rule streamlines the in-home services industry requirements, providing consistency and flexibility among the different service categories at initial licensure and will also streamline the survey process, benefitting both the in-home services agencies and the department. The rule also establishes standards for the new category of in-home services, hospice care centers. The establishment of a hospice care center licensure category will provide hospice agencies with another option by which to serve their patients and provide for more continuous care for hospice patients. The standards developed in the rule focused on establishing requirements for patient health and safety that were least restrictive and provided the greatest flexibility for providers to assure that hospice agencies could realistically develop this new category of service.

Proposal Changes the Following Existing Rules: Chapter 70.127 RCW merges chapter 246-327 WAC for home health agencies, chapter 246-331 WAC for hospice agencies, and chapter 246-336 WAC for home care agencies into a single in-home services license (as directed by chapter 70.127 RCW). It makes necessary revisions to the current rules to make requirements consistent across the different service categories, when possible. It also revises the rules to reduce unnecessary requirements while still assuring patient and client safety. The rule also adds a new section establishing standards for the new category of in-home services, hospice care centers.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule has been reviewed and the Department of Health has found that the rule will not have more than minor impact on small businesses. A survey and the significant analysis conducted demonstrated that the rule amendment will actually result in cost reductions for those businesses that must comply with the requirements.

RCW 34.05.328 does not apply to this rule adoption. The proposed rules are significant because they set licensure standards for a new category of health care facility (see RCW 34.05.328 (5)(iii)(B)).

Hearing Location: Department of Health, Facilities and Services Licensing Training Room, 2725 Harrison Avenue N.W., Suite 500, Olympia, WA 98504-7852, on July 9, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Yvette Lenz by July 3, 2002, TDD (360) 833-6368, or (360) 705-6661.

Submit Written Comments to: Lynda Timothy, Department of Health, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7872, fax (360) 705-6654, or <http://www3.doh.wa.gov/policyreview/>, by July 9, 2002.

Date of Intended Adoption: July 17, 2002.

May 31, 2002

M. C. Selecky
Secretary

PART 1

REQUIREMENTS FOR IN-HOME SERVICES AGENCIES LICENSED TO PROVIDE HOME HEALTH, HOME CARE, HOSPICE, AND HOSPICE CARE CENTER SERVICES

NEW SECTION

WAC 246-335-001 Scope and purpose. (1) These rules implement chapter 70.127 RCW which requires the department of health to set minimum health and safety standards for in-home services agencies licensed to provide home health, home care, hospice, and hospice care center services.

(2) Applicants and licensees must meet the requirements of this chapter and other applicable state and local laws.

(3) This chapter does not apply to services provided by persons exempt from requirements of chapter 70.127 RCW as provided for in RCW 70.127.040 and 70.127.050.

NEW SECTION

WAC 246-335-010 Applicability. The requirements in Part 1 of this chapter apply to all in-home services agencies licensed to provide home health, home care, and hospice services unless otherwise noted in the specific sections. The requirements in Part 1 of this chapter also apply to hospice care centers as identified in Part 2. The fee requirements in Part 3 of this chapter apply to all in-home services agencies licensed to provide home health, home care, hospice and hospice care center services.

NEW SECTION

WAC 246-335-015 Definitions. For the purposes of this chapter, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

(1) "AAA" means the area agency on aging designated by the aging and adult services administration to contract for home care services with the department of social and health services.

(2) "Acute care" means care provided by an in-home services agency licensed to provide home health services for

patients who are not medically stable or have not attained a satisfactory level of rehabilitation. These patients require frequent monitoring by a licensed nurse, therapist, dietician, or social worker to assess health status and progress.

(3) "Administrator" means an individual responsible for managing the operation of an in-home services agency.

(4) "Agency" means an in-home services agency licensed to provide home health, home care, hospice or hospice care center services.

(5) "Assessment" means:

(a) For home health and hospice agencies and hospice care centers, an evaluation of patient needs by an appropriate health care professional; or

(b) For home care agencies, an on-site visit by appropriate agency personnel to determine services requested or recommended to meet client needs.

(6) "Authenticated" means a written signature or unique identifier verifying accuracy of information.

(7) "Authorizing practitioner" means an individual authorized to approve a home health, hospice or hospice care center plan of care.

(a) For home health services:

(i) A physician licensed under chapter 18.57 or 18.71 RCW;

(ii) A podiatric physician and surgeon licensed under chapter 18.22 RCW; or

(iii) An advanced registered nurse practitioner (ARNP), as authorized under chapter 18.79 RCW;

(b) For hospice and hospice care center services:

(i) A physician licensed under chapter 18.57 or 18.71 RCW; or

(ii) An advanced registered nurse practitioner (ARNP), as authorized under chapter 18.79 RCW;

(8) "Bereavement" means care provided to the patient's family with the goal of alleviating the emotional and spiritual discomfort associated with the patient's death.

(9) "Client" means an individual receiving home care services.

(10) "Construction" for the purposes of hospice care centers means:

(a) New building(s) to be used as a hospice care center;

(b) Addition(s) to or conversion(s), either in whole or in part, of an existing building or buildings to be used as a hospice care center or a portion thereof; or

(c) Alteration or modification to a hospice care center.

(11) "Contractor" means an individual, person, or licensee who has a written contract with a licensee to provide patient or client care services or equipment.

(12) "Deemed status" means a designation assigned by the department for an in-home services agency licensed to provide home health, home care, or hospice services meeting the provisions of WAC 246-335-050, certified or accredited by organizations recognized by RCW 70.127.085, or monitored under contract with the department of social and health services under RCW 70.127.085 to provide home care services.

(13) "Department" means the Washington state department of health.

(14) "Dietician" means a person certified under chapter 18.138 RCW or registered by the American Dietetic Association.

(15) "Director of clinical services" means an individual responsible for nursing, therapy, nutritional, social, or related services that support the plan of care provided by in-home services agencies licensed to provide home health, hospice or hospice care center services.

(16) "Document" means the process of recording information relating to patient or client care verified by signature or unique identifier, title, and date.

(17) "Family" means an individual or individuals who are important to, and designated in writing by, the patient or client and need not be relatives, or who are legally authorized to represent the patient or client.

(18) "Health care professional" means an individual who provides health or health-related services within the individual's authorized scope of practice and who is licensed, registered or certified under Title 18 RCW, Business and professions.

(19) "Home care agency" or "in-home services agency licensed to provide home care services" means a person administering or providing home care services directly or through a contract arrangement to clients in places of permanent or temporary residence.

(20) "Home care aide" means an individual providing home care services.

(21) "Home care services" means nonmedical services and assistance provided to ill, disabled, infirm or vulnerable clients that enables them to remain in their residences. Home care services include, but are not limited to: Personal care such as assistance with dressing, feeding and personal hygiene to facilitate self-care; homemaker assistance with household tasks, such as housekeeping, shopping, meal planning and preparation, and transportation; respite care assistance and support provided to the family; or other nonmedical tasks, as defined in this section.

(22) "Home health agency" or "in-home services agency licensed to provide home health services" means a person administering or providing two or more home health services directly or through a contract arrangement to patients in places of permanent or temporary residence. A person administering or providing only nursing services may elect to be an in-home services agency licensed to provide home health services.

(23) "Home health aide" means an individual registered or certified as a nursing assistant under chapter 18.88A RCW.

(24) "Home health aide services" means services provided by home health aides in an in-home services agency licensed to provide home health, hospice, or hospice care center services under the supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist. Such care may include ambulation and exercise, medication assistance level 1 and level 2, reporting changes in patients' conditions and needs, completing appropriate records, and personal care or homemaker services, and other nonmedical tasks, as defined in this section.

(25) "Home health services" means services provided to ill, disabled, infirm, or vulnerable patients. These services

include, but are not limited to, nursing services, home health aide services, physical therapy services, occupational therapy services, speech therapy services, respiratory therapy services, nutritional services, medical social services, home medical supplies or equipment services, and professional medical equipment assessment services.

(26) "Home medical supplies or equipment services" means providing diagnostic, treatment, and monitoring equipment and supplies used in the direct care of patients or clients as stated in a plan of care.

(27) "Homelike" for the purposes of a hospice care center means an environment having the qualities of a home, including privacy, comfortable surroundings, opportunities for patient self-expression, and supporting interaction with the family, friends, and community.

(28) "Hospice agency" or "in-home services agency licensed to provide hospice services" means a person administering or providing hospice services directly or through a contract arrangement to patients in places of permanent or temporary residence under the direction of an interdisciplinary team.

(29) "Hospice care center" or "in-home services agency licensed to provide hospice care center services" means a homelike, noninstitutional facility where hospice services are provided, and that meet the requirements for operation under RCW 70.127.280 and WAC 246-335-154 through 246-335-212 and WAC 246-335-990.

(30) "Hospice care center service category" means the different levels of care provided in a hospice care center, including continuous care, general inpatient care, inpatient respite care, and routine home care.

(a) "Continuous care" means care for patients requiring a minimum of eight hours of one-to-one services in a calendar day, with assessment and supervision by an RN. An RN, LPN or home health aide may provide the care or treatment, according to practice acts and the rules adopted thereunder, of acute or chronic symptoms, including a crisis in their caregiving.

(b) "General inpatient care" means care for patients requiring an RN on-site twenty-four hours a day, for assessment and supervision. An RN, LPN or home health aide may provide the care or treatment, according to practice acts and the rules adopted thereunder, of acute or chronic symptoms, including a crisis in their caregiving.

(c) "Inpatient respite care" means care for patients whose caregivers require short-term relief of their caregiving duties.

(d) "Routine home care" means the core level of service for patients not receiving continuous care, general inpatient care, or inpatient respite care.

(31) "Hospice care center services" means hospice services provided in a hospice care center and may include any of the levels of care defined as hospice care center service categories.

(32) "Hospice services" means symptom and pain management provided to a terminally ill patient, and emotional, spiritual and bereavement support for the patient and family in a place of temporary or permanent residence, including hospice care centers, and may include the provision of home health and home care services for the terminally ill patient

through an in-home services agency licensed to provide hospice or hospice care center services.

(33) "In-home services agency" or "in-home services licensee" means a person licensed to administer or provide home health, home care, hospice or hospice care center services directly or through a contract arrangement to patients or clients in a place of temporary or permanent residence.

(34) "In-home services category" means home health, home care, hospice, or hospice care center services.

(35) "Interdisciplinary team" means the group of individuals involved in patient care providing hospice services or hospice care center services including, at a minimum, a physician, registered nurse, social worker, spiritual counselor and volunteer.

(36) "Licensed practical nurse" or "LPN" means an individual licensed as a practical nurse under chapter 18.79 RCW.

(37) "Licensed nurse" means a licensed practical nurse or registered nurse.

(38) "Licensee" means the person to whom the department issues the in-home services license.

(39) "Maintenance care" means care provided by in-home services agencies licensed to provide home health services that are necessary to support an existing level of health, to preserve a patient from further failure or decline, or to manage expected deterioration of disease. These patients require periodic monitoring by a licensed nurse, therapist, dietician, or social worker to assess health status and progress.

(40) "Managed care plan" means a plan controlled by the terms of the reimbursement source.

(41) "Medical director" means a physician licensed under chapter 18.57 or 18.71 RCW responsible for the medical component of patient care provided in an in-home services agency licensed to provide hospice and hospice care center services according to WAC 246-335-055 (5)(a).

(42) "Medication assistance level 1" means home health aide assistance with medications that are ordinarily self-administered by the patients of an in-home services agency licensed to provide home health, hospice or hospice care center services and are under the direction of appropriate agency health care personnel. The assistance must be provided in accordance with nursing assistant scope of practice as defined in chapter 18.88A RCW and the rules adopted thereunder.

(43) "Medication assistance level 2" means assistance with medications as defined by the board of pharmacy in chapter 246-888 WAC.

(44) "Nonmedical tasks" means those tasks which do not require clinical judgment and which can be performed by unlicensed individuals. These tasks are ordinarily performed by the patient or client, which if not for the patient or client's cognitive or physical limitation(s), would be completed independently by the patient, client, or family. These tasks may be completed by home health aides or home care aides. These nonmedical tasks include, but are not limited to:

(a) "Ambulation" which means assisting the patient or client to move around. Ambulation includes supervising or guiding the patient or client when walking alone or with the help of a mechanical device such as a walker, assisting with

difficult parts of walking such as climbing stairs, supervising or guiding the patient or client if the patient or client is able to propel a wheelchair, pushing of the wheelchair, and providing constant or standby physical assistance to the patient or client if totally unable to walk alone or with a mechanical device.

(b) "Bathing" which means assisting the patient or client to wash. Bathing includes supervising or guiding the patient or client to bathe, assisting the patient or client with difficult tasks such as getting in or out of the tub or washing the back, and completely bathing the patient or client if totally unable to wash self.

(c) "Body care" which means skin care including the application of over the counter ointments or lotions. "Body care" excludes foot care for patients or clients who are diabetic or have poor circulation.

(d) "Feeding" which means assistance with eating. Feeding includes supervising or guiding the patient or client when able to feed self, assisting with difficult tasks such as cutting food or buttering bread, and orally feeding the patient or client when unable to feed self.

(e) "Medication assistance level 2" which means assistance with medications as defined in the board of pharmacy rules, chapter 246-888 WAC, and consistent with nursing assistant rules under chapter 18.88A RCW.

(f) "Positioning" which means assisting the patient or client to assume a desired position, and with turning and exercises to prevent complications, such as contractures and pressure sores. Range of motion ordered as part of a physical therapy treatment is not included, unless such activity is authorized in agency policies and procedures and is supervised by a licensed physical therapist in a home health or hospice agency or hospice care center.

(g) "Protective supervision" which means being available to provide safety guidance protection to the patient or client who cannot be left alone due to impaired judgment.

(h) "Toileting" which means helping the patient or client to and from the bathroom, assisting with bedpan routines, using incontinent briefs, cleaning the patient or client after elimination, and assisting the patient or client on and off the toilet.

(i) "Transfer" which means assistance with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising or guiding the patient or client when able to transfer, providing steadying, and helping the patient or client when the patient or client assists in own transfer. This does not include transfers when the patient or client is unable to assist in their own transfer or needs assistive devices unless specific training or skills verification has occurred consistent with agency policies and procedures.

(45) "One-time visit" means a single visit by one individual to provide home health, hospice or home care services with no predictable need for continuing visits, not to exceed twenty-four hours.

(46) "On-site" means the location where services are provided.

(47) "Patient" means an individual receiving home health, hospice, or hospice care center services.

(48) "Person" means any individual, business, firm, partnership, corporation, company, association, joint stock association, public or private organization, or the legal successor thereof that employs or contracts with two or more individuals.

(49) "Personnel" means individuals employed and compensated by the licensee.

(50) "Plan of care" means a written document based on assessment of patient or client needs that identifies services to meet these needs.

(51) "Pressure relationships" of air to adjacent areas means:

(a) Positive (P) pressure is present in a room when the:

(i) Room sustains a minimum of 0.001 inches of H₂O pressure differential with the adjacent area, the room doors are closed, and air is flowing out of the room; or

(ii) Sum of the air flow at the supply air outlets (in CFM) exceeds the sum of the air flow at the exhaust/return air outlets by at least 70 CFM with the room doors and windows closed;

(b) Negative (N) pressure is present in a room when the:

(i) Room sustains a minimum of 0.001 inches of H₂O pressure differential with the adjacent area, the room doors are closed, and air is flowing into the room; or

(ii) Sum of the air flow at the exhaust/return air outlets (in CFM) exceeds the sum of the air flow at the supply air outlets by at least 70 CFM with the room doors and windows closed;

(c) Equal (E) pressure is present in a room when the:

(i) Room sustains a pressure differential range of plus or minus 0.0002 inches of H₂O with the adjacent area, and the room doors are closed; or

(ii) Sum of the air flow at the supply air outlets (in CFM) is within ten percent of the sum of the air flow at the exhaust/return air outlets with the room doors and windows closed.

(52) "Professional medical equipment assessment services" means periodic care provided by a licensed nurse, therapist or dietician, within their scope of practice, for patients who are medically stable, for the purpose of assessing the patient's medical response to prescribed professional medical equipment, including, but not limited to, measurement of vital signs, oximetry testing, and assessment of breath sounds and lung function (spirometry).

(53) "Quality improvement" means reviewing and evaluating appropriateness and effectiveness of services provided under this chapter.

(54) "Registered nurse" or "RN" means an individual licensed under chapter 18.79 RCW.

(55) "Service area" means the geographic area in which the department has given approval to a licensee to provide in-home services based on criteria in WAC 246-335-055 (1)(a) (vi). Service areas do not apply to hospice care centers.

(56) "Sink" means one of the following:

(a) "Clinic service sink (siphon jet)" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inch diameter.

(b) "Service sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets.

(c) "Hand wash sink" means a plumbing fixture of adequate size and proper design to minimize splash and splatter and permit hand washing without touching fixtures with hands, with adjacent soap dispenser with foot control or equivalent and single service hand drying device.

(57) "Social worker" means an individual regulated under chapter 18.19 or 18.225 RCW.

(58) "Spiritual counseling" means services provided or coordinated by an individual with knowledge of theology, pastoral counseling or an allied field.

(59) "Statement of deficiencies" means a written notice of any violation of chapter 70.127 RCW or the rules adopted thereunder which describes the reasons for noncompliance.

(60) "Statement of charges" means a document which initiates enforcement action against a licensee or applicant and which creates the right to an adjudicative proceeding. The department shall prepare a statement of charges in accordance with WAC 246-10-201.

(61) "Supervisor of direct care services" means an individual responsible for services that support the plan of care provided by an in-home services agency licensed to provide home care services.

(62) "Survey" means an inspection or investigation, announced or unannounced, conducted by the department to evaluate and monitor a licensee's compliance with this chapter.

(63) "Therapist" means an individual who is:

(a) A physical therapist, licensed under chapter 18.74 RCW;

(b) A respiratory therapist, licensed under chapter 18.89 RCW;

(c) An occupational therapist, licensed under chapter 18.59 RCW; or

(d) A speech therapist licensed under chapter 18.35 RCW.

(64) "Therapy assistant" means a licensed occupational therapy assistant defined under chapter 18.59 RCW or physical therapist assistant defined under chapter 18.74 RCW.

(65) "Volunteer" means an individual who provides direct care to a patient or client and who:

(a) Is not compensated by the in-home services licensee; and

(b) May be reimbursed for personal mileage incurred to deliver services.

(66) "WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW.

NEW SECTION

WAC 246-335-020 License required. A person must possess a current license issued by the department before advertising, operating, managing, conducting, opening or maintaining an in-home services agency unless exempt under RCW 70.127.040 or 70.127.050.

NEW SECTION

WAC 246-335-025 Initial application. An applicant for initial licensure or additional in-home service category must:

(1) Submit to the department:

(a) A completed application on forms provided by the department;

(b) Evidence of current professional liability insurance in the amount of one hundred thousand dollars per occurrence and public liability and property damage insurance in the amount of two hundred thousand dollars per occurrence as a minimum. This subsection does not apply to hospice applicants that provide in-home hospice care without receiving compensation for delivery of services;

(c) Disclosure statements and criminal history background checks obtained within three months of the application date for the administrator and director of clinical services or supervisor of direct care services in accordance with RCW 43.43.830 through 43.43.845;

(d) The following information:

(i) Name of managing personnel, officers, administrator, director of clinical services or supervisor of direct care services, and partners or individuals owning ten percent or more of the applicant's assets;

(ii) A description of the organizational structure;

(iii) A description of the in-home services categories to be offered directly or under contract;

(iv) Name, address, and phone numbers of all office locations that provide services within the state;

(v) A copy of the current business license(s);

(vi) A description of the service area for which the applicant is requesting to provide services;

(vii) Other information as required by the department;

(viii) Fees specified in WAC 246-335-990; and

(2) Develop and approve policies and procedures addressing the content of this chapter; and

(3) Meet the requirements of this chapter as determined by an initial survey conducted by the department.

NEW SECTION

WAC 246-335-030 Renewal. At least thirty days before the expiration date of the current license, the licensee must submit the following to the department:

(1) A completed application on forms provided by the department;

(2) Evidence of continuing insurance coverage according to WAC 246-335-025 (1)(b);

(3) Disclosure statements and criminal history background checks obtained within three months of the renewal date for the administrator and director of clinical services or supervisor of direct care services when these individuals are new to the agency since initial licensure or the last renewal, in accordance with RCW 43.43.830 through 43.43.845;

(4) Documentation required under WAC 246-335-050, if initially applying or reapplying for deemed status;

(5) A written request for continuation of deemed status, when applicable, including:

(a) The most recent decisions and findings; and

(b) Any changes in accreditation status, from the accrediting organization; and

(6) Information listed in WAC 246-335-025 (1)(d).

NEW SECTION

WAC 246-335-035 Change of ownership. At least thirty days prior to changing ownership of an in-home services agency:

(1) The licensee must submit in writing to the department:

(a) The full name, address and phone number of the current and prospective owner;

(b) The name, address, and phone number of the currently licensed in-home services agency and the name under which the prospective agency will operate;

(c) Date of the proposed change of ownership; and

(d) Any change in office location and service area, if relevant;

(2) The prospective new owner must submit:

(a) Information listed in WAC 246-335-025 (1)(b) through (d); and

(b) The change of ownership fee specified in WAC 246-335-990.

NEW SECTION

WAC 246-335-040 Applicant or licensee rights and responsibilities. (1) An applicant or licensee must:

(a) Comply with the provisions of chapter 70.127 RCW and this chapter;

(b) Display the license issued by the department in an area accessible to the public;

(c) Notify the department in writing:

(i) When there are changes of administrator, director of clinical services, or supervisor of direct care services;

(ii) Within thirty days of beginning or ceasing operation of any office location(s);

(iii) Thirty or more days before ceasing operation of any in-home services category licensed by the department;

(iv) To request approval to expand home health, hospice or home care service areas. An agency must submit information based on the criteria in WAC 246-335-055 (1)(a)(vi) and receive approval for service area expansion prior to providing services in the proposed expanded service area;

(v) When decreasing home health, hospice or home care service areas; and

(vi) Within thirty days of receipt, for deemed agencies only, of all decisions and findings from an accrediting entity, including any changes in accreditation or monitored status;

(d) Cooperate with the department during surveys which may include reviewing licensee records and conducting on-site visits with patient or client consent;

(e) Respond to a statement of deficiencies by submitting to the department:

(i) Within ten working days of receipt, a written plan of correction for each deficiency. All corrections must be completed within sixty days after the survey exit date, unless otherwise specified by the department; and

(ii) No longer than ninety days after the survey exit date, a progress report describing corrections made and ongoing monitoring actions, unless otherwise specified by the department.

(2) An applicant or licensee will:

- (a) Receive a written statement of deficiencies found during a survey; and
- (b) Receive written service area approval or denial;
- (3) An applicant or licensee may:
 - (a) Discuss findings observed during a survey with the surveyor; and
 - (b) Discuss the statement of deficiencies, denial of service area under WAC 246-335-045 (2)(f), or denial of an exemption under WAC 246-335-125 or 246-335-295 with the department's manager;
- (4) An applicant or licensee has the right to respond to and contest a statement of charges according to the following provisions:
 - (a) RCW 43.70.115, department of health authority for license approval, denial, restriction, conditioning, modification, suspension and revocation;
 - (b) Chapter 34.05 RCW, the Administrative Procedure Act; and
 - (c) Chapter 246-10 WAC, Adjudicative proceedings.

NEW SECTION

WAC 246-335-045 Department responsibilities. (1) The department may, in accordance with chapter 70.127 RCW:

- (a) Issue an initial license including the in-home services category(ies) and department approved service area(s), if applicable, for twelve months following submission of a completed application and appropriate fee, and following a survey that documents the applicant meets all the requirements of this chapter;
- (b) Issue a renewal license including the in-home services category(ies) and department approved service area(s), if applicable, for a twenty-four month period following submission of a completed application and appropriate fee;
- (c) Issue a license for change of ownership including the in-home services category(ies) and department approved service area(s), if applicable, to the new licensee for the remainder of the current license period following submission of the required information and appropriate fee, under WAC 246-335-035.
 - (2) The department may:
 - (a) Conduct surveys at any time and at least once during a licensure period to determine compliance with chapter 70.127 RCW and this chapter, except for agencies with deemed status under WAC 246-335-050 (2) and (3);
 - (b) Conduct one licensing survey inclusive of all in-home services categories;
 - (c) Investigate any person suspected of:
 - (i) Advertising, operating, managing, conducting, opening or maintaining an in-home services agency or providing in-home services, including hospice care center services, without a license unless exempt from licensure under RCW 70.127.040 and 70.127.050; or
 - (ii) Survey a licensee at anytime if the department has reason to believe the licensee is providing unsafe, insufficient, inadequate or inappropriate care;
 - (d) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.845, when necessary, in consultation with law enforcement personnel;

- (e) Require licensees to complete additional disclosure statements and background inquiries for an individual associated with the licensee or having direct contact with children under sixteen years of age, people with developmental disabilities, or vulnerable adults if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement and criminal background inquiry;

- (f) Approve, deny or revoke requests by home health, hospice or home care agencies for initial service area or service area expansion based on, but not limited to:

- (i) The licensee's demonstrated ability or inability to comply with this chapter as illustrated by substantiated complaint history, survey outcomes or enforcement action; and

- (ii) Evidence of the licensee's ability or inability to manage and supervise services throughout the approved service area under criteria listed in WAC 246-335-055 (1)(a)(vi);

- (g) Approve, deny, restrict, condition, modify, suspend, or revoke a license under this chapter under RCW 70.127-170;

- (h) Issue a statement of deficiencies following a survey which identifies noncompliance with chapter 70.127 RCW and this chapter; and

- (i) Prepare and serve upon the licensee or applicant at the earliest practical time a statement of charges following a survey which identifies noncompliance with chapter 70.127 RCW and this chapter. The statement of charges shall be accompanied by a notice that the licensee or applicant may request a hearing to contest the charges.

NEW SECTION

WAC 246-335-050 Deemed status. (1) A home health or hospice licensee that is certified by the federal Medicare program, or accredited by the community health accreditation program, or the joint commission on accreditation of healthcare organizations is not subject to a state licensure survey when exempt under subsection (3) of this section or the department has granted deemed status under subsection (6) of this section.

- (2) An in-home services licensee under contract with and monitored by the department of social and health services or AAA to provide home care services must notify the department when the contract is initiated. The licensee is not required to submit the information noted in subsection (4) of this section and is not subject to a state licensure survey when the department has granted deemed status under subsection (6) of this section.

- (3) An agency certified by the federal Medicare program is automatically granted deemed status for state licensure survey and is not required to submit the information noted in subsection (4) of this section.

- (4) An agency accredited by the community health accreditation program or the joint commission on accreditation of healthcare organizations requesting deemed status, except as provided in subsection (5) of this section, must submit to the department:

- (a) A written request to be considered for deemed status;
- (b) Verification of accreditation; and

(c) A copy of the decisions and findings of the accrediting organization based on an on-site survey within the twenty-four month period preceding the request for deemed status.

(5) A licensee may not request deemed status for an initial license or the survey conducted during the initial licensure period.

(6) The department shall grant deemed status to an in-home services category when:

(a) The department determines, using a liberal interpretation, the survey standards used at the time of certification, accreditation, or monitoring are substantially equivalent to chapter 70.127 RCW; and

(b) The licensee meets the requirements of this chapter and otherwise qualifies for licensure.

(7) If the department determines that the survey standards are not substantially equivalent to those required by this chapter, the department will notify the affected licensees with:

(a) A detailed description of the deficiencies in the alternate survey process; and

(b) An explanation concerning the risk to the consumer.

(8) The department may conduct validation surveys of agencies with deemed status according to RCW 70.127.085.

(9) The department retains authority to:

(a) Survey those in-home services categories not accredited, certified or monitored by the organizations specified in this section; and

(b) Investigate complaints against a deemed agency.

NEW SECTION

WAC 246-335-055 Plan of operation. (1) The applicant or licensee must establish and implement policies and procedures which include:

(a) A written plan of operation identifying:

(i) A description of the organizational structure;

(ii) Personnel job descriptions;

(iii) Responsibilities of contractors and volunteers;

(iv) Services to be provided;

(v) The days and hours of agency operation; and

(vi) Criteria for management and supervision of services throughout the service area(s) or hospice care center which include:

(A) For home health, hospice or hospice care center applicants or licensees:

(I) How the initial assessment and development of the plan of care will be completed per WAC 246-335-080 and 246-335-085;

(II) How patient needs will be met when assigned personnel, volunteers, or contractors are unable to serve the patient;

(III) How supervision of personnel and volunteers and monitoring of services provided by contractors will occur which meet the requirements of WAC 246-335-095 and 246-335-100;

(IV) How performance evaluations for personnel and volunteers and evaluation of services provided by contractors will be conducted per WAC 246-335-065 (10) and (11); and

(V) How the quality improvement program required in WAC 246-335-115 will be applied throughout the entire service area;

(B) For home care applicants or licensees:

(I) How the initial intake and development of the plan of care will be completed per WAC 246-335-090;

(II) How client needs will be met when assigned personnel, volunteers or contractors are unable to serve the client;

(III) How supervision of personnel and volunteers and monitoring of services provided by contractors will occur which meet the requirements of WAC 246-335-105;

(IV) How performance evaluations for personnel and volunteers and evaluation of services provided by contractors will be conducted per WAC 246-335-065 (10) and (11); and

(V) How the quality improvement program required in WAC 246-335-115 will be applied throughout the entire service area;

(b) A process to inform patients or clients of alternative services prior to ceasing operation or when the licensee is unable to meet the patient's or client's needs;

(c) A plan for preserving records, including the process to preserve or dispose of records prior to ceasing operation; and

(d) Time frames for filing documents in the patient or client records.

(2) The licensee must continue to update policies and procedures to reflect current practice, services provided by the agency, and state and local laws.

(3) The applicant or licensee must identify an administrator who is responsible to:

(a) Oversee the management and fiscal affairs of the licensee;

(b) Implement the provisions of this section;

(c) Designate in writing an alternate to act in the administrator's absence;

(d) Provide management and supervision of services throughout the approved service area or in the hospice care center;

(e) Arrange for necessary services;

(f) Keep contracts current;

(g) Serve as a liaison between the licensee, personnel, contractors and volunteers;

(h) Assure personnel, contractors and volunteers are currently credentialed by the state of Washington, when appropriate, according to applicable practice acts;

(i) Assure personnel, contractors and volunteers comply with the licensee's policies and procedures;

(j) Implement a quality improvement process;

(k) Manage recordkeeping according to this chapter;

(l) Assure supplies and equipment are available and maintained in working order;

(m) Assure the accuracy of public information materials; and

(n) Assure current written policies and procedures are accessible to personnel, contractors and volunteers during hours of operation.

(4) Hospice and hospice care center applicants or licensees must include in the plan of operation:

(a) Responsibilities and availability of the medical director to include:

- (i) Advising the licensee on policies and procedures;
- (ii) Serving as liaison with a patient's authorizing practitioner;
- (iii) Providing patient care and family support;
- (iv) Approving modifications in individual plans of care; and
- (v) Participating in interdisciplinary team conferences as required by WAC 246-335-085, hospice plan of care and WAC 246-335-155(8), hospice care center plan of care;
- (b) Availability of a bereavement program for up to one year after a patient's death;
- (c) Availability of social services, spiritual counseling, volunteer services, and respite care; and
- (d) Assuring direct care personnel, contractors and volunteers have training specific to the needs of the terminally ill and their families.

NEW SECTION

WAC 246-335-060 Delivery of services. The applicant or licensee must establish and implement policies and procedures that describe:

- (1) Admission, transfer, discharge and referral processes;
- (2) Specific services, including nonmedical tasks, available to meet patient or client, or family needs as identified in plans of care;
- (3) Agency personnel, contractor, and volunteer roles and responsibilities related to medication assistance level 1 and level 2;
- (4) Coordination of care, including:
 - (a) Coordination among services being provided by the in-home services agency; and
 - (b) Coordination with other agencies when care being provided impacts patient or client health;
- (5) Actions to address patient or client, or family communication needs;
- (6) Infection control practices for direct care personnel, contractors, and volunteers consistent with local health authorities;
- (7) Actions to take when personnel, volunteers, contractors, or patients or clients exhibit or report symptoms of a communicable disease in an infectious stage in accordance with chapter 246-100 WAC, Communicable and certain other diseases and chapter 246-101 WAC, Notifiable conditions;
- (8) Management of patient or client medications and treatments in accordance with appropriate practice acts;
- (9) Food storage, preparation and handling;
- (10) Reporting of patient/client abuse and neglect according to chapter 74.34 RCW;
- (11) Emergency care of patient or client;
- (12) Actions to be taken upon death of a patient or client;
- (13) Implementation of advanced directives in accordance with the Natural Death Act; and
- (14) Plans for service delivery when natural or man-made emergencies occur that prevent normal agency operation.

NEW SECTION

WAC 246-335-065 Personnel, contractor, and volunteer policies. The applicant or licensee must establish and implement policies and procedures regarding the following:

- (1) Employment criteria consistent with chapter 49.60 RCW, Discrimination—Human rights commission;
- (2) Job descriptions commensurate with responsibilities and consistent with health care professional credentialing and scope of practice as defined in relevant practice acts and rules adopted thereunder;
- (3) References for personnel, contractors and volunteers;
- (4) Credentials of health care professionals that are current and in good standing;
- (5) In-person contact with personnel, contractors and volunteers prior to service provision;
- (6) Orientation to current agency policies and procedures and verification of skills or training specific to the care needs of patients or clients;
- (7) Ongoing training pertinent to patient or client care needs;
- (8) Current cardiopulmonary resuscitation training consistent with agency policies and procedures for direct care personnel and contractors in home health and hospice agencies, and hospice care centers;
- (9) Availability of equipment necessary to implement plans of care and infection control policies and procedures;
- (10) Annual performance evaluations of all personnel and volunteers providing direct patient or client care, including on-site observation of care and skills specific to the care needs of patients or clients;
- (11) Annual evaluations of services provided by contractors; and
- (12) Washington state patrol criminal background inquiries and disclosure statements under RCW 43.43.830 through 43.43.845 for the administrator, director of clinical services or supervisor of direct care services per WAC 246-335-025 (1)(c), 246-335-030(3), and 246-335-035 and personnel, contractors, volunteers, students, and any other individual associated with the licensee having direct contact with children under sixteen years of age, people with developmental disabilities or vulnerable adults.

NEW SECTION

WAC 246-335-070 Personnel, contractor and volunteer records. The applicant or licensee must maintain records on all personnel and volunteers and have access to records on all contractors to include:

- (1) Current practice certification, credential or licensure, as applicable;
- (2) Documentation of references;
- (3) Evidence of orientation to current agency policies and procedures;
- (4) Verification of personnel, contractor, and volunteer skills or training specific to meeting the care needs of patients or clients;
- (5) Evidence of disclosure statement and Washington state patrol criminal background inquiry according to RCW 43.43.830 through 43.43.845;

(6) Training on current and revised agency policies and procedures, including patient or client care issues;

(7) Current CPR training for direct care personnel and contractors in home health and hospice agencies, and hospice care centers;

(8) Communicable disease testing, immunization, and vaccination according to current local health authorities; and

(9) Documentation of evaluations of personnel and volunteers providing direct patient or client care and evaluations of services provided by contractors providing direct patient or client care as required in WAC 246-335-065 (10) and (11).

NEW SECTION

WAC 246-335-075 Bill of rights. (1) An in-home services licensee at the time of admission must provide each patient or client, or designated family member with a written bill of rights affirming each individual's right to:

(a) A listing of the services offered by the in-home services licensee and those being provided;

(b) The name of the individual supervising the care and the manner in which that individual may be contacted;

(c) A description of the process for submitting and addressing complaints;

(d) Submit complaints without retaliation and to have the complaint addressed by the licensee;

(e) Be informed of the state complaint hotline number;

(f) A statement advising the patient or client, or designated family member of the right to ongoing participation in the development of the plan of care;

(g) A statement providing that the patient or client, or designated family member is entitled to information regarding access to the department's listing of providers and to select any licensee to provide care, subject to the individual's reimbursement mechanism or other relevant contractual obligations;

(h) Be treated with courtesy, respect, privacy, and freedom from abuse and discrimination;

(i) Refuse treatment or services;

(j) Have property treated with respect;

(k) Privacy of personal information and confidentiality of health care records;

(l) Be cared for by properly trained personnel, contractors and volunteers with coordination of services;

(m) A fully itemized billing statement upon request, including the date of each service and the charge. Licensees providing services through a managed care plan are not required to provide itemized billing statements; and

(n) Be informed about advanced directives and the licensee's responsibility to implement them.

(2) An in-home services licensee must ensure that the rights under this section are implemented and updated as appropriate.

NEW SECTION

WAC 246-335-080 Home health plan of care. (1) Home health licensees must, except as provided in subsections (2) and (3) of this section:

(a) Develop and implement a written home health plan of care for each patient with input from the patient or designated family member and authorizing practitioner;

(b) Assure each plan of care is developed by appropriate agency personnel and is based on a patient assessment, except when providing one-time visits under subsection (3) of this section;

(c) Assure the home health plan of care includes:

(i) Current diagnoses and information on health status;

(ii) Goals or outcome measures;

(iii) Types and frequency of services to be provided;

(iv) Home medical equipment and supplies used by the patient;

(v) Orders for treatments and their frequency to be provided and monitored by the licensee;

(vi) Special nutritional needs and food allergies;

(vii) Orders for medications to be administered and monitored by the licensee including name, dose, route, and frequency;

(viii) Medication allergies;

(ix) The patient's physical, cognitive and functional limitations;

(x) Discharge and referral plan;

(xi) Patient and family education needs pertinent to the care being provided by the licensee;

(xii) Resuscitation status of the patient according to documentation consistent with the Natural Death Act and advance directives, chapter 70.122 RCW; and

(xiii) The level of medication assistance to be provided.

(d) Develop and implement a system to:

(i) Assure the plan of care is reviewed and updated by appropriate agency personnel according to the following time frames:

(A) For patients requiring acute care services, every two months;

(B) For patients requiring maintenance services, every six months; and

(C) For patients requiring only professional medical equipment assessment services or home health aide only services, every twelve months.

(ii) Assure the plan of care is signed or authenticated and dated by appropriate agency personnel and the authorizing practitioner, according to the time frames in (a) of this subsection;

(iii) Assure the plan care is returned to the agency within sixty days of the initial date of service or date of review and update;

(iv) Inform the authorizing practitioner regarding changes in the patient's condition that indicate a need to change the plan of care;

(v) Obtain approval from the authorizing practitioner for additions and modifications;

(vi) Assure all verbal orders for modification to the plan of care are immediately documented in writing and signed or authenticated and dated by an agency individual authorized within the scope of practice to receive the order and signed or authenticated by the authorizing practitioner and returned to the agency within sixty days of the date the verbal orders were received.

(2) Home health agencies providing home health aide only services to a patient may develop a modified plan of care by providing only the following information on the plan of care:

- (a) Types and frequency of services to be provided;
 - (b) Home medical equipment and supplies used by the patient;
 - (c) Special nutritional needs and food allergies;
 - (d) The patient's physical, cognitive and functional limitations; and
 - (e) The level of medication assistance to be provided.
- (3) Home health agencies providing a one-time visit for a patient may provide the following written documentation in lieu of the home health plan of care and patient record requirements in WAC 246-335-110 (1)(c):
- (a) Patient name, age, current address, and phone number;
 - (b) Confirmation that the patient was provided a written bill of rights under WAC 246-335-075;
 - (c) Patient consent for services to be provided;
 - (d) Authorizing practitioner orders; and
 - (e) Documentation of services provided.

NEW SECTION

WAC 246-335-085 Hospice plan of care. (1) Hospice licensees must, except as provided in subsection (2) of this section:

- (a) Develop and implement a written hospice plan of care for each patient with input from the authorizing practitioner, appropriate interdisciplinary team members, and the patient or designated family member;
- (b) Assure each plan of care is developed by appropriate agency personnel and is based on a patient and family assessment;
- (c) Assure the hospice plan of care includes:
 - (i) Current diagnoses and information on health status;
 - (ii) Goals or outcome measures;
 - (iii) Symptom and pain management;
 - (iv) Types and frequency of services to be provided;
 - (v) Home medical equipment and supplies used by the patient;
 - (vi) Orders for treatments and their frequency to be provided and monitored by the licensee;
 - (vii) Special nutritional needs and food allergies;
 - (viii) Orders for medications to be administered and monitored by the licensee including name, dose, route, and frequency;
 - (ix) Medication allergies;
 - (x) The patient's physical, cognitive and functional limitations;
 - (xi) Patient and family education needs pertinent to the care being provided by the licensee;
 - (xii) Resuscitation status of the patient according to documentation consistent with the Natural Death Act and advance directives, chapter 70.122 RCW; and
 - (xiii) The level of medication assistance to be provided;
- (d) Develop and implement a system to:

- (i) Assure and document the plan of care is reviewed by the appropriate interdisciplinary team members within the first week of admission and every two weeks thereafter;

- (ii) Assure the plan of care is signed or authenticated and dated by appropriate agency personnel and the authorizing practitioner;

- (iii) Assure the plan of care is returned to the agency within sixty days from the initial date of service;

- (iv) Inform the authorizing practitioner regarding changes in the patient's condition that indicates a need to change the plan of care;

- (v) Obtain approval from the authorizing practitioner for additions and modifications; and

- (vi) Assure all verbal orders for modification to the plan of care are immediately documented in writing and signed or authenticated and dated by an agency individual authorized within the scope of practice to receive the order and signed or authenticated by the authorizing practitioner and returned to the agency within sixty days from the date the verbal orders were received.

(2) Hospice agencies providing a one-time visit for a patient may provide the following written documentation in lieu of the hospice plan of care and patient record requirements in WAC 246-335-110 (1)(c):

- (a) Patient's name, age, current address, and phone number;
- (b) Confirmation that the patient was provided a written bill of rights under WAC 246-335-075;
- (c) Patient consent for services to be provided;
- (d) Authorizing practitioner orders; and
- (e) Documentation of services provided.

NEW SECTION

WAC 246-335-090 Home care plan of care. (1) Home care licensees must, except as provided in subsection (2) of this section:

- (a) Develop and implement a written home care plan of care for each client with input and written approval by the client or designated family member;

- (b) Assure each plan of care is developed by appropriate agency personnel, lists services requested or recommended to meet client needs, and is based on an on-site visit, under agency policies and procedures;

- (c) Assure the home care plan of care includes:

- (i) The client's functional limitations;

- (ii) Nutritional needs and food allergies for meal preparation;

- (iii) Home medical equipment and supplies relevant to the plan of care;

- (iv) Type and schedule of services to be provided; and

- (v) Nonmedical tasks requested;

- (d) Assure the plan of care is reviewed on-site, updated, approved and signed by appropriate agency personnel and the client or designated family member every twelve months and as necessary based on changing client needs.

(2) Home care agencies providing a one-time visit for a client may provide the following written documentation in lieu of the home care plan of care and client record requirements in WAC 246-335-110 (1)(c):

- (a) Client name, age, current address, and phone number;
- (b) Confirmation that the client was provided a written bill of rights under WAC 246-335-075;
- (c) Client consent for services to be provided; and
- (d) Documentation of services provided.

NEW SECTION

WAC 246-335-095 Supervision of home health care.

The following supervision requirements only apply to home health agencies:

- (1) A licensee must employ a director of clinical services;
- (2) The director of clinical services or designee must be available during all hours patient care is being provided;
- (3) The director of clinical services must designate in writing a similarly qualified alternate to act in the director's absence;
- (4) The director of clinical services or designee must assure:
 - (a) Coordination, development and revision of written patient care policies and procedures related to each service provided;
 - (b) Supervision of all patient care provided by personnel and volunteers;
 - (c) Evaluation of services provided by contractors;
 - (d) Coordination of services when one or more licensee is providing care to the patient;
 - (e) Compliance with the plan of care;
 - (f) All personnel, contractors, and volunteers observe and recognize changes in the patient's conditions, and report any changes to the director or designee; and
 - (g) All personnel, contractors, and volunteers initiate emergency procedures according to agency policy;
- (5) The licensee must document supervision including, but not limited to:
 - (a) RN supervision when using the services of a RN or LPN, in accordance with chapter 18.79 RCW;
 - (b) For patients receiving acute care services, supervision of the home health aide services during an on-site visit with or without the home health aide present must occur once a month to evaluate compliance with the plan of care and patient satisfaction with care. The supervisory visit must be conducted by a licensed nurse or therapist in accordance with the appropriate practice acts;
 - (c) For patients receiving maintenance care or home health aide only services, supervision of the home health aide services during an on-site visit with or without the home health aide present must occur every six months to evaluate compliance with the plan of care and patient satisfaction with care. The supervisory visit must be conducted by a licensed nurse or licensed therapist in accordance with the appropriate practice acts; and
 - (d) Supervision by a licensed therapist when using the services of a therapy assistant in accordance with the appropriate practice acts; and
- (6) The licensee using home health aides must assure:
 - (a) Each home health aide reviews the plan of care or written instructions for the care of each patient prior to pro-

viding home health aide services and whenever there is a change in the plan of care; and

(b) Each home health aide assists with medications according to WAC 246-335-015, and agency policy.

NEW SECTION

WAC 246-335-100 Supervision of hospice care. The following supervision requirements only apply to hospice agencies:

- (1) A licensee must employ a director of clinical services;
- (2) The director of clinical services or designee must be available twenty-four hours per day, seven days per week;
- (3) The director of clinical services must designate in writing a similarly qualified alternate to act in the director's absence;
- (4) The director of clinical services or designee must assure:
 - (a) Coordination, development and revision of written patient and family care policies and procedures related to each service provided;
 - (b) Supervision of all patient and family care provided by personnel and volunteers;
 - (c) Evaluation of services provided by contractors;
 - (d) Coordination of services when one or more licensee is providing care to the patient and family;
 - (e) Compliance with the plan of care;
 - (f) All personnel, contractors, and volunteers observe and recognize changes in the patient's condition, and report any changes to the director or designee; and
 - (g) All personnel, contractors, and volunteers initiate emergency procedures according to agency policy;
- (5) The licensee must document supervision including, but not limited to:
 - (a) RN supervision when using the services of a RN or LPN, in accordance with chapter 18.79 RCW;
 - (b) Licensed nurse supervision of home health aide services during an on-site visit with or without the home health aide present once a month to evaluate compliance with the plan of care and patient and family satisfaction with care;
 - (c) Supervision by a licensed therapist when using the services of a therapy assistant in accordance with the appropriate practice acts; and
 - (6) The licensee using home health aides must assure:
 - (a) Each home health aide reviews written instructions for the care of each patient and family prior to providing home health aide services and whenever there is a change to the plan of care; and
 - (b) Each home health aide assists with medications only according to WAC 246-335-015, and agency policy.

NEW SECTION

WAC 246-335-105 Supervision of home care. The following supervision requirements only apply to home care agencies:

- (1) The licensee must employ a supervisor of direct care services;

(2) The supervisor or designee must be available during all hours of client care;

(3) The supervisor of direct care services must designate in writing a similarly qualified alternate to act in the supervisor's absence;

(4) The supervisor of direct care services must assure:

(a) Supervision of all client care provided by personnel and volunteers;

(b) Evaluation of services provided by contractors;

(c) Coordination, development and revision of written client care policies;

(d) Participation in coordination of services when more than one licensee is providing care to the client;

(e) Compliance with the plan of care;

(f) All personnel, contractors, and volunteers observe and recognize changes in the client's needs, and report any changes to the director or designee;

(g) All personnel, contractors, and volunteers initiate emergency procedures according to agency policy;

(h) Each home care aide reviews the plan of care or written instructions for the care of each client prior to providing home care aide services and whenever there is a change in the plan of care; and

(i) Each home care aide assists with medications according to WAC 246-335-015, and agency policy; and

(5) The licensee must document supervision including, but not limited to, client contact every six months by phone or visit to evaluate compliance with the plan of care and to assess client satisfaction.

NEW SECTION

WAC 246-335-110 Patient/client records. (1) The licensee must:

(a) Maintain a current record for each patient or client consistent with chapter 70.02 RCW, Medical records—Health care information access and disclosure;

(b) Assure that the record is:

(i) Accessible, in an integrated document, in the licensee's office site for review by appropriate direct care personnel, volunteers, contractors, and the department;

(ii) Written legibly in permanent ink or retrievable by electronic means;

(iii) On the licensee's standardized forms;

(iv) In a legally acceptable manner;

(v) Kept confidential;

(vi) Chronological in its entirety or by the service provided;

(vii) Fastened together to avoid loss of record contents; and

(viii) Kept current with all documents filed according to agency time frames per agency policies and procedures;

(c) Include documentation of the following in each record, unless exempted in (d) of this subsection:

(i) Patient or client's name, age, current address and phone number;

(ii) Patient's or client's consent for service, care, and treatment;

(iii) Payment source and patient or client responsibility for payment;

(iv) Initial assessment when providing home health, hospice and hospice care center services, except when providing home health aide only services under WAC 246-335-080(5);

(v) Plan of care according to WAC 246-335-085 or 246-335-155(8), depending upon the service provided;

(vi) Signed or authenticated and dated notes documenting and describing services provided during each patient or client contact;

(vii) Observations and changes in the patient's or client's condition or needs;

(viii) For patients receiving home health, hospice and hospice care center services, with the exception of home health aide only services per WAC 246-335-080(5), authorized practitioner orders and documentation of response to medications and treatments ordered;

(ix) Supervision of home health aide and home care aide services according to WAC 246-335-095 (5)(b) and (c), 246-335-100 (5)(b), and 246-335-105(5); and

(x) Other documentation as required by this chapter;

(d) For patients receiving a one-time visit under WAC 246-335-080(6), 246-335-085(5) or 246-335-090(5), provide the documentation required in these sections;

(e) Consider the records as property of the licensee and allow the patient or client access to his or her own record; and

(f) Upon request and according to agency policy and procedure, provide patient or client information or a summary of care when the patient or client is transferred or discharged to another agency or facility.

(2) The licensee must maintain records for:

(a) Adults—three years following the date of termination of services; and

(b) Minors—three years after attaining age eighteen, or five years following discharge, whichever is longer.

(3) The licensee must:

(a) Store records to prevent loss of information and to maintain the integrity of the record and protect against unauthorized use;

(b) Maintain or release records after a patient's or client's death according to chapter 70.02 RCW, Medical records—Health care information access and disclosure; and

(c) After ceasing operation, retain or dispose of records in a confidential manner according to the time frames in subsection (2) of this section.

NEW SECTION

WAC 246-335-115 Quality improvement. Every in-home services licensee must maintain a quality improvement program to assure the quality of care and services provided throughout its service area or within a hospice care center that includes, but is not limited to:

(1) A complaint process that includes a procedure for the receipt, investigation, and disposition of complaints regarding services provided under RCW 70.127.120(2);

(2) A method to identify, monitor, evaluate, and correct problems identified by patients or clients, families, personnel, contractors, or volunteers; and

(3) A system to assess patient or client satisfaction.

NEW SECTION

WAC 246-335-120 Home medical supplies and equipment. This section applies only to home health and hospice agencies and hospice care centers providing or contracting for medical supplies or equipment services. The applicant or licensee must:

(1) If the applicant or licensee provides medical supplies or equipment services, develop and implement policies and procedures to:

- (a) Maintain medical supplies and equipment;
- (b) Clean, inspect, repair and calibrate equipment per the manufacturers' recommendations, and document the date and name of individual conducting the activity;
- (c) Assure safe handling and storage of medical supplies and equipment;
- (d) Inform the patient or designated family member of the cost and method of payment for equipment, equipment repairs and equipment replacement;
- (e) Document the patient or designated family member's approval;
- (f) Instruct each patient or family to use and maintain supplies and equipment in a language or format the patient or family understands, using one or more of the following:
 - (i) Written instruction;
 - (ii) Verbal instruction; or
 - (iii) Demonstration;
- (g) Document the patient or family understanding of the instructions provided;
- (h) Replace supplies and equipment essential for the health or safety of the patient; and
- (i) Identify and replace equipment recalled by the manufacturer.

(2) If the applicant or licensee contracts for medical supplies or equipment services, develop and implement policies and procedures to assure that contractors have policies and procedures consistent with subsection (1) of this section.

NEW SECTION

WAC 246-335-125 Exemptions and alternative methods. (1) To request an exemption from the minimum requirements in this chapter, the licensee must submit a written request to the department, including:

- (a) A description of the requested exemption and alternatives, if appropriate;
 - (b) Rationale for the exemption;
 - (c) Impact of the exemption on public health and safety; and
 - (d) Any other information the department requests.
- (2) The department may grant the licensee an exemption from a requirement of this chapter if:
- (a) The department determines the exemption will not jeopardize public health or safety; and
 - (b) The exemption is not contrary to the intent of chapter 70.127 RCW and the requirements of this chapter, a specific requirement of this chapter.
- (3) The licensee must retain a copy of each approved exemption and have them available at all times.

(4) An exemption is limited to a specific requirement and for the licensee who receives it. The exemption does not apply to any new applicants or other existing licensees.

**PART 2
REQUIREMENTS SPECIFIC TO HOSPICE CARE
CENTERS**

NEW SECTION

WAC 246-335-130 Applicability. The requirements in Part 2 of this chapter only apply to hospice care centers.

NEW SECTION

WAC 246-335-135 Definitions. The definitions for Part 2 through Part 2G of this chapter are located in WAC 246-335-011.

NEW SECTION

WAC 246-335-140 License required. (1) A person must possess a current license as an in-home services agency licensed to provide hospice care center services issued by the department before advertising, operating, managing, conducting, opening or maintaining a hospice care center.

(2) Prior to being issued a license as a hospice care center, an applicant must:

- (a) Be licensed as an in-home services agency licensed to provide hospice services;
- (b) Obtain a certificate of need under chapter 70.38 RCW;
- (c) Complete the construction review process;
- (d) Receive a certificate of occupancy by local building officials;
- (e) Submit a completed application and appropriate fee;
- (f) Develop policies and procedures addressing the content of this chapter; and
- (g) Meet the requirements of this chapter as determined by an initial survey completed by the department.

(3) A hospice care center may either be owned or leased. If the hospice agency leases space, all delivery of interdisciplinary services, including staffing and management, must be done by the hospice agency per RCW 70.127.280 (1)(g).

NEW SECTION

WAC 246-335-145 Initial application. An applicant for initial licensure must submit to the department:

- (1) A completed application on forms provided by the department;
- (2) Evidence of current professional liability insurance in the amount of one hundred thousand dollars per occurrence and public liability and property damage insurance in the amount of two hundred thousand dollars per occurrence as a minimum;
- (3) Disclosure statements and criminal history background checks obtained within three months of the application date for the administrator and director of clinical services in accordance with RCW 43.43.830 through 43.43.845;

(4) The following information:

(a) Name of managing personnel, officers, administrator, director of clinical services and partners or individuals owning ten percent or more of the applicant's assets;

(b) A description of the organizational structure;

(c) A description of the hospice care center service categories to be offered directly or under contract;

(d) Documentation that no more than forty-nine percent of patient care days, in the aggregate on a biennial basis will be provided in a hospice care center, under RCW 70.127.280 (1)(d);

(e) Name, address, and phone numbers of the center location(s) within the state;

(f) A copy of their current business license;

(5) Other information as required by the department; and

(6) Fees specified in WAC 246-335-990.

NEW SECTION

WAC 246-335-150 Renewal. At least thirty days before the expiration date of the current license, a licensee must submit the following to the department:

(1) A completed application on forms provided by the department;

(2) Evidence of continuing insurance coverage according to WAC 246-335-145(2);

(3) Disclosure statements and criminal history background checks obtained within three months of renewal for the administrator and director of clinical services when these individuals are new to the hospice care center since initial licensure or the last renewal, in accordance with RCW 43.43.830 through 43.43.845; and

(4) Information and fees listed in WAC 246-335-145 (4) through (6).

NEW SECTION

WAC 246-335-155 Other general hospice care center licensing requirements. (1) Change of ownership. A hospice care center licensee must meet the change of ownership requirements in WAC 246-335-035.

(2) Applicant or licensee rights and responsibilities. A hospice care center applicant or licensee must meet the applicant or licensee responsibility requirements in WAC 246-335-040.

(3) Department responsibilities. The department responsibility requirements in WAC 246-335-045 apply to hospice care center licensees and applicants.

(4) Plan of operation. A hospice care center applicant or licensee must meet the plan of operation requirements in WAC 246-335-055, and assure pets or animals living on the premises:

(a) Have regular examinations and immunizations, appropriate for the species, by a veterinarian licensed in Washington state;

(b) Be veterinarian certified as free of diseases transmittable to humans;

(c) Are restricted from food preparation areas; and

(d) Include only those customarily considered domestic pets.

(5) Delivery of services. A hospice care center applicant or licensee must:

(a) Meet the delivery of services requirements in WAC 246-335-060; and

(b) Establish and implement policies and procedures that assure:

(i) Auditory and physical privacy for the patient and family during the admitting process;

(ii) Patient rooms are private, unless the patient requests a roommate. Only two patients may share a room;

(iii) Each patient is provided a bed with a mattress appropriate to the special needs and size of the patient; and

(iv) Availability of clean bed and bath linens that are in good condition and free of holes and stains.

(6) Personnel, contractor, and volunteer policies. A hospice care center applicant or licensee must:

(a) Meet the personnel, contractor and volunteer policy requirements in WAC 246-335-065; and

(b) Assure training in the safe storage and handling of oxygen containers and other equipment as necessary.

(7) Personnel, contractor, and volunteer records. A hospice care center applicant or licensee must meet the personnel, contractor, and volunteer records requirements in WAC 246-335-070.

(8) Bill of rights. A hospice care center applicant or licensee must:

(a) Meet the bill of rights requirements in WAC 246-335-075; or

(b) For patients already being served by the hospice agency operating the hospice care center, assure:

(i) The bill of rights requirements have been provided to the patient and designated family member; and

(ii) Provide any additional information needed specific to the hospice care center.

(9) Plan of care. A hospice care center applicant or licensee must:

(a) Meet the plan of care requirements in WAC 246-335-085; or

(b) For patients already being served by the hospice agency operating the hospice care center, review the plan of care for any necessary revisions, and maintain the plan of care with any revisions in the hospice care center.

(10) Supervision. A hospice care center applicant or licensee must:

(a) Meet the supervision requirements in WAC 246-335-100 (1) through (6); and

(b) Develop any necessary supervision requirements specific to:

(i) The hospice care center service category staffing requirements; and

(ii) Supervising personnel, contractors, and volunteers who are employed by a separately licensed hospice agency.

(11) Patient records. A hospice care center applicant or licensee must meet the requirements in WAC 246-335-110.

(12) Quality improvement. A hospice care center applicant or licensee must:

(a) Meet the quality improvement requirements in WAC 246-335-115; or

(b) Assure the hospice agency operating the hospice care center has a quality improvement program that applies to the hospice care center; or

(c) Implement any needed changes or additions to the current hospice agency quality improvement program.

(13) Home medical supplies and equipment. A hospice care center applicant or licensee must meet the home medical supplies and equipment requirements in WAC 246-335-120.

(14) Staffing requirements. A hospice care center applicant or licensee must implement the following staffing requirements:

(a) There must be adequate staffing on duty at all times. Considerations for determining adequate staffing include, but are not limited to:

(i) Number of patients currently admitted and residing in the center;

(ii) Specific patient care requirements;

(iii) Family care needs; and

(iv) Availability of support from other interdisciplinary team members;

(b) Two people, who may either be personnel, contractors or volunteers, must be on duty twenty-four hours per day, seven days per week;

(c) A registered nurse must be available twenty-four hours per day for consultation and direct participation in nursing care;

(d) A registered nurse must be on-site when required to perform duties specified in chapter 18.79 RCW;

(e) When providing general inpatient services, a hospice care center must comply with the staffing requirements in (a) through (d) of this subsection, and assure:

(i) A registered nurse is present twenty-four hours per day, seven days per week, to direct nursing services; and

(ii) Care is provided by either a RN, LPN or home health aide to meet the needs of each patient in accordance with the plan of care; and

(f) When providing continuous care services, a hospice care center must, in addition to the staffing requirements in (a) through (d) of this subsection, assure:

(i) One-on-one staffing, directed by an RN, for a minimum of eight hours to a maximum of twenty-four hours per calendar day; and

(ii) Care is provided by either a RN, LPN or home health aide to meet the needs of each patient in accordance with the plan of care.

NEW SECTION

WAC 246-335-160 Nutritional services. (1) Nutritional services must be supervised by an RN or dietician.

(2) Appropriate nutritional consultation must be provided to the patient and family regarding the patient's dietary needs.

(3) Food must be prepared and served at intervals appropriate to the needs of patients, recognizing the unique dietary needs and changes of the terminally ill.

(4) Nutritional services must either be provided directly or through written agreement with a food service company.

(5) Food service sanitation must meet the requirements of chapter 246-215 WAC.

(6) Policies and procedures on nutritional services must include:

(a) Food storage;

(b) Food preparation;

(c) Food service; and

(d) Scheduled cleaning of all food service equipment and work areas.

(7) A copy of the procedures must be kept within or adjacent to the food service area and must be available for reference by nutritional service personnel and other personnel at all times.

NEW SECTION

WAC 246-335-165 Infection control. A hospice care center applicant or licensee must develop and implement written policies and procedures addressing infection control pertinent to the hospice care center and consistent with WAC 246-335-060 (6) and (7).

NEW SECTION

WAC 246-335-170 Emergency preparedness. A hospice care center applicant or licensee must:

(1) Develop and implement written policies and procedures governing emergency preparedness and fire protection;

(2) Develop an acceptable written plan, periodically rehearsed with personnel, contractors, and volunteers, to be followed in the event of an internal or external emergency, and for the care of casualties of the patient and family, personnel, contractors, and volunteers arising from such emergencies; and

(3) Develop a fire protection plan to include:

(a) Instruction for all personnel, contractors or volunteers in use of alarms, fire fighting equipment, methods of fire containment, evacuation routes and procedures for calling the fire department and the assignment of specific tasks to all personnel, contractors and volunteers in response to an alarm; and

(b) Fire drills for each shift of personnel.

NEW SECTION

WAC 246-335-175 Pharmaceutical services. The licensee must assure that all pharmaceutical services are provided consistent with chapter 246-865 WAC and the following requirements:

(1) Pharmaceutical services must be available twenty-four hours per day to provide medications and supplies through a licensed pharmacy;

(2) A pharmacist must provide sufficient on-site consultation to ensure that medications are ordered, prepared, disposed, secured, stored, accounted for and administered in accordance with the policies of the center and chapter 246-865 WAC;

(3) Medications must be administered only by individuals authorized to administer medications;

(4) Medications may be self-administered or administered by a designated family member in accordance with WAC 246-865-060 (7)(f);

(5) Drugs for external use must be stored apart from drugs for internal use;

(6) Poisonous or caustic medications and materials including housekeeping and personal grooming supplies must show proper warning or poison labels and must be stored safely and separately from other medications and food supplies;

(7) The hospice care center must maintain an emergency medication kit appropriate to the needs of the center;

(8) Medications brought into the hospice care center by patients to be administered by an appropriate health care professional while in the center must be specifically ordered by an authorizing practitioner and must be identified by a pharmacist or licensed nurse with pharmacist consultation prior to administration;

(9) Drugs requiring refrigeration must be kept in a separate refrigeration unit;

(10) Schedule II - IV controlled substances must be:

(a) Kept in a separate keyed storage unit; and

(b) When heat sensitive, be kept in a locked refrigeration unit;

(11) Schedule II - IV controlled substances no longer needed by the patient must be disposed in compliance with chapter 246-865 WAC;

(12) The hospice care center must provide for continuation of drug therapy for patients when temporarily leaving the center in accordance with WAC 246-865-070;

(13) If planning to use an automated drug distribution device, the hospice care center must first receive board of pharmacy approval; and

(14) If planning to provide pharmacy services beyond the scope of services defined in this section, the hospice care center must comply with the requirements for a licensed pharmacy in chapter 246-869 WAC.

PHYSICAL ENVIRONMENT REQUIREMENTS SPECIFIC TO HOSPICE CARE CENTERS

NEW SECTION

WAC 246-335-180 Applicability. The purpose of the following construction regulations is to provide minimum standards for a safe, homelike, and effective patient care environment in hospice care centers consistent with other applicable rules and regulations without redundancy and contradictory requirements. Rules allow flexibility in achieving desired outcomes and enable hospice care centers to respond to changes in technologies and health care innovations.

(1) These regulations apply to all construction as defined in WAC 246-335-015.

(2) The requirements in this section in effect at the time the application, fee, and construction documents are submitted to the department for review will apply for the duration of the construction project.

NEW SECTION

WAC 246-335-185 Application and approval. (1) A hospice care center applicant must submit an application and

construction documents under WAC 246-335-195 and provide documentation of approval from local zoning commissions, fire departments, and building departments, if applicable, to the department for review and approval for all construction as defined in WAC 246-335-015.

(2) A hospice care center applicant must:

(a) Respond in writing when the department requests additional or corrected construction documents;

(b) Complete construction in accordance with the final "department approved" documents;

(c) Submit to the department for review any change orders, addenda or modifications to the construction documents for review and approval;

(d) Notify the department in writing when construction is completed;

(e) Submit to the department a copy of the local jurisdictions' certificate of occupancy; and

(f) Submit 8 1/2 by 11 inch floor plans.

(3) The department shall notify the hospice care center in writing when:

(a) The construction documents are approved; or

(b) The construction documents are not approved. If the construction documents are not approved, the department shall submit a letter to the applicant identifying sections of this chapter for which a requirement is stated and there is a deficiency.

(4) A hospice care center applicant must not begin construction until the construction documents are approved by the department and the local jurisdictions have issued the appropriate permits.

NEW SECTION

WAC 246-335-190 Construction and design codes. A hospice care center applicant must, through its design, construction and necessary permits demonstrate compliance with the following codes and local jurisdiction standards:

(1) As adopted by the state building code council, and the *Uniform Building Code Standards*, as published by the International Conference of Building Officials as amended and adopted by the Washington state building code council and published as chapter 51-40 WAC;

(2) *The Uniform Mechanical Code*, (as published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials) as amended and adopted by the Washington state building code council and published as chapter 51-42 WAC;

(3) *Fire Code and Uniform Fire Code Standards*, as published by the International Conference of Building Officials and the Western Fire Chiefs Association as amended and adopted by the Washington state building code council and published as chapters 51-44 and 51-45 WAC;

(4) *Plumbing Code and Uniform Plumbing Code Standards*, as published by the International Association of Plumbing and Mechanical Officials, as amended and adopted by the Washington state building code council and published as chapters 51-46 and 51-47 WAC;

(5) *State Ventilation and Indoor Air Quality Code*, as adopted by the Washington state building code council and filed as chapter 51-13 WAC;

(6) *The Washington State Energy Code*, as amended and adopted by the Washington state building code council and filed as chapter 51-13 WAC;

(7) Electric Code of the National Fire Protection Association (NFPA-70) as adopted by the Washington state department of labor and industries including chapter 296-46A WAC;

(8) *Accepted Procedure and Practice in Cross-contamination Control*, Pacific Northwest Edition, 9th Edition, American Water Works Association;

(9) If planning on caring for patients with mycobacterium tuberculosis, *Guidelines for Preventing the Transmission of Mycobacterium Tuberculosis in Health Care Facilities*, 1994. Morbidity and Mortality Weekly Report (MMWR), Volume 43, October 28, 1994; and

(10) *National Fire Protection Association Standards 99*, 1999 Edition.

NEW SECTION

WAC 246-335-195 Construction documents. (1) Construction documents submitted to the department for review and approval must include:

(a) A written functional program that contains information concerning services to be provided and operational methods to be used;

(b) Two sets of coordinated and dimensioned construction drawings, drawn to scale, including:

(i) Site plan showing the location of utility lines, parking, driveways, access for emergency vehicles, sufficient space for garbage storage and disposal, oxygen tank or bulk storage, and delivery areas separated from mechanical air intakes per ventilation and mechanical codes;

(ii) Floor plans identifying each room by number, designating the function of each room, and identifying fixed and moveable equipment and furnishings;

(iii) Interior and exterior elevations;

(iv) Building sections and construction details;

(v) Schedules of room finishes, doors, finish hardware, and windows;

(vi) Mechanical, including plumbing, heating, ventilation, and air conditioning;

(vii) Electrical, including lighting, power, and communication systems;

(viii) Fire and life safety showing paths of egress, rated partitions and interim life safety to the point of egress;

(ix) Two sets of the fire sprinkler shop drawings, hydraulic calculations and equipment specifications, stamped by the fire sprinkler system designer; and

(x) Two sets of the fire alarm shop drawings and equipment specifications;

(c) One copy of the specifications that fully describes the workmanship, finishes, and materials; and

(d) If the project is a remodel of an existing facility, a plan that shows how they will ensure the health and safety of occupants during construction and installation of finishes

must be submitted for review and approval prior to construction. This includes taking appropriate infection control measures, keeping the surrounding area free of dust and fumes, and assuring rooms or areas are well-ventilated, unoccupied, and unavailable for use until free of volatile fumes and odors.

(2) Drawings and specifications for construction must be prepared by, or under the direction of, an architect registered under chapter 18.08 RCW. The services of a consulting engineer registered under chapter 18.43 RCW must be used for the various branches of the work where appropriate. The services of a registered professional engineer may be used in lieu of the services of an architect if work involves engineering only. All drawings submitted by a registered professional must be stamped and signed.

(3) Compliance with these standards and regulations does not relieve the hospice care center of the need to comply with applicable state and local building and zoning codes.

NEW SECTION

WAC 246-335-200 Site and site development. A hospice care center applicant or licensee must provide a site with utilities that meet uniform building code and local regulations including:

(1) Potable water supply meeting requirements in chapters 246-270, 246-290, and 246-291 WAC;

(2) Natural drainage or properly designed/engineered drainage system;

(3) Public or on-site sanitary sewage utilities meeting requirements in chapter 246-271 or 246-272 WAC;

(4) Physical access to community emergency services;

(5) Parking area, drives, and walkways:

(a) Convenient for patients, personnel, contractors, volunteers, and visitors, while avoiding interference with patient privacy and comfort;

(b) With surfaces useable in all weather and traffic conditions; and

(c) Illuminated at night.

GENERAL HOSPICE CARE CENTER DESIGN REQUIREMENTS

NEW SECTION

WAC 246-335-205 General requirements. A hospice care center applicant or licensee must meet the following general design elements for patient and family care and support areas as described in this chapter.

(1) Design of the hospice care center must take into account:

(a) The number of patient rooms planned which must not include more than twenty patient beds;

(b) The requirements for patient rooms as specified in WAC 246-335-260; and

(c) The family, personnel and public area requirements for space, which may include multiuse areas, as specified in WAC 246-335-275.

(2) A hospice care center may either be freestanding or a separate portion of another building.

(3) The hospice care center must have a separate external entrance, clearly identifiable to the public.

(4) If the hospice care center provides optional services not authorized in this chapter, those services must be physically separate from the area providing hospice care center services by a one-hour fire barrier wall.

(5) Ceiling heights in occupied areas or areas intended for patient use must be sufficiently high to meet the functional needs and equipment requirements of the space. Suspended tracks, rails, lights, or other obstructions located in path of travel can not be less than seven feet above finished floor to lowest point of obstruction.

(6) A corridor system throughout the hospice care center designed for traffic circulation must provide patient safety with:

(a) A width of six feet for hospice care centers accommodating six or more patients and restrictions of no more than seven inches for egress of patient care areas; or

(b) A width of four feet for hospice care centers accommodating five or less patients and restrictions of no more than seven inches for egress of patient care areas.

(7) If patient rooms are located above grade level, the hospice care center must have at least one elevator or lift designed for patient transport by gurney or equivalent.

(8) Doors must be designed with:

(a) Nominal four foot width for patient room doors in the path of egress designed to prevent swinging into corridor widths;

(b) Provision for personnel, contractors, and volunteers to gain immediate emergency access to patient occupied rooms or areas;

(c) Ability to swing outward from patient toilet and bathing rooms; and

(d) Vision panels in all pairs of opposite swinging doors.

(9) The hospice care center must provide a fire suppression system conforming to *National Fire Protection Association 13 Standard for the Installation of Sprinkler Systems*, 1999 Edition.

(10) Stairways must be designed with slip-resistant floor surfaces and ramps with slip-resistant or carpeted floor surfaces are required.

(11) Design and construction must address the prevention of entrance and infestation by pests.

(12) Interior finishes must be suitable to the function of an area including:

(a) Floors must be finished with:

(i) Easily cleanable and/or maintainable surfaces;

(ii) Slip-resistant surfaces at entrances and other areas;

(iii) Edges covered and top set base with toe at all wall junctures; and

(b) Carpets are not permitted in toilets, bathrooms, kitchens, utility rooms, janitor closets, and other areas where flooding or infection control is an issue;

(c) Ceiling finishes must be easily cleanable or maintainable;

(d) Walls must be:

(i) Protected from impact in high traffic areas;

(ii) Finished with easily cleanable surfaces; and

(iii) Finished with water-resistant paint, glaze, or similar water-resistant finish extending above the splash line in all rooms or areas subject to splash or spray.

(13) The design must include space and adequate storage for facility drawings, records, and operation manuals.

NEW SECTION

WAC 246-335-210 Furnishings. Furnishings of the hospice care center must be home-like and include lounge furniture in addition to furnishings in patient rooms. Accessories such as wallpaper, bedspreads, carpets and lamps must be:

(1) Selected to create a home-like atmosphere; and

(2) Installed per uniform building and fire codes and per manufacturer installation standards.

NEW SECTION

WAC 246-335-220 Pharmaceutical services area. (1) Pharmaceutical services area(s) must be accessible only to authorized personnel.

(2) A hospice care center must provide pharmacy services area(s) consistent with WAC 246-865-050 which include adequate space for:

(a) A work counter;

(b) A handwash sink;

(c) A soap and paper towel dispenser;

(d) Drug storage units constructed of metal, solid wood, or plywood which provide:

(i) Locked storage for all drugs;

(ii) Separate keyed storage for Schedule II - IV controlled substances;

(iii) Segregated storage for each patient's drugs;

(e) A lockable refrigerator for storage of heat sensitive drugs; and

(f) Other storage needed according to the hospice care center's functional program.

NEW SECTION

WAC 246-335-225 Food preparation. (1) A hospice care center applicant or licensee must:

(a) Locate food preparation areas to prevent objectionable heat, noise and odors to patient rooms;

(b) Provide a nourishment center for use by patients and family with:

(i) A refrigerator capable of maintaining 45°F or less;

(ii) A two-compartment sink;

(iii) A range with exhaust hood and/or microwave;

(iv) Work surfaces;

(v) Storage for single service utensils and food items;

(vi) Soap and paper towel dispensers or equivalent;

(vii) Space for waste containers; and

(viii) A self-dispensing ice machine (if not provided elsewhere in the hospice care center);

(2) The following requirements only apply if the hospice care center is planning to prepare meals and snacks for patients on-site:

(a) When primarily preparing individual meals or snacks for patients, in addition to the requirements in subsection (1) of this section, the nourishment center must include:

- (i) A separate refrigerator for patients' food items capable of maintaining 45°F or less;
- (ii) Separate storage for patient food items, cooking and eating utensils;
- (iii) A handwash sink; and
- (iv) A domestic dishwasher with a continuous supply of 155°F of water;

(b) When primarily preparing meals for fifteen or fewer patients at a time, the kitchen for preparation of patient meals and snacks must comply with chapter 246-215 WAC, Food sanitation, except, the hospice care center may use domestic or home type kitchen appliances including mechanical dishwashers, provided the licensee:

- (i) Operates the appliances according to manufacturer's direction; and
- (ii) Provides a continuous supply of water maintained at 155°F or more to the dishwasher(s); and
- (c) When primarily preparing meals for sixteen or more patients at a time, the kitchen for preparation of patient meals and snacks must comply with chapter 246-215 WAC, Food sanitation.

NEW SECTION

WAC 246-335-230 Linen handling facilities. A hospice care center applicant or licensee must provide linen handling facilities with the capacity for receiving, holding, sorting, and separating soiled and clean linens either in clean and soiled utility rooms meeting the requirements of WAC 246-335-200 or in a separate linen handling facility meeting the following requirements:

- (1) Floor drain(s) located in the soiled linen area;
- (2) Handwash sink in soiled and clean processing areas;
- (3) Negative air pressure gradient with direction of air flow from clean side of room to dirty side of room if room is shared;
- (4) A folding area on clean side of room; and
- (5) Separate clean linen storage located to avoid sources of moist or contaminated air with:
 - (a) Storage for reserve supply of linens, blankets, and pillows; and
 - (b) Space for carts and/or shelves.

NEW SECTION

WAC 246-335-235 Laundry facilities. A hospice care center applicant or licensee must provide laundry service through the use of:

- (1) A commercial laundry service; or
- (2) On-site laundry facilities with:
 - (a) A system to avoid through traffic or excessive heat, noise and odors to travel to patient rooms;
 - (b) Equipment capacity for processing laundry;
 - (c) Arrangement for uninterrupted work flow from soiled to clean function;
 - (d) Washing machine(s);

- (e) Floor drains as required for equipment;
- (f) Dryer(s);
- (g) Dryer exhaust to the exterior and make-up air; and
- (h) A handwash sink.

NEW SECTION

WAC 246-335-240 Utility rooms. (1) A hospice care center applicant or licensee must provide a clean utility room with no direct connection to soiled utility services, including:

- (a) Sufficient clean storage and handling area(s);
- (b) Closed storage for clean and sterile supplies and equipment;
- (c) A work surface;
- (d) Handwash sink;
- (e) Soap and towel dispenser; and
- (f) A self-closing door.

(2) The hospice care center must provide a soiled utility room on each floor of the center with no direct connection to clean utility services, including:

- (a) A clinic service sink, siphon jet or equivalent with bedpan flushing attachment unless bedpan flushing devices are furnished in all patient toilets;
- (b) Counter top, two-compartment sink, and gooseneck spout or equivalent;
- (c) Storage for cleaning supplies and equipment;
- (d) Soap and towel dispenser;
- (e) Locked storage for chemicals; and
- (f) Self-closing door.

PHYSICAL ENVIRONMENT—SPECIFIC DESIGN REQUIREMENTS

NEW SECTION

WAC 246-335-245 Plumbing. An applicant must design and install plumbing, including:

- (1) Backflow prevention with devices on plumbing fixtures, equipment, facilities, buildings, premises, or areas which may cause actual or potential cross-connections of systems in order to prevent the backflow of water or other liquids, gases, mixtures, or substances into a water distribution system or other fixtures, equipment, facilities, buildings, or areas;
- (2) Trap primers in floor drains and stand pipes subject to infrequent use;
- (3) Wrist, knee or foot faucet controls or equivalent and gooseneck spouts without aerators on handwash sinks;
- (4) Hands free faucet controls and gooseneck spouts without aerators;
- (5) Insulation on:
 - (a) Hot water piping systems;
 - (b) Cold water and drainage piping; and
 - (c) Piping exposed to outside temperatures; and
- (6) Equipment to deliver hot water at point of use as follows:
 - (a) 120°F or less for handwash sinks and bathing fixtures;
 - (b) 160°F or more for laundry washers;

- (c) 120°F or more for laundry washers using chemical sanitization;
- (d) 120°F or more for mechanical dishwashers using chemical sanitization;
- (e) 140°F or more for mechanical dishwashers using high temperature sanitization; and
- (f) 180°F or more for sanitization cycle in high temperature mechanical dishwashers.

NEW SECTION

WAC 246-335-250 Medical gases. If oxygen is stored or used on the premises, the following must apply in addition to other codes and regulations:

- (1) Electrical equipment used in oxygen-enriched environments must be properly designed for use with oxygen and should be labeled for use with oxygen; and
- (2) "No smoking" signs must be posted where oxygen is being administered.

NEW SECTION

WAC 246-335-255 Heating, ventilating and air conditioning. (1) Hospice care centers must have systems to provide individual temperature control for patient rooms to assure patient preference and comfort. The hospice care center must have the capacity to maintain:

- (a) Patient rooms at 70°F in summer and 80°F in winter; and
- (b) Nonpatient care areas at 75°F in summer and 70°F in winter.

(2) Total air circulation rates measured in air changes per hour (ACH) and ventilation air quantities must be provided in the following areas, if applicable, as follows:

- (a) Patient rooms - 4 ACH with 20 CFM ventilation air per person (including visitors);
- (b) Corridors - 2 ACH with 20% minimum outside air;
- (c) Toilets, bathing facilities, locker rooms, housekeeping closets, soiled linen handling facilities, soiled utility rooms and laundry rooms - minimum 10 ACH total or a minimum of 70 CFM exhausted directly to the outdoors;
- (d) Clean linen handling facilities, clean utility rooms, and medication distribution rooms - 4 ACH total or a minimum of 70 CFM;
- (e) Food preparation areas - 10 ACH with 2 ACH outside air; and
- (f) All other areas not specifically addressed above must be designed in accordance with Table 2 of ASHRAE Standard 62-1999.

(3) Heating and air conditioning system fans must continuously operate to maintain required pressure differences. Heating and air conditioning system air flows must be balanced to maintain pressure differences as follows:

- (a) Provide negative pressure for any of the following areas, if applicable:
 - (i) Toilet rooms and showers;
 - (ii) Janitor rooms;
 - (iii) Soiled utility rooms; and

(iv) Food service areas and other areas where moisture or odors are generated;

(b) Provide positive pressure for any of the following areas, if applicable:

- (i) Medication distribution rooms;
- (ii) Clean utility rooms; and
- (iii) Other similar areas.

(4) System outdoor air inlets must be located at least ten feet from any exhaust fan outlet, plumbing vent, combustion appliance vent, or other sources of contaminated air.

(5) A kitchen grease hood must be installed, and the applicant must provide a section drawing showing listed assembly type(s), fan discharge type and direction, curb venting, all required clearances both above and below the roof, materials, cleanouts, access doors, hood overhang of cooking equipment and other details in accordance with NFPA 96, Uniform Mechanical Code Sections 507 and 508, WAC 388-78A-070 (2)(e)(ii)(E) and 388-78A-290 (1)(a).

(6) Independent cooling system must be in place for elevator machine rooms.

(7) Combination fire smoke dampers must be in place for penetrations of corridor walls and of occupancy separations required around mechanical rooms, laundry rooms and storage rooms used in common.

NEW SECTION

WAC 246-335-260 Electrical service and distribution. A hospice care center applicant or licensee must provide general electrical service including:

- (1) Tamperproof receptacles in patient rooms, toilets, and bathing facilities, and family, and public areas;
- (2) Ground fault circuit interrupter (GFCI) receptacle when located within five feet of water source and above counters that contain sinks;
- (3) Emergency electrical service with:
 - (a) Adequate emergency lighting in patient rooms;
 - (b) At a minimum, provisions must be made for emergency lighting for means of egress; and
 - (c) Power, appropriate to provide continuous operation of life support equipment;
- (4) Lighting fixtures with:
 - (a) Number, type, and location to provide illumination for the functions of each area;
 - (b) A reading light and control, conveniently located for patient use at each bed in the patient rooms; and
 - (c) Protective lens or protective diffusers on overhead light fixtures:
 - (i) Over patient beds;
 - (ii) In areas where patient care equipment and supplies are processed; and
 - (iii) In nourishment centers or kitchen areas;
 - (d) A night light or equivalent low level illumination;
 - (e) Night light switches and general illumination switches located adjacent to the opening side of patient room doors; and
- (5) An electronic means of communication that notifies on-duty personnel, contractors, or volunteers and that must:
 - (a) Be located at the head of the bed in patient rooms and in all common areas accessible by the patients;

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- (b) Be physically or verbally accessible by patients slumped forward on the floors of either the toilet, bathing facility, or dressing room; and
- (c) Consider the patient's communication needs.

PATIENT AREAS

NEW SECTION

WAC 246-335-265 Patient rooms. (1) A hospice care center applicant or licensee must locate patient rooms to exclude through traffic and minimize the penetration of objectionable odors and noise from other areas of the center.

(2) Hospice care centers must assure each patient room is:

- (a) Directly accessible from a corridor; and
- (b) A minimum of one hundred square feet for private rooms and one hundred sixty square feet for rooms allowing a roommate.
- (3) All operable windows or openings that serve for ventilation must be provided with screening.
- (4) Patient room must be located above grade level.
- (5) Patient beds must be placed so they do not interfere with entrance, exit or traffic flow within the room.

(6) Patient rooms must be safe, private, clean and comfortable, allowing the patient to use personal belongings to the extent possible and include:

- (a) Seating for several family members, with provision for at least one sleeping accommodation in patient rooms;
- (b) A window with a view of landscaping to the exterior;
- (c) A noncoin-operated telephone readily available for the patient and family to make and receive confidential calls; and
- (d) A space suitable for hanging full-length garments and secure storage of personal belongings within the patient room.

NEW SECTION

WAC 246-335-270 Patient toilets and bathing facilities. (1) Each patient toilet must adjoin the patient room and include:

- (a) Bedpan flushing equipment if bedpan flushing equipment is not located in a soiled utility room;
- (b) Grab bars located per chapter 51-40 WAC and securely mounted on both sides of the water closet, with at least one horizontal grab bar extending eighteen inches beyond the front of the water closet;
- (c) A handwash sink;
- (d) Single service soap and towel dispensers;
- (e) Slip-resistant floor surfaces;
- (f) Toilet paper holder;
- (g) Backing to support mounting of all accessories; and
- (h) Mirror and shelving or equivalent at each handwash sink.

(2) There must be at least one patient toilet in the hospice care center meeting the accessibility requirements in chapter 51-40 WAC for every four patient beds. A minimum of one patient toilet meeting the accessibility requirements is required for each hospice care center.

(3) Bathing facilities, which may be separate from patient toilet rooms, must include:

- (a) With ten or fewer beds, one barrier free roll-in shower or accessible tub designed for ease of entry;
- (b) With eleven or more beds one barrier free roll-in shower or accessible tub, and one additional shower or tub, neither of which need to be barrier free or accessible;
- (c) Slip resistant floors;
- (d) An adequate supply of hot water available at all times;
- (e) A towel bar, hook, or ring;
- (f) A robe hook; and
- (g) Grab bars that are easily cleanable, resistant to corrosion, functionally designed, and securely mounted at patient bathing facilities in accordance with WAC 51-30-1100 including:
- (i) One vertical bar at the faucet end; and
- (ii) Bars located on two sides of each standard bathtub and shower.

FAMILY, PERSONNEL, VOLUNTEER, CONTRACTOR AND PUBLIC AREAS

NEW SECTION

WAC 246-335-275 Family, personnel, volunteer, contractor, and public areas. (1) A hospice care center applicant or licensee must provide family use areas with:

- (a) A minimum of two hundred square feet;
- (b) Comfortable seating for several family members;
- (c) Provision for families and patients to share meals;
- (d) Drinking water;
- (e) Public telephone;
- (f) Information desk or directory signage; and
- (g) Exterior, clear glass windows with a maximum sill height of thirty-six inches.

(2) Hospice care centers must provide a private space at least one hundred fifty square feet in size for every ten beds and an additional seventy-five square feet for every additional five beds. The private space should be designed for:

- (a) Private group, family and individual interviews and counseling;
- (b) Interdisciplinary weekly conferences and personnel, contractor, and volunteer breaks; and
- (c) Spiritual services.

(3) Hospice care centers must provide additional space for personnel, contractors and volunteers. This space must be designed to accommodate:

- (a) Secure storage for medical records;
- (b) Personnel, contractor, and volunteer break areas;
- (c) Personnel, contractor, and volunteer work areas;
- (d) General storage; and
- (e) At least one personnel, contractor, and volunteer toilet room with handwash sink.

(4) Hospice care centers must provide one visitor toilet room with handwash sink for every ten beds.

FACILITY SUPPORT

NEW SECTION

WAC 246-335-280 Environmental services facilities.

(1) The hospice care center must provide a waste handling area including storage area in a separate, well-ventilated area designed to maintain pest control and to preclude objectionable odors in other areas of the hospice care center, or in an outside, enclosed space with:

- (a) A handwash sink located adjacent to the path of travel back into patient care areas;
 - (b) If planned, a waste container wash area with floor drain connected to a sanitary sewage system and hose bibs with hot and cold water;
 - (c) If planned, waste dumpsters and compactor storage area with drain connected to a sanitary sewage system and hose bibs with hot and cold water.
- (2) The hospice care center must provide a locked house-keeping supply room on each floor with:
- (a) A service sink or equivalent;
 - (b) Soap and towel dispenser;
 - (c) A mop rack storage area for mobile housekeeping equipment and supplies; and
 - (d) Storage for chemicals.

NEW SECTION

WAC 246-335-285 Maintenance facilities. A hospice care center applicant or licensee must:

- (1) If planning a maintenance shop, assure it is located and designed for easy delivery and removal of equipment and to minimize noise and dust to the rest of the hospice care center with:
 - (a) Storage for solvents, flammable and combustible liquids; and
 - (b) Storage for supplies and equipment; and
- (2) Provide a separate room or area specifically for repair, and testing of electronic or other medical equipment according to the functional program.

NEW SECTION

WAC 246-335-290 Receiving, storage and distribution facilities. A hospice care center applicant or licensee must:

- (1) Provide bulk and general supply storage constructed to control pests, and prevent spoilage, contamination, damage, and corrosion of goods including:

<u># of FTEs</u>	<u>Home Health</u>	<u>Hospice</u>	<u>Home Care</u>	<u># of Beds</u>	<u>Hospice Care Center</u>
5 or less	\$1,500.00	\$750.00	\$450.00	5 or less	\$500.00
6 to 15	\$2,110.00	\$790.00	\$815.00	6 to 10	\$1,000.00
16 to 50	\$2,400.00	\$1,174.99	\$875.00	11 to 15	\$1,500.00
51 to 100	\$3,025.00	\$1,882.29	\$1,025.00	16 to 20	\$2,000.00
101 or more	\$3,115.00	\$1,980.00	\$1,100.00		

- (a) Protection against inclement weather;
 - (b) Secured spaces with appropriate environmental conditions in accordance with federal and state laws and rules on supplies and medication storage if pharmaceuticals are stored; and
 - (c) Off-floor storage when required to prevent contamination and water damage to stores;
- (2) Provide receiving and unloading area with:
- (a) Administrative work space;
 - (b) Security and protection for supplies; and
 - (c) Location to prevent vehicle exhaust from entering the hospice care center; and
- (3) Provide storage if needed for:
- (a) Flammable and combustible liquid storage;
 - (b) Laboratory chemicals;
 - (c) Medical compressed gases;
 - (d) Gaseous oxidizing materials;
 - (e) Pesticides, cleaning compounds, and toxic substances; and
 - (f) Mobile housekeeping equipment.

EXEMPTIONS AND ALTERNATIVE METHODS

NEW SECTION

WAC 246-335-295 Exemptions and alternative methods. Hospice care centers applying for an exemption to any of the requirements of this chapter must comply with the requirements in WAC 246-335-125.

**PART 3
FEES**

NEW SECTION

WAC 246-335-990 Fees. (1) A licensee or applicant shall submit to the department:

- (a) An initial twelve-month license fee of one thousand five hundred dollars for each service category for new persons not currently licensed to provide in-home services in Washington state, or currently licensed businesses which have had statement of charges filed against them;
- (b) A twenty-four month renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors of the number of beds, as follows:
- (c) For single service category licenses:

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(d) For multiple service category licenses:

(i) One hundred percent of the home health category fee and seventy-five percent of the appropriate service category fee for each additional service category (hospice, home care, hospice care center); or

(ii) One hundred percent of the hospice category fee and seventy-five percent of the appropriate service category fee for each additional service category (home care, hospice care center); and

(e) A change of ownership fee of one hundred fifty dollars for each licensed service category. A new license will be issued and valid for the remainder of the current license period.

(2) The department may charge and collect from a licensee a fee of seven hundred fifty dollars for:

(a) A second on-site visit resulting from failure of the licensee to adequately respond to a statement of deficiencies:

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

(3) A licensee with deemed status shall pay fees according to this section.

(4) A licensee shall submit an additional late fee in the amount of twenty-five dollars per day, not to exceed five hundred dollars, from the renewal date (which is thirty days before the current license expiration date) until the date of mailing the fee, as evidenced by the postmark.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 246-327-010	Definitions.
WAC 246-327-025	Licensure—Initial, renewal, transfer.
WAC 246-327-030	Deemed status.
WAC 246-327-035	Responsibilities and rights—Licensee and department.
WAC 246-327-065	General requirements.
WAC 246-327-077	Patient bill of rights.
WAC 246-327-085	Organization and administration.
WAC 246-327-090	Criminal history, disclosure, and background inquiries.
WAC 246-327-095	Personnel, contractors and volunteers.
WAC 246-327-105	HIV/AIDS education and training.
WAC 246-327-115	Patient care policies and procedures.
WAC 246-327-125	Supervision and coordination of patient services.

WAC 246-327-135	Home health plan of treatment.
WAC 246-327-145	Home health plan of care.
WAC 246-327-165	Clinical records.
WAC 246-327-185	Medical supplies—Equipment services.
WAC 246-327-990	Fees.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 246-331-010	Definitions.
WAC 246-331-025	Licensure—Initial, renewal, transfer.
WAC 246-331-030	Deemed status.
WAC 246-331-035	Responsibilities and rights—Licensee and department.
WAC 246-331-065	General requirements.
WAC 246-331-077	Patient bill of rights.
WAC 246-331-085	Organization and administration.
WAC 246-331-095	Personnel, contractors and volunteers.
WAC 246-331-100	Criminal history, disclosure, and background inquiries.
WAC 246-331-105	AIDS education and training.
WAC 246-331-115	Patient care policies and procedures.
WAC 246-331-125	Supervision and coordination of patient services.
WAC 246-331-135	Hospice plan of care.
WAC 246-331-165	Clinical records.
WAC 246-331-185	Medical supplies—Equipment services.
WAC 246-331-990	Fees.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 246-336-010	Definitions.
WAC 246-336-025	Licensure—Initial, renewal, transfer.
WAC 246-336-030	Deemed status.
WAC 246-336-035	Responsibilities and rights—Licensee and department.

WAC 246-336-065	General requirements.
WAC 246-336-077	Participant bill of rights.
WAC 246-336-085	Organization and administration.
WAC 246-336-095	Personnel, contractors and volunteers.
WAC 246-336-100	Criminal history, disclosure, and background inquiries.
WAC 246-336-105	HIV/AIDS education and training.
WAC 246-336-115	Participant care policies and procedures.
WAC 246-336-125	Supervision and coordination of services.
WAC 246-336-135	Home care plan of care.
WAC 246-336-165	Participant care records.
WAC 246-336-990	Fees.

Explanation of Rule, its Purpose, and Anticipated Effects: Amends fees for transient accommodations program. The increase is anticipated to fully maintain program activities as required by statute.

Proposal Changes the Following Existing Rules: The proposal increases transient accommodations fees by 59%.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal is exempt under RCW 34.05.310(4) and, therefore does not require a small business economic impact statement. However, the department prepared a fee study which provides documentation of the need for the fee increase. To obtain a copy of the fee study, contact Yvette Lenz at the address above.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995, do not apply to rules that set or adjust fees or rates pursuant to legislative standards according to RCW 34.05.328 (5)(b)(vi).

Hearing Location: Department of Health, Facilities and Services Licensing Training Room, 2725 Harrison Avenue N.W., Suite 500, Olympia, WA 98504-7852, on July 16, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Yvette Lenz by July 11, 2002, TDD (800) 833-6388, or (360) 705-6661.

Submit Written Comments to: Yvette Lenz, Rules Coordinator, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852, e-mail yvette.lenz@doh.wa.gov, website www3.doh.wa.gov/policyreview, fax (360) 705-6654, by July 16, 2002.

Date of Intended Adoption: July 25, 2002.

WSR 02-12-104
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed June 5, 2002, 9:02 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 246-360-990 Transient accommodations fees.

Purpose: The proposal increases transient accommodations fees sufficient to cover full operating costs.

Other Identifying Information: During the 2002 legislative session, the legislature granted the department authority to exceed I-601 limitations.

Statutory Authority for Adoption: RCW 43.70.250.

Statute Being Implemented: RCW 43.70.250.

Summary: The amendments increase transient accommodations fees by 59%.

Reasons Supporting Proposal: RCW 43.70.250 authorizes the department to charge fees sufficient to cover the full cost of program operations. The increase will enable the program to operate and conduct inspections in a timely manner, ensuring public health and safety in lodging facilities.

Name of Agency Personnel Responsible for Drafting: Ellen Haars, 2725 Harrison Avenue, Olympia, WA 98502, (360) 705-6686; Implementation: Bliss Moore, 2725 Harrison Avenue, Olympia, WA 98502, (360) 705-6660; and Enforcement: Gary Bennett, 2725 Harrison Avenue, Olympia, WA 98502, (360) 705-6652.

Name of Proponent: Department of Health, governmental.

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

June 4, 2002
 Mary C. Selecky
 Secretary

AMENDATORY SECTION (Amending WSR 01-15-093, filed 7/18/01, effective 8/18/01)

WAC 246-360-990 Fees. (1) The licensee or applicant must submit:

(a) An annual fee according to the following schedule:

NUMBER OF LODGING UNITS	FEE
3 - 10	((\$102.50)) <u>\$ 163.00</u>
11 - 49	((\$205.50)) <u>\$ 327.00</u>
50 - over	((\$411.00)) <u>\$ 653.00</u>

(b) A late fee of fifty dollars, in addition to the full license renewal fee, if the full license renewal fee is not delivered or mailed to the department at least thirty days prior to the license expiration date;

(c) An additional fee of fifty dollars for an amended license due to changing the number of lodging units or the name of the transient accommodation.

(2) The department shall refund fees only when all the following conditions are met:

(a) A prospective new owner applies for initial licensure prior to taking ownership as required by WAC 246-360-020 (4)(b);

(b) Transfer of ownership is not finalized;

- (c) The applicant requests a refund in writing; and
 (d) The department receives the fee and the request for refund in the same biennium.

WSR 02-12-108
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed June 5, 2002, 9:13 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-26-060 Certification—General methods.

Purpose: This rule pertains to the methods used for certification of names to fill classified general government state positions.

Statutory Authority for Adoption: Chapter 41.06 RCW.
 Statute Being Implemented: RCW 41.06.150.

Summary: This modification is housekeeping in nature. It will remove language from this rule that describes a practice that was done when certifications used to be done manually. This practice is no longer used.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule pertains to the methods used in certification of names to fill positions. This modification removes language that has been in place since 1973. At that time referrals were done manually and this was used to speed up the process when additional names were needed. This process is no longer used.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 11, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 5, 2002, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 5, 2002.

Date of Intended Adoption: July 11, 2002.

June 4, 2002
 E. C. Matt
 Secretary

AMENDATORY SECTION (Amending WSR 99-05-043, filed 2/12/99, effective 4/1/99)

WAC 356-26-060 Certification—General methods.

Upon receipt of a request for certification, the director of personnel shall normally certify to the appointing authority a list of names equal in number to six more than there are vacancies to be filled from the ranked registers except:

(1) One name will constitute a complete certification when referrals are made from the agency reduction in force register, the service-wide reduction in force register, or the dual agency reversion register. When an appointing authority requests a selective certification for specialized qualifications, the eligible candidate must meet the selective criteria in order to be referred to the position, provided:

(a) The criteria were approved when the position was established, reallocated, or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) It has been determined that the position involves new duties that would warrant future selective certification. Such selective criteria shall not be applied for certification purposes until six months after the department of personnel approves the selective criteria for the position.

(d) In the case of (a), (b), or (c) of this subsection, the director of personnel or designee must determine that the specialized qualifications are still required for successful job performance and cannot be learned within a reasonable length of time.

~~((2) Where all names are certified exclusively from an open competitive register, the director of personnel may certify in ranked order up to all of the names from the open competitive register. Provided, That the appointing authority shall select from those eligibles available from the highest ranking names which constitute seven names per vacancy to be filled.))~~

~~((3))~~ (2) The names of candidates from the same register who have the same score as the lowest score to be certified will also be certified.

~~((4))~~ (3) An unranked register may be used to complete a certification. An agency may request the transfer, reemployment, and/or voluntary demotion register(s) to complete a certification. In such cases, all names appearing on the specified register shall be certified. Subsequent unranked registers shall not be used until the certification is again incomplete.

~~((5))~~ (4) When the vacancy to be filled is identified as part of an agency's affirmative action goals as established by their approved affirmative action plan, the director of personnel may, except where there are employees on the reduction in force register, refer up to three additional names per vacancy of individuals who are on existing registers and who are persons with disabilities, Vietnam Era veterans and disabled veterans, and persons age 40 and above. More than three additional names per vacancy will be certified if there are eligibles in these categories with the same score as the lowest score to be certified. This action may be taken when necessary to comply with the best standards of personnel administration as contemplated by chapter 41.06 RCW.

Prior to the utilization of this subsection, the agency shall determine if there are eligibles in these categories on the existing registers. If there are fewer than three such eligibles on the register, the agency shall:

- (a) Appoint one of the eligibles from the register; or
- (b) Request assistance from the department of personnel in completing the certification. The department of personnel and the agency will then initiate targeted recruitment.

((6)) (5) When one or more of the following conditions exist, the director of personnel or designee may certify a sufficient number of names to assure that the requesting agency has not less than seven names available for consideration:

- (a) The position is in an isolated or undesirable location.
- (b) The position has undesirable working conditions.
- (c) The agency needs to fill several positions in the class.
- (d) One or more agencies have had difficulty filling positions in the class.
- (e) The director of personnel or designee determines that such certification is necessary to provide the requesting agency with efficient service.

If such certification contains seven or more available promotional candidates, agencies shall appoint from the promotional candidates.

((7)) (6) Permanent employees certified from a ranked register for consideration of appointment shall be notified by the agency at the time of the referral. Upon appointment the agency shall advise those employees certified but not appointed of the action taken.

WSR 02-12-109

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed June 5, 2002, 9:14 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-18-100 Accrued vacation leave disposition—Computation—How made.

Purpose: This rule pertains to accrued vacation leave disposition.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

Summary: This modification is housekeeping in nature. It will remove references to an RCW that was repealed in 1982.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule pertains to accrued vacation leave disposition. The modification to this rule is housekeeping in nature

and will remove references to RCW 41.06.100 which was repealed in 1982.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 11, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 5, 2002, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 5, 2002.

Date of Intended Adoption: July 11, 2002.

June 4, 2002

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 87-13-039 (Order 277) [02-03-061], filed 6/15/87 [1/10/02], effective 8/1/87 [3/1/02])

WAC 356-18-100 Accrued vacation leave disposition—Computation—How made. (1) When an employee separates from service by reason of resignation with adequate notice, layoff, dismissal, retirement or death, he or she is entitled to a lump sum payment of unused vacation leave. The compensation shall be computed by using the formula published by the office of financial management. No contributions are to be made to the department of retirement systems (DRS) for lump sum payment of excess vacation leave accumulated under the provisions of WAC 356-18-095(2), nor shall such payment be reported to the DRS as compensation.

(2) Employees may defer the payment of their accumulated vacation leave for which otherwise entitled for a period of 30 working days if the separation resulted from a reduction in force and there is a reasonable probability of reemployment, or if the separation resulted from employees returning to classified positions from exempt positions under the provision of RCW 41.06.070((22), 41.06.100,) or WAC 356-06-055. Seasonal career employees, as defined in WAC 356-05-380, may defer payment of their accumulated vacation leave during the period between consecutive employment cycles.

(3) If employees are paid for the accumulated vacation leave and are reemployed within the period of time represented by the number of days for which vacation pay was received, employees must return the payment for the remaining vacation days. Employees will be credited with the number of vacation days represented by the returned payments at the rate of their last salary.

(4) The separation cited in subsection (2) of this section will not be regarded as a break in service for purposes of computing the rates of crediting vacation leave prescribed in WAC 356-18-090, provided the employees return to employment other than by certification from the open competitive register.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

WSR 02-12-110
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed June 5, 2002, 9:15 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-06-065 Incumbent status for positions converted by the board from exempt to classified.

Purpose: This rule pertains to incumbent status for positions that are converted by the Washington Personnel Resources Board from exempt to classified.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

Summary: This rule pertains to status, salary, periodic increment date, vacation leave credits, sick leave credits, appeal rights and how it will be determined what methodology will be used to establish seniority when positions are converted from exempt to classified.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule is to deal with incumbents' status, salary, periodic increment dates, vacation leave, sick leave, appeal rights and how it will be determined what methodology will be used to establish the effective date for incumbent seniority when positions are converted by the Washington Personnel Resources Board from exempt to classified.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 11, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 5, 2002, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 5, 2002.

Date of Intended Adoption: July 11, 2002.

June 4, 2002
E. C. Matt
Secretary

NEW SECTION

WAC 356-06-065 Incumbent status for positions converted by the board from exempt to classified. (1) When the board determines that a position that has been treated as exempt does not meet the exemption criteria in WAC 356-06-020 the incumbent's status within the classified Washington general service will be in accordance with subsections (2) through (10) of this section.

(2) The incumbent shall not be required to pass a qualifying examination or meet the minimum qualifications for the Washington general service classification to which their position is allocated.

(3) Incumbents who have been continuously employed for a period of time equivalent to or greater than the probationary period established for their Washington general service classification shall not be required to complete the probationary period. Incumbents who have not been continuously employed for a period of time equivalent to or greater than the probationary period shall be required to complete the remaining portion of their probationary period.

(4) Incumbents whose salary is higher than the salary range assigned to their Washington general service classification shall be Y-rated in accordance with WAC 356-14-075.

(5) The periodic increment date (PID) for incumbents placed in positions converted by the board on or before the 15th of the month shall be set at the first day of that month. The PID for incumbents placed in positions converted by the board after the 15th of the month shall be set the first day of the following month.

(6) Incumbents shall be credited with all unused sick leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue sick leave as provided in WAC 356-18-050.

(7) Incumbents shall be credited with all unused vacation leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue vacation leave as provided in WAC 356-18-090.

(8) With regard to calculation of unused sick and vacation leave credits upon conversion, the employing agency's leave records are presumed to be accurate and in accordance with Chapter 356-18 WAC. If the incumbent disagrees he or she bears the burden of proof, by a preponderance of the evidence, that a different leave amount is correct under Chapter 356-18 WAC.

(9) The board will determine the methodology to be used for establishing the effective date for incumbent seniority. When feasible, the board will apply the methodology as prescribed in WAC 356-05-390. The employing agency shall set the seniority date in accordance with the board's instruction. Thereafter, incumbents shall accrue seniority in accordance with WAC 356-05-390. As provided in WAC 356-30-130, seniority gained by seasonal career employees during seasonal layoff will be disregarded. If an incumbent believes the agency did not set the seniority date in accordance with the board's instructions, the incumbent may request a review with the director. The written request for review must be filed with the director and received within 30 calendar days from the date the agency informed the employee of their

seniority date. The request must contain the reasons and basis for the review. Once the review is completed the director or designee shall issue a decision, which will be final and binding.

(10) Once an incumbent is placed in a position converted under the provisions of this section, he/she shall be covered by the merit system rules and shall have appeal rights as set forth in these rules and Title 358 WAC.

WSR 02-12-111
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed June 5, 2002, 9:16 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Amending WAC 356-42-010 Membership in employee organization, 356-42-042 Election provisions—General, 356-42-045 Union shop elections, 251-14-005 Purpose, 251-14-020 Employee organization filing requirements, 251-14-052 Union shop representative election, 251-14-054 Union shop representative decertification election, 251-14-056 Employee listings, 251-14-058 Union shop requirements, 251-14-060 Contents of written agreements and 356-42-105 Requests for arbitration; and repealing WAC 356-42-020 Determination of bargaining unit, 356-42-030 Determination of bargaining unit—Of exclusive representative, 356-42-040 Decertification of exclusive representative, 356-42-049 Disclaimer of interest—Notice—Automatic termination of exclusive representation, 251-14-030 Determination of bargaining unit, 251-14-040 Election and certification of exclusive representative, 251-14-042 Disclaimer of interest petition—Decertification as exclusive representative, 251-14-050 Petition for decertification of exclusive representative, 251-14-070 Unfair labor practices—Management—Employee organizations, 251-14-080 Unfair labor practices—Powers of board—Procedure, 251-14-082 Investigation of and disposition of unfair labor practice charges, 251-14-083 Unfair labor practice notice and complaint—Procedure, 251-14-085 Amendment of complaint or answer—Unfair labor practice, 251-14-086 Hearings and investigation—Unfair labor practice, 251-14-087 Enforcement—Unfair labor practice, 251-14-090 Unfair labor practice—Hearings, 356-42-060 Unfair labor practices for management, 356-42-070 Unfair labor practices for employee organizations, 356-42-080 Unfair labor practice, 356-42-082 Filing unfair labor practice charge, 356-42-083 Investigation of and disposition of unfair labor practice charges, 356-42-084 Answer to complaint—Unfair labor practice, 356-42-085 Amendment of complaint or answer—Unfair labor practice, 356-42-086 Hearing—Unfair labor practice, 356-42-088 Hearings and investigation—Unfair labor practice, and 356-42-089 Enforcement—Unfair labor practice.

Purpose: These rules pertain to bargaining units, exclusive bargaining representatives and unfair labor practice issues.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

Summary: These modifications are necessary due to the passage of SHB 1268. The portion of the bill that affects these rules become effective June 13, 2002.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules pertain to bargaining units, exclusive bargaining representatives and unfair labor practice issues. These modifications are due to the passage of Civil Service Reform (SHB 1268). Jurisdiction over these issues will be under the Public Relation Commission effective June 13, 2002.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 11, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 5, 2002, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 5, 2002.

Date of Intended Adoption: July 11, 2002.

June 4, 2002

E. C. Matt
Secretary

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-42-010 Membership in employee organization. (1) State employees shall have the right to affiliate with, be represented by and participate in, the management of employee organizations. State employees shall have the right to be represented by such organizations in collective negotiations with appointing authorities. No persons or parties shall directly or indirectly interfere with, restrain, coerce or discriminate against any state employee or group of state employees in the free exercise of these rights. However, the right not to affiliate with employee organizations shall be modified by the certification of a union shop representative according to WAC 356-42-043.

~~((2) Any employee organization or person desiring to represent state employees before the board or in collective negotiations with an appointing authority must first file a notice of intent to represent state employees with the director of personnel. Such notice of intent to represent state employees must set forth the name of the person or employee orga-~~

nization, and if the latter, the name of an agent authorized to speak on its behalf; a mailing address and telephone number; a general description of the types of employment falling within the intended area of representation; and a copy of a constitution, by laws, or any other documents defining powers and authorizing representation of the parties filing the notice of intent.)

((3)) (2) An employee organization which is, or desires to be, an exclusive bargaining representative for a bargaining unit which has chosen to be a union shop must have a written procedure concerning representation fees which complies with applicable statutory and constitutional requirements. Such employee organization must provide to the director a written opinion of the employee organization's attorney that its representation fee procedure is in compliance with applicable statutory and constitutional requirements.

REPEALER

WAC 356-42-020 Determination of bargaining unit.

REPEALER

WAC 356-42-030 Determination of bargaining unit—Of exclusive representative.

REPEALER

WAC 356-42-040 Decertification of exclusive representative.

AMENDATORY SECTION (Amending WSR 88-18-010 (Order 307), filed 8/26/88)

WAC 356-42-042 Election provisions—General. (1) To provide that ((certification/decertification and)) union shop elections are truly representative of the desires of the employees and that all employees eligible to vote have every opportunity to do so, employee participation in these elections will be encouraged to the greatest extent possible.

(2) The director or designee shall administer all elections and be responsible for the processing and adjudication of all disputes that arise as a consequence of elections.

(3) Upon being notified by the director or designee that a valid petition for an election has been received, the affected appointing authority shall submit to the director or designee and the petitioning party and/or exclusive representative a list of all employees included in the bargaining unit as of the preceding payroll period. This list shall contain the employees' names, job classifications, work locations, and home mailing addresses. For purposes of an election, the director or designee shall also provide such listing to an affected employee organization which has submitted proof that it represents at least ten percent of the employees in the bargaining unit and/or to a group of affected employees who have submitted a written request signed by at least ten percent of the employees in the unit.

(4) Upon receipt of a valid petition for an election, the director or designee shall conduct a preelection conference which shall include representatives of the appointing author-

ity, and representatives of the employee organization and/or petitioning party. At the preelection conference, determinations will be made on such matters as method of balloting, date(s) of election, absentee voting, eligibility of voters, locations, personnel at each election site, campaign activities, and any other matter that should be resolved concerning that election. Following, the preelection conference, the director or designee will establish rules, regulations and procedures for holding the election.

(5) At least ten days prior to the scheduled date, the director or designee will distribute a notice of election for posting in the work areas of affected employees. Such notice will contain information regarding the date(s), time(s) and location(s) of balloting, the rules, regulations and procedures established for the election, and a sample ballot.

(6) To the extent feasible, as determined by the director or designee, on-site voting shall take place during the employees' regular work schedules. Eligible voters shall be given ample opportunity to vote during work time while the polls are open.

(7) An employee who cannot appear at the voting site on the date of the vote, may vote by absentee ballot. A request for an absentee ballot must be submitted to the director or designee prior to the close of voting at the employee's voting site. To be counted, absentee ballots must be postmarked within five calendar days thereafter and must be received by the department of personnel within ten calendar days of the close of the polls.

(8) Employees on leave of absence without pay for the entire calendar month preceding the start of the balloting shall not be eligible to vote.

(9) Rules governing campaign activities shall be determined at the preelection conference. Employees included in the affected bargaining unit and representatives of the petitioning party and/or the affected employee organization shall have the right to conduct such activities on the employer's grounds during work hours so long as the work of the employee and the operation of the employer are not disturbed.

(10) Electioneering shall not be permitted within twenty-five feet of the posted election area during the hours of voting or at any place after the close of the polls.

(11) Each party to an election may have one observer present during on-site voting to assist the election agent in identifying eligible voters. An employee who serves as such an observer shall be released with pay from duties normally performed during his/her work hours.

(12) The department of personnel will maintain the official voter eligibility list and will provide a copy of that list to each party. The official observer for either party may bring a copy of that list to the on-site polling place(s) for his/her own use, provided such use does not interfere with the conduct of the election.

(13) Within five working days of the date of the tally of the ballots, the petitioning party, the affected employee organization, or an employee in the bargaining unit may file objections to the election. Such objections must be in writing and must be received by the director within the five working day period. The director or designee shall investigate and

determine an appropriate remedy if the objection is found to be meritorious.

(14) Any violation of these rules should be immediately reported to the director or designee. Upon receiving a complaint, the director or designee will immediately investigate; and if necessary, take steps to cause the violation to stop. If it is found by the director or designee that violations of these rules or the preelection agreements have affected the outcome of the election, the director may invalidate the election, order a new election, or take other appropriate remedial action.

AMENDATORY SECTION (Amending WSR 89-02-011 (Order 312), filed 12/28/88, effective 2/1/89)

WAC 356-42-045 Union shop elections. (1) An employee organization is eligible to petition for a union shop representation election if the employee organization is certified as exclusive bargaining representative for a bargaining unit (~~in accordance with WAC 356-42-030~~).

(2) Upon receipt of a valid petition from the certified exclusive bargaining representative, the director or designee shall order a union shop representation election. If the employee organization does not already have the opinion of counsel required by WAC 356-42-010(3) on file with the director, the petition shall not be considered complete until such an opinion is provided.

(3) The election will be conducted under the general procedures outlined in WAC 356-42-042.

(4) A petitioning employee organization will be certified as union shop representative if a majority of the employees who are included in the bargaining unit vote in favor of the union shop.

(5) The petitioning employee organization shall take great care to avoid making untrue statements concerning union shop election issues.

(6) The appointing authority shall cooperate with the director or designee to assure that eligible employees have a maximum opportunity to vote in union shop elections.

(7) The appointing authority, supervisors, and other representatives of management shall remain neutral on the questions, merits and issues of the union shop and the petitioning employee organization for the purposes of union shop elections; except that such individuals who are members of the bargaining unit shall have the right to express their personal opinions and beliefs regarding the issues when their positions are included in the bargaining unit. If an objection is made by the petitioning employee organization or by an employee included in the bargaining unit to written or oral statements made by the appointing authority, supervisors or other representatives of management, the director or designee shall investigate the objection and determine the appropriate remedy if the objection is found to be meritorious.

(8) When ~~((the board, pursuant to WAC 356-42-020, adds))~~ a new classification of employees is added into an existing bargaining unit which has a union shop provision in place, such action shall effect an automatic request for a new union shop certification election to determine the desires of the employees of the new unit unless fewer than twelve months have elapsed since the last union shop election and:

(a) The same employee organization is the certified union shop representative for each of the units being combined; or

(b) The results of the union shop election previously held still represent a majority vote in favor of the union shop provision in the new unit; or

(c) A majority of the incumbents in the positions to be added have signed a petition indicating acceptance of the union shop condition.

(9) No union shop election petition will be honored within twelve months following the director's certification of the results of a prior union shop certification election or a prior union shop decertification election.

REPEALER

WAC 356-42-049

Disclaimer of interest—
Notice—Automatic termination of exclusive representation.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-14-005 Purpose. The general purpose of this chapter is to establish rules designed specifically to provide for a sound labor relations policy covering employer-employee relations in higher education institutions. Determination of ~~((exclusive representatives and))~~ union shop provisions shall be decided, to the maximum extent practical, by providing the fullest opportunity for each affected employee to participate through the election process.

AMENDATORY SECTION (Amending WSR 88-18-018 (Order 172), filed 8/29/88, effective 10/1/88)

WAC 251-14-020 Employee organization filing requirements. ~~((1) Any employee organization authorized to represent employees before the board or in collective bargaining with an appointing authority must first file with the director a notice of intent to represent employees. Such notice must set forth the name of the employee organization; the name of an agent authorized to speak on its behalf; a mailing address and telephone number; a general description of the types of employment falling within the intended area of representation and the number of classified higher education employees who are presently members of the employee organization; and a copy of a constitution, bylaws, or any other documents defining powers and authorizing representation. The director or designee shall, after verification of the documents submitted, notify the employee organization, each institution and related board of the authorized recognition.))~~

~~((2))~~ (1) An employee organization which is, or desires to be, an exclusive representative for a bargaining unit which has chosen to be a union shop must have a written procedure concerning representation fees which complies with applicable statutory and constitutional requirements. Such employee organization must provide to the director a written opinion of the employee organization's attorney that its representation

fee procedure is in compliance with applicable statutory and constitutional requirements.

REPEALER

WAC 251-14-030 Determination of bargaining unit.

REPEALER

WAC 251-14-040 Election and certification of exclusive representative.

REPEALER

WAC 251-14-042 Disclaimer of interest petition—Decertification as exclusive representative.

REPEALER

WAC 251-14-050 Petition for decertification of exclusive representative.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-14-052 Union shop representative election. (1) The director shall order a union shop representative election to be held upon petition from an employee organization which has been certified (~~per WAC 251-14-040~~) as the exclusive representative of the employees of a bargaining unit. If the employee organization does not already have the opinion of counsel required by WAC 251-14-020(2) on file with the director, the petition shall not be considered complete until such an opinion is provided.

(2) The director shall, (~~upon~~) after receipt of a petition for a union shop representative election, inform all affected employees of the union shop provisions contained in chapter 41.06 RCW.

(3) The director or designee, at a preelection conference, shall review with the employee organization and appointing authority or designee the standards and procedures for the conduct of the election and shall inform all affected employees of the conditions set forth therein.

(4) The election shall be held on state property during working hours unless otherwise (~~agreed to by all parties~~) determined during the preelection conference.

(5) All employees on the active payroll and employed within the bargaining unit on the date of election will be eligible to vote. Eligible employees unable to vote at the time of election may vote by absentee ballot.

(6) Absentee ballots may be requested prior to date of election but will be counted only if received by the director or designee no later than two regular working days following the closing date of election.

(7) Transportation to official places of voting shall be provided to the degree practicable as determined by preelection conference.

(8) Election signs and banners shall not be permitted in the area in which the balloting takes place, nor shall any person in the area discuss the advantages or disadvantages of a union shop.

(9) The director will certify the employee organization as the union shop representative if a majority of employees in the bargaining unit vote in favor of requiring membership in the employee organization to be a condition of employment.

(10) Another union shop representative election shall not be held concerning the same bargaining unit for at least twelve months from the date of the last previous union shop representative election.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-14-054 Union shop representative decertification election. (1) The director shall, upon petition of thirty percent of the members of a bargaining unit, order an election to determine if a majority of employees in such bargaining unit wish to rescind membership in the employee organization as a condition of employment, providing twelve months have lapsed since the original election which established the union shop representative. Such election shall be conducted in accordance with WAC 251-14-052 (2), (3), (4), (5), (6), (7), and (8).

(2) Another union shop representative decertification election shall not be held concerning the same bargaining unit for at least twelve months from the date of the last previous union shop decertification election.

(3) The director will issue a notice of union shop representative decertification, which will nullify the requirement of membership in an employee organization or the payment of a representation fee as a condition of employment when a majority of the employees in the bargaining unit vote to rescind membership in an employee organization as a condition of employment.

(4) When existing bargaining units are combined into one new unit and/or additional classes and/or positions are accreted to a bargaining unit, such action shall effect an automatic decertification of any union shop representative provision in effect except in the following instances:

(a) Where the same employee organization is certified as the union shop representative in each of the existing bargaining units that are being combined into one new unit;

(b) Where results of the union shop election previously held still represent a majority vote in favor of the union shop provision in the new unit. Majority vote will be determined by adding the number of employees not previously covered by a union shop provision to the total number of employees eligible to vote in the previous election.

AMENDATORY SECTION (Amending WSR 88-08-108 [88-08-018] (Order 167), filed 3/29/88, effective 5/1/88)

WAC 251-14-056 Employee listings. When elections are requested per the provisions of WAC (~~251-14-040, 251-14-050,~~) 251-14-052 and 251-14-054, institutions shall, upon request from a petitioning party and/or an affected employee organization, provide copies of a current listing indicating names, mailing addresses provided by the employee at the time of hire or subsequently, classes and work locations of all employees eligible to vote in the election.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 89-01-071 (Order 175), filed 12/20/88, effective 2/1/89)

WAC 251-14-058 Union shop requirements. (1) When a majority of employees within a bargaining unit determine by election to require as a condition of employment membership in the employee organization designated as the exclusive bargaining representative, all employees included in that bargaining unit are required to pay to such employee organization the regular dues of the organization, or pay a representation fee or a nonassociation fee, within thirty calendar days of the beginning of their employment within the bargaining unit or within thirty calendar days of the date of the union shop representative election, whichever is later.

(2) Membership in the employee organization is satisfied by the payment of monthly or other periodic dues, or representation fees, and does not require payment of initiation, reinstatement, or any other fees or fines, and includes full and complete membership rights.

(3) Employees who wish to exercise the right of nonassociation with an employee organization based on bona fide religious tenets, or teachings of a church or religious body of which they are a member, must present a request for nonassociation to the personnel office of the concerned institution. The appointing authority or designee and the union shop representative must be in agreement that the requests are based on such bona fide reasons. If agreement cannot be reached within a reasonable time, either party may submit the issues in dispute to the director or designee. Should the request for nonassociation be denied by the appointing authority or designee, the employee may submit the issue to the director or designee. The decision of the director regarding nonassociation shall be final.

(4) Employees who are granted the nonassociation right must pay a union shop nonassociation fee to the employee organization. Such fee is equivalent to the regular dues of the organization minus any included monthly premiums for union sponsored insurance programs.

(5) When an employee has qualified for nonassociation with an employee organization on religious grounds, the employee may designate which of the programs of the employee organization are in harmony with the employee's conscience and may then designate that the nonassociation fee shall go to such programs.

(6) The employee who qualifies for the nonassociation clause shall not be a member of the employee organization, but is entitled to the same representation rights as a member of the employee organization.

(7) Employees who object to payment for activities of the exclusive representative which are supported by regular dues and which are not related to representation of the employees in the bargaining unit may pay a representation fee in lieu of regular dues. The representation fee is to be calculated by the representative in accordance with applicable constitutional and statutory requirements. See WAC 251-01-367.

(8) A condition of employment for an employee employed in a bargaining unit where an employee organization is the exclusive union shop representative is membership in that employee organization or the regular payment of a union shop representation fee or a nonassociation fee to such organization. Failure of an employee to become a member of the employee organization or make payment of the union shop representation or nonassociation fee within thirty calendar days following the beginning of employment within the bargaining unit or thirty calendar days after the date of the union shop representative election, whichever is later, constitutes cause for dismissal per the provisions of WAC 251-11-100.

(9) The union shop representative shall inform the appointing authority, in writing, of those employees who have not complied with this section.

(10) The requirement to be a member of an employee organization or the payment of a union shop representation fee or a nonassociation fee as a condition of employment will be nullified when the employee organization which is the union shop representative is decertified per WAC ((251-14-050-054 or)) 251-14-054.

(11) The appointing authority or designee shall notify affected employees of existing union shop provisions prior to their hire or transfer into a bargaining unit where there is a requirement to be a member of a designated employee organization to pay a union shop representation fee or a nonassociation fee as a condition of employment.

(12) Payroll deductions for employee organization dues or union shop representation or nonassociation fees may be provided by the institution upon written authorization from the employee.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-14-060 Contents of written agreements.

(1) Written agreements may contain provisions covering all personnel matters over which the institution/related board may lawfully exercise discretion.

(2) Written agreements shall include a grievance procedure for processing individual and group grievances within the bargaining unit and shall provide for mediation by the director or designee and for arbitration by the board. Mediation by the director or designee and arbitration by the board of a grievance dispute shall not apply in those instances where the same complaint has been filed for hearing either through the unfair labor practice or appeal procedures of the board or the personnel appeals board rules.

(3) Written agreements may contain provisions for payroll deduction of employee organization dues and/or union shop representation fees upon written authorization from the employee. Any employee may cancel his/her payroll deduction of employee organization dues by filing a written notice with the appointing authority or designee and the employee organization thirty calendar days prior to the effective date of such cancellation.

(4) Written agreements shall be for a minimum of one year in duration and shall not exceed three years. Automatic renewal or extension provisions may extend the term of a

contract for only one year at a time. ~~((An automatic renewal or extension provision in a contract cannot act as a bar to a request for an exclusive representative decertification election per WAC 251-14-050(1).))~~

(5) Where there are collective bargaining agreements in effect in bargaining units which are combined per WAC ~~((251-14-030))~~ 251-14-054, the board shall determine the application of such bargaining agreements or terms thereof when there is an impasse between the exclusive representative and the institution.

(6) Institutions shall file signed written agreements with the director. Provisions of such agreements shall not prevail if in conflict with the higher education rules, chapter 41.06 RCW or other applicable law.

REPEALER

WAC 251-14-070 Unfair labor practices—Management—Employee organizations.

REPEALER

WAC 251-14-080 Unfair labor practices—Powers of board—Procedure.

REPEALER

WAC 251-14-082 Investigation of and disposition of unfair labor practice charges.

REPEALER

WAC 251-14-083 Unfair labor practice notice and complaint—Procedure.

REPEALER

WAC 251-14-085 Amendment of complaint or answer—Unfair labor practice.

REPEALER

WAC 251-14-086 Hearings and investigation—Unfair labor practice.

REPEALER

WAC 251-14-087 Enforcement—Unfair labor practice.

REPEALER

WAC 251-14-090 Unfair labor practice—Hearings.

AMENDATORY SECTION (Amending WSR 97-06-012, filed 2/25/97, effective 4/1/97)

WAC 251-14-120 Requests for mediation and arbitration. Mediation and arbitration requests per WAC 251-14-100(2) and 251-14-110(2) shall not be allowed if the same charges are pending before the board or the personnel appeals board for processing per chapter 251-12 WAC ~~((or WAC 251-14-09)).~~

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

REPEALER

WAC 356-42-060 Unfair labor practices for management.

REPEALER

WAC 356-42-070 Unfair labor practices for employee organizations.

REPEALER

WAC 356-42-080 Unfair labor practice.

REPEALER

WAC 356-42-082 Filing unfair labor practice charge.

REPEALER

WAC 356-42-083 Investigation of and disposition of unfair labor practice charges.

REPEALER

WAC 356-42-084 Answer to complaint—Unfair labor practice.

REPEALER

WAC 356-42-085 Amendment of complaint or answer—Unfair labor practice.

REPEALER

WAC 356-42-086 Hearing—Unfair labor practice.

REPEALER

WAC 356-42-088 Hearings and investigation—Unfair labor practice.

REPEALER

WAC 356-42-089 Enforcement—Unfair labor practice.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-42-105 Requests for arbitration. A request for arbitration per WAC 356-42-055 shall not be allowed if the grievant(s) involved has the same ~~((charges or))~~ issues pending ~~((before the board for processing per WAC 356-42-082 or))~~ before the personnel appeals board for processing per Title 358 WAC.

PROPOSED

WSR 02-12-112
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed June 5, 2002, 9:17 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-15-090 Schedule change and compensation, 356-15-100 Call-back for work preceding or following a scheduled workweek, 356-15-110 Call-back for work on scheduled days off or holidays, and 356-18-120 Miscellaneous leave.

Purpose: The purpose of these rules is to address schedule change compensation, call-back compensation and miscellaneous leave.

Statutory Authority for Adoption: Chapter 41.06 RCW.
 Statute Being Implemented: RCW 41.06.150.

Summary: These modifications would simplify the administration of overtime and call-back penalty pay when Department of Natural Resources' employees perform emergency duty.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules pertain to schedule change compensation, call-back compensation and miscellaneous leave. These modifications will make it easier to understand the administration of overtime and call-back penalty pay when Department of Natural Resources' employees are performing emergency duty under an incident command system for long hours, in some cases, days or weeks at a time. This proposal would allow miscellaneous leave to be approved in consideration of employees' need to recuperate after extended periods of emergency work under an incident command system. The modification to WAC 356-15-090(6) is housekeeping in nature.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 11, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 5, 2002, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 5, 2002.

Date of Intended Adoption: July 11, 2002.

June 4, 2002
 E. C. Matt
 Secretary

AMENDATORY SECTION (Amending WSR 97-24-038, filed 11/26/97, effective 1/1/98)

WAC 356-15-090 Schedule change and compensation. (1) The agency shall schedule the working days and hours of scheduled work period employees. This schedule shall remain in effect for at least seven calendar days, and may be changed only with seven or more calendar days notice. If seven calendar days notice is not given, a new schedule does not exist until the notice period expires. Agencies may notify employees of more than one future schedule change in a single notice.

The seven calendar days notice of changes in working days and/or hours must be given to the affected employees during their scheduled working hours. The day that notification is given shall constitute a day of notice.

(2) If the agency changes the assigned hours or days of scheduled work period employees without giving them at least seven days notice of the change, employees will be paid for all time worked outside the scheduled hours or days at the overtime rate for the duration of the notice period.

(a) When changes in employees' assigned hours or days are made without proper notice, employees may work their scheduled hours or days unless the agency deems that:

(i) The employees are unable to perform satisfactorily as the result of excessive overtime hours; or

(ii) The work which normally would have been performed within the scheduled hours or days cannot be performed.

(b) The state is not obligated to pay for those scheduled hours or days not worked, unless the employee is on an authorized leave of absence with pay.

(c) Overtime pay and shift or schedule change pay shall not be paid for the same incident.

(3) Regardless of whether advance notice is given, an agency is not obligated to pay overtime due to a change in work schedule, when such a change is in response to a request from an employee, provided the employee works no more than forty hours in a workweek.

When the majority of employees in a work unit ask, in writing, for such a change, and the work unit can function properly only if all employees in the unit work the proposed schedule or scheduling plan, the agency is authorized to approve the change for the entire unit as an employee-initiated change. A written request for a schedule change from the exclusive representative shall constitute a request of employees within a certified bargaining unit.

(4) When an agency initiates a scheduled change from one scheduled standard work schedule to another scheduled standard work schedule, there is created a seven-day transition period.

(a) The transition period starts at the beginning of the shift of the previous schedule which would have begun a new five-consecutive-day work cycle.

(Example: An eight-to-five Tuesday through Saturday employee changes to a Sunday-Thursday schedule beginning on Sunday. The transition period starts at eight a.m. on the last Tuesday of the old schedule, and runs until eight a.m. on the first Tuesday under the new schedule.)

(b) If, during the transition period, the employee must work more than five of the seven workdays, then the work in excess of forty non-overtime hours will be paid at overtime rates.

(c) If, during the transition period, the schedule change causes an employee to begin work on an earlier day of the workweek or at an earlier hour of the workday than was required under the old schedule, the employee will be paid at the overtime rate for the first hours worked in the new schedule which precede the next hours which the employee would have worked under the old schedule.

(5) Contingency scheduling is allowed for employees having the following responsibilities: Highway snow, ice, and avalanche control, grain inspection, horticulture inspection; and in the departments of natural resources or corrections, performing emergency response duty under an Incident Command System, defined in RCW 38.52.010, including controlling forest fires, or performing work in a fire camp in support of fire crews, "hoot owl," forest fuels management and aerial applications.

(a) Therefore: For ~~((non-forest fire))~~ personnel in scheduled work period positions whose work is not performed under an Incident Command System, the agency shall not be bound by the above scheduled shift change notice requirement if the agency notifies affected employees of the contingency schedule in writing when they enter the position or not less than 30 days prior to implementation.

When conditions mandate the activating of the contingency schedule, the agency shall pay affected employees the overtime rate for all hours worked outside the original schedule at least for the employee's first shift of the contingency schedule and for other overtime hours covered by subsection (7) of this section.

(b) For ~~((forest fire control and fire camp support))~~ personnel in scheduled work period positions whose work is performed under an Incident Command System, the above schedule change notice requirement shall not apply if the agency notifies affected employees in writing that they are subject to contingency scheduling when they enter the position or not less than 30 days prior to implementation.

~~((When an employee's forest fire contingency schedule requires him or her to change working hours from the previous schedule, the agency shall pay the affected employee the overtime rate for all hours worked outside the previous schedule for the employee's first shift of the new contingency schedule.~~

~~When such employees have completed the first eight hours of their assigned contingency shift (10 hours in the case of 10-40 work schedule employees), they shall receive overtime rates for all subsequent work performed until released from duty for a period of five consecutive hours.))~~

Such employees, in the department of natural resources, performing emergency work who are receiving overtime compensation for work which meets subsection (1)(a) through (d) of WAC 356-15-030 and who continue working at the end of one workday into the next workday shall continue to receive overtime compensation thereafter until relieved from duty for a period of at least five consecutive hours or until released from further emergency work, whichever occurs first.

(6) In the department of corrections, ~~((division of prisons))~~ office of correctional operations, the agency and the employees may agree that employees sent to forest fire camps in charge of inmate fire fighters for a period of twenty four hours or more will be on "extended duty assignment." Employees on extended duty assignment will be considered to be on continuous duty from the time they commence such duty including travel time to the fire, until they are released from duty including travel time for return to their nonfire duty station.

(a) During the extended duty assignment, all time will be paid as work time, except that the employer may deduct up to eight hours of nonwork time each day for sleep, plus up to three hours for meals, provided that:

(i) The employee has no responsibility during time deducted for meal periods.

(ii) The time deducted for sleep includes a period of five continuous hours which are not interrupted by a call to work.

(iii) No sleep time shall be deducted if the employer does not furnish adequate sleeping facilities. Adequate sleeping facilities are those which are usual and customary for forest fire camps.

(b) Scheduled work period employees shall be entitled to call back pay to the extent described in WAC 356-15-100 and 356-15-110 for a maximum of one payment, equal to three straight-time hours, at the commencement of an extended duty assignment. No call-back payment shall be made for any work during the hours of an extended duty assignment, or the transition back to the regular work schedule.

(c) The beginning of each work week on extended duty assignment shall be unchanged from the last previous work week on the employee's regular work schedule. All compensable hours of work on extended duty assignment shall be at overtime rates except eight in any work day. All compensable hours on a holiday shall be at overtime rates.

(d) There are no scheduled days off during an extended duty assignment. However, compensable hours on a holiday, and all compensable hours in excess of forty straight time hours in any workweek (including hours worked within the same workweek either before or after the extended duty assignment), shall be paid at overtime rates.

(e) During an extended duty assignment, all hours are duty hours; there is no eligibility for standby pay.

(f) Employees whose regular scheduled work shift entitles them to shift premium for their full shift, or a portion thereof, shall be paid shift premium as follows:

(i) Employees whose regular schedules are all night shifts will continue to receive night shift premium for all paid hours of the extended duty assignment.

(ii) Employees whose regular schedules call for some, but less than four hours of, night shift work each day will continue to receive the same number of hours at shift premium during each workday of the extended duty assignment.

(iii) Employees whose regular schedules call for some, but not all, full night shifts each week will receive shift premium for all paid hours on those same days during the extended duty assignment.

(7) When a scheduled or nonscheduled work period employee experiences a schedule change (within or between agencies) which causes an overlap in workweeks and

requires work in excess of forty hours in either the old or the new workweek, the employee must receive overtime compensation at least equal to the amount resulting from the following calculations:

(a)(i) Starting at the beginning of the "old" workweek, count all hours actually worked before the end of that workweek, and calculate the straight-time pay and the overtime pay (based on "regular rate" as defined in WAC 356-05-353).

(ii) Starting at the conclusion of the "new" workweek, count back to include all hours actually worked since the beginning of that workweek, and calculate the straight-time and overtime (based on "regular rate" as defined in WAC 356-05-353).

(iii) Pay the larger amount calculated under (a)(i) and (ii) of this subsection.

(b) If any other combination of straight-time and time-and-one-half-rate pay required by these rules results in an amount of pay, for either workweek, which is greater than the amount calculated in (a)(iii) of this subsection, then only the larger amount should be paid.

(8) If overtime is incurred as a result of employee movement between state agencies, the overtime will be borne by the receiving agency.

AMENDATORY SECTION (Amending WSR 99-19-113, filed 9/21/99, effective 11/1/99)

WAC 356-15-100 Call-back for work preceding or following a scheduled workshift. (1) Scheduled work period employees shall be notified prior to their scheduled quitting time either to return to work after departing the worksite or to change the starting time of their next scheduled workshift.

(a) Lack of such notice for such work shall be considered call-back and shall result in a penalty of three hours of pay at the basic salary in addition to all other compensation due. This penalty shall apply to each call.

(b) The appointing authority may cancel a call-back notification to work extra hours at any time but cancellation shall not waive the penalty cited in this subsection.

(c) These provisions shall not apply to the mid-shift interval in a split shift and an employee called back while in standby status.

(2) Non-scheduled, exceptions, and law enforcement work period employees are not normally paid for call-back. However, if the appointing authority deems it appropriate, those employees may receive compensation, not to exceed the penalty cited above, for call-back.

(3) In the department of corrections institutions bargaining unit, lack of such notice as provided in subsection (1) of this section shall not result in penalty of three hours of pay at the basic salary when such change in an employee's start time of their next scheduled workshift is a result of the employee signing up on a volunteer overtime sheet.

(4) In the Department of Natural Resources and in lieu of (1) above, employees dispatched to emergency response duty under an Incident Command System, defined in RCW 38.52.010, will be paid a single callback penalty payment equivalent to three (3) hours of straight time pay if they begin to perform emergency work after their scheduled quitting

time on a scheduled work day. This provision applies separately to each emergency incident unless responding to more than one emergency incident from the same camp.

AMENDATORY SECTION (Amending WSR 99-19-113, filed 9/21/99, effective 11/1/99)

WAC 356-15-110 Call-back for work on scheduled days off or holidays. (1) Management may assign employees to work on a day off or holiday. Scheduled and nonscheduled work period employees shall be notified of such assignments at least prior to the employees' normal quitting times on their second work day preceding the day off or holiday (except Sunday when it is within the assigned workshift).

(a) If management does not give such notice, affected employees shall receive a penalty payment of three hours pay at the basic salary in addition to all other compensation due them.

(b) Management may cancel work assigned on a day off or holiday. However, if management does not notify affected employees of such cancellation at least prior to their normal quitting times on their second work day preceding the day off or holiday work assignment, affected employees shall receive a penalty payment of three hours pay at the basic salary.

(2) These provisions shall apply to employees in paid leave status.

(3) These provisions shall not apply to an employee assigned work on a day off or holiday while in standby status or on a contingency schedule as provided in WAC 356-15-090(5).

(4) Only the provisions provided in subsection (1)(b) of this section shall apply to employees within the department of corrections institutions bargaining unit when the employee has volunteered to work such time on an overtime sign-up sheet.

(5) In the Department of Natural Resources and in lieu of (1) above, employees dispatched to emergency response duty under an Incident Command System, defined in RCW 38.52.010, will be paid a callback penalty payment equivalent to three (3) hours of straight time pay for the first scheduled day off on which they perform emergency work after dispatch to an incident. Thereafter, a callback penalty payment equivalent to one (1) hour of straight time pay will be paid for each subsequent scheduled day off on which they perform emergency work on the same incident. This provision applies separately to each emergency incident unless responding to more than one incident from the same camp.

AMENDATORY SECTION (Amending WSR 89-21-055 (Order 332), filed 10/16/89, effective 12/1/89)

WAC 356-18-120 Miscellaneous leave. (1) Leave with pay may be allowed to permit an employee to take an examination for a state position, receive assessment from the employee advisory service, serve as a member of a jury, or perform other civil duties. In the Department of Natural Resources, leave with pay equivalent to one regular workshift may be allowed for the purpose of rest and recuperation after ten consecutive calendar days performing emergency work

under an Incident Command System, defined in RCW 38.52.010.

(2) Employees on miscellaneous leave shall receive their basic salary and, in addition, shall be allowed to retain any compensation paid to them by their civil duty employer.

WSR 02-12-113

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed June 5, 2002, 9:18 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-06-020 Exemptions, 251-04-040 Exemptions, and 356-10-020 Classification plan—Revision.

Purpose: These rules deal with exemptions.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: SHB 1268 removes exempt authority from the Washington Personnel Resources Board. This authority will be with the director of the Department of Personnel, effective June 13, 2002.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These changes are a result of legislative action (SHB 1268). SHB 1268 removes exempt authority from the Washington Personnel Resource Board. This authority will be with the director of personnel effective June 13, 2002.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 11, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 5, 2002, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 5, 2002.

Date of Intended Adoption: July 11, 2002.

June 4, 2002

E. C. Matt

Secretary

REPEALER

WAC 356-06-020

Exemptions.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-10-020 Classification plan—Revision. The director shall submit proposed revisions to the classification plan to the board for review and approval.

(1) The board shall hold open hearings on the proposals after 20 days' notice to employee organizations and agencies. The board may modify the proposals.

(2) In adopting these revisions the board shall comply with RCW 41.06.152, 41.06.150(~~(45))~~ (12), and chapter 43.88 RCW.

REPEALER

WAC 251-04-040

Exemptions.

WSR 02-12-114

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed June 5, 2002, 9:19 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 251-19-060 Trial service period, 251-06-090 Probationary period—Duration, and 251-06-091 Campus police officer probationary period—Duration.

Purpose: These rules pertain to trial service and probationary periods.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: These modifications are needed as a result of SB 6628. This bill modifies the probationary and trial service periods for campus police officers.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules pertain to trial service and probationary periods. SB 6628 modified these periods for campus police officers.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 11, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 5, 2002, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 5, 2002.

Date of Intended Adoption: July 11, 2002.

June 4, 2002

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 99-19-118, filed 9/21/99, effective 11/1/99)

WAC 251-19-060 Trial service period. (1) A trial service period of six months shall be required upon appointment of a permanent employee to a new class at the institution, unless

(a) During the current period of employment at the institution, permanent status has been held in the class to which the employee is moving, or

(b) The class is lower in that same class series, or

(c) The employee is being reallocated per the provisions of WAC 251-06-080, or

(d) The employee is moving to the class as part of a recognized apprenticeship program as provided in WAC 251-19-140((-)), or

(e) The employee is moving to the campus police officer class. The trial service period of a permanent employee moving to the campus police officer class or successor title shall extend from the date of appointment until twelve months following the successful completion of the Washington State Criminal Justice Training Commission Basic Law Enforcement Academy or twelve months from the date of appointment if academy training is not required.

(2) A trial service period of six months shall be required upon employee movement as specified in WAC 251-19-110, except as provided in WAC 251-19-060 (1)(e).

(3) A trial service period shall be required upon appointment from an institution-wide promotional list as provided in WAC 251-18-180.

(4) A trial service period shall be required upon appointment from a statewide layoff list as provided in WAC 251-10-060.

(5) The trial service period provides the employing official an opportunity to observe and evaluate the new employee's work. Employees who do not perform satisfactorily during the trial service period may be reverted as follows:

(a) With preemptive rights to the former position in which permanent status was last held, or to a vacant position in that class (except when reversion is from a position the appointment to which was a result of disciplinary demotion or employee movement as specified in WAC 251-19-110). The personnel officer shall determine which position to preempt. However, if the employee was in a trial service appointment in another class prior to the current trial service period, the personnel officer may provide the employee the opportunity to complete the first interrupted trial service period.

(b) Reversion must be preceded by written notice at least one work day (eight hours), before the effective date.

(c) If the former position to which the employee has preemptive rights has been abolished and a vacant position in the class is not available, or if there is no class to which the reverted employee has preemptive rights, the affected employee shall be accorded such bumping rights and placement on layoff lists as would be provided in layoff from his/her former class.

(6) Reversion from trial service must be preceded by:

(a) Written notice detailing deficiencies in performance, which shall include the specific changes required; and

(b) A reasonable opportunity to overcome identified deficiencies.

(7) An employee who is reverted may appeal to the personnel appeals board regarding:

(a) Whether the employer complied with the requirements of subsection (6) of this section; and

(b) Whether the claimed deficiencies existed at the time of reversion.

(8) In the event an employee is on leave without pay status and/or shared leave for more than ten work days during the trial service period, the completion date of the trial service period shall be extended by an amount of time equal to the period of leave without pay and/or shared leave.

(9) Successful completion of the trial service period shall result in permanent status in the class.

(10) Salary and periodic increment date shall be determined as follows:

(a) Upon promotional trial service appointment, the salary shall be established as provided in WAC 251-08-110; and the existing periodic increment date shall be eliminated and a new date established to be effective the date of completion of trial service;

(b) Upon trial service reversion the salary shall be established as provided in WAC 251-08-115 and the former periodic increment date shall be reestablished;

(c) Upon trial service appointment to a class at the same salary level, the salary and periodic increment date shall remain unchanged.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-06-090 Probationary period—Duration.

(1) ~~((The))~~ Except as provided in WAC 251-06-091, the probationary period for all classes in the classification plan will be six months, unless the board approves a longer probationary period for the class.

(2) The director will prepare and revise for board adoption on a class-by-class basis any probationary periods which exceed six months. Procedures for requesting extended probationary periods will be developed by the director.

(3) Classes with longer probationary periods will be identified in the classification plan.

(4) When the probationary period for a class is approved for longer than six months, the longer period shall apply only to eligibles appointed after the effective date of the board's action.

NEW SECTION

WAC 251-06-091 Campus police officer probationary period—Duration. The probationary period for the campus police officer class (or successor title) shall extend from the date of appointment until twelve months following the successful completion of the Washington State Criminal Justice Training Commission Basic Law Enforcement Academy or twelve months from the date of appointment if academy training is not required.

WSR 02-12-115**PROPOSED RULES****PERSONNEL RESOURCES BOARD**

[Filed June 5, 2002, 9:20 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Amending WAC 356-22-220 Veterans scoring in examinations, 356-18-160 Military leave—Reemployment, 251-17-150 Veterans scoring in examinations, 251-01-175 Final examination score, 251-22-180 Military leave without pay—Reemployment, and 251-22-060 Vacation leave—Accrual.

Purpose: These rules pertain to Veterans scoring in state employment examinations, military leave and vacation leave accrual.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: These rules modifications are needed as a result of SSB 5366, which became effective June 8, 2000, SSB 5263, which became effective May 2, 2001, and SB 6375, which becomes effective June 13, 2002.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules pertain to veterans scoring in state employment examinations, military leave and vacation leave accrual. These modifications reflect statutory changes.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 11, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 5, 2002, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 5, 2002.

Date of Intended Adoption: July 11, 2002.

June 4, 2002

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-22-220 Veterans (~~(preference)~~) scoring in examinations. ~~((1) The term veteran as used in this rule shall include any person who has served in any branch of the armed forces of the United States during:~~

~~(a) World War II;~~

~~(b) The Korean Conflict;~~

~~(c) The Viet Nam Era, beginning August 5, 1964 and ending May 7, 1975;~~

~~(d) The Persian Gulf War, beginning August 2, 1990 and ending on the date prescribed by presidential proclamation or law;~~

~~(e) The following armed conflicts, if the participant was awarded the respective campaign badge or medal: the crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; and Bosnia, Operation Joint Endeavor; or~~

~~(f) Who has received the armed forces expeditionary medal, Marine Corps expeditionary medal, or Navy expeditionary medal, for opposed action on foreign soil.))~~

(1) In all competitive examinations, any veteran who submits the qualifying DD214 form, has honorably served in any branch of the armed forces, and did not serve during a period of war or in an armed conflict or is receiving military retirement shall have five percent added to their final passing score. The percentage shall be added until the person's first appointment and shall not be utilized in promotional examinations.

~~((3))~~ (2) In all competitive examinations, veterans, as defined in subsection (4) of this section and upon submission of their qualifying DD214 form, shall be given ((a-preference)) additional percentages by adding to the passing ((grade)) score, ((based upon a possible rating of 100 points as perfect,)) a percentage of such passing ((grade)) score under the following conditions:

(a) Ten percent to a veteran who ((is not receiving any veterans retirement payments)) served during a period of war or in an armed conflict and does not receive military retirement. ((This preference shall be utilized until one of the examinations results in a veteran's first appointment and not in any promotional examination.)) The percentage shall be added until the veteran's first appointment and shall not be utilized in promotional examinations.

~~((b) Five percent to a veteran who is receiving any veterans retirement payments. This percentage shall be utilized until one of the examinations results in a veteran's first appointment and not in any promotional examination.))~~

~~((e))~~ (b) Five percent to a veteran who ~~(, after having previously received employment with the state, is called, or recalled, to active military service for one or more years during any period of war)~~ was called from state employment to active military service for one or more years. ~~((This preference shall be utilized on the first promotional examination only.))~~ The percentage shall be added to the first promotional examination only.

~~((4))~~ (3) The ~~((above preference))~~ provisions in subsection (1) and (2) must be claimed within ~~((eight))~~ fifteen years of the date of release from active military service. This period may be extended by the director or designee for valid and extenuating reasons to include but not be limited to:

(a) Documented medical reasons beyond control of the veteran;

(b) United States department of veterans' affairs documented disabled veteran; or

(c) Any veteran who has his or her employment terminated through no fault or action of his or her own and whose livelihood is adversely affected may seek employment consideration under this section.

(4) The term veteran as used in subsection (2) of this section shall include any person who has served in any branch of the armed forces of the United States during:

(a) World War II;

(b) The Korean Conflict;

(c) The Viet Nam Era means:

(i) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period.

(ii) The period beginning August 5, 1964, and ending on May 7, 1975.

(d) The Persian Gulf War, beginning August 2, 1990 and ending on the date prescribed by presidential proclamation or law;

(e) The following armed conflicts, if the participant was awarded the respective campaign badge or medal: the crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; and Bosnia, Operation Joint Endeavor;

(f) The period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress; or

~~((f))~~ (g) Who has received the armed forces expeditionary medal, Marine Corps expeditionary medal, or Navy expeditionary medal, for opposed action on foreign soil.

(2) Further, only persons who received an honorable discharge or who received a discharge for physical reasons with an honorable record or who were released from active duty under honorable circumstances shall be eligible for this veterans preference.

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

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

AMENDATORY SECTION (Amending WSR 89-06-028 (Order 314), filed 2/24/89, effective 4/1/89)

WAC 356-18-160 Military leave—Reemployment.

(1) ~~((Any person who is a resident of this state and who voluntarily or upon demand vacates a position of employment other than temporary to determine physical fitness to enter or who actually does enter upon active duty or training in the Washington National Guard, the armed forces of the United States or the United States Public Health Service shall be reemployed under the conditions prescribed in RCW 73.16.031 through 73.16.061.))~~ A classified employee shall be entitled to military leave of absence without pay for service in the uniformed services of the United States or the state, and to reinstatement as provided in chapter 73.16 RCW.

(2) ~~((Such persons must.))~~ No adjustments shall be made to the seniority date, leave accrual rate, periodic increment date and anniversary date while an employee is on military leave.

~~((a) Provide written notice to their employer within ninety days of the date of separation or release from training and service (rejected applicants must apply within thirty days from date of rejection);~~

~~(b) Furnish a receipt of honorable discharge, report of separation or certificate of satisfactory service or other proof of satisfactorily completed service (rejected applicants must furnish proof of orders for examination and rejection);~~

~~(c) Return to state service within three months after serving four years or less provided that any additional service imposed by law will not affect their reemployment rights (RCW 73.16.035). restore the individual to his/her former position, or to a position in the same or~~

~~(3) The employer shall, upon receipt of an individual's notice to return, similar class located within a reasonable commuting distance of the former position.~~

~~(4) Any person who is reemployed under the conditions prescribed in RCW 73.16.031 through 73.16.041 shall return without loss of seniority and be entitled to all rights and benefits.))~~

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

AMENDATORY SECTION (Amending WSR 96-11-061, filed 5/10/96, effective 6/6/96)

WAC 251-17-150 Veterans ~~((preference))~~ scoring in examinations. (1) Any veteran who claims eligibility, submits the qualifying DD214 form, has honorably served in any branch of the armed forces, and did not serve during a period of war or in an armed conflict or is receiving military retirement shall have five percent added to their final passing score. The percentage shall be added until the person's first appointment and shall not be utilized in promotional examinations.

~~((4))~~ (2) Veterans who claim ~~((veterans preference))~~ eligibility, submit the qualifying DD214 form, and meet the criteria specified in subsection~~((s))~~ ~~((2) through)~~ (4) of this section shall have added to their final passing scores:

(a) Ten percent of the final passing score for a veteran who ~~((is not receiving any veteran's retirement payments)) served during a period of war or in an armed conflict and does not receive military retirement. ((This preference shall be utilized in open competitive examinations until the veteran's first appointment and not in any promotional examination.))~~ The percentage shall be added until the veteran's first appointment and shall not be utilized in promotional examinations.

~~((b)) Five percent of the final passing score for a veteran who is receiving any veteran's retirement payments. This preference shall be utilized in open competitive examinations until the veteran's first appointment and not in any promotional examination.))~~

~~((e)) (b) Five percent of the final passing score for a veteran who, (after having previously received employment with the state, is called, or recalled, to active military service for one or more years during any period of war) was called from state employment to active military service for one or more years. ((This preference shall be limited to the first promotional examination following return from military service.))~~ The percentage shall be added to the first promotional examination only.

~~((2)) (3) ((Veterans preference))~~ The provisions in subsection (1) and (2) of this section must be claimed within ((eight)) fifteen years of the date of release from active military service. This period may be extended by the personnel officer for valid and extenuating reasons to include but not be limited to:

(a) Documented medical reasons beyond control of the veteran;

(b) United States department of veterans' affairs documented disabled veteran; or

(c) Any veteran who has his or her employment terminated through no fault or action of his or her own and whose livelihood is adversely affected may seek employment consideration under this section.

~~((3)) (4) The term "veteran" as used in ((these rules))~~ subsection (2) of this section shall include every person who has received an honorable discharge or received a discharge for physical reasons with an honorable record and:

(a) Has served in any branch of the armed forces of the United States between World War I and World War II or during any period of war; or

(b) Has served in any branch of the armed forces of the United States and received the armed forces expeditionary medal, or Marine Corps and Navy expeditionary medal, for opposed action on foreign soil.

~~((4)) (5) A "period of war" includes:~~

(a) World War I;

(b) World War II;

(c) The Korean conflict;

(d) ~~The Viet Nam era ((beginning August 5, 1964 and ending on May 7, 1975;))~~ means:

(i) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period.

(ii) The period beginning August 5, 1964, and ending on May 7, 1975.

(e) The Persian Gulf War, beginning August 2, 1990 and ending on the date prescribed by presidential proclamation or law;

(f) The following armed conflicts, if the participant was awarded the respective campaign badge or medal; the crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; and Bosnia, Operation Joint Endeavor; and

(g) The period beginning on the date of any future declaration of war by the Congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the Congress.

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

AMENDATORY SECTION (Amending WSR 88-02-017 (Order 164), filed 12/30/87, effective 2/1/88)

WAC 251-01-175 Final examination score. An applicant's final passing score on an examination, plus any veterans ~~((preference))~~ or other applicable credits added in accordance with WAC 251-17-150 and/or 251-18-180 ~~((10)(b)))~~.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-22-180 Military leave without pay—Reemployment. (1) A classified employee shall be entitled to military leave of absence without pay for service in the ~~((armed forces))~~ uniformed services of the United States or the state, and to reinstatement ~~((to his/her former position or to one in the same class, with cumulative seniority and increments, upon application to the personnel officer within ninety calendar days after the expiration of such period of military service, in accordance with RCW 73.16.030 through 73.16.061))~~ as provided in chapter 73.16 RCW.

(2) No adjustments shall be made to the seniority date, leave accrual rate, periodic increment date and anniversary date while an employee is on military leave.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-22-060 Vacation leave—Accrual. (1) Full-time employees eligible for vacation leave shall accrue vacation leave, to be credited monthly, at the following rates:

(a) During the first year of continuous state employment 12 days (8.0 hours per month);

(b) During the 2nd year of continuous state employment 13 days (8 hours, 40 minutes per month);

(c) During the 3rd and 4th years of continuous state employment 14 days (9 hours, 20 minutes per month);

(d) During the 5th through the 9th years of total state employment 15 days (10 hours per month);

(e) During the 10th year of total state employment 16 days (10 hours, 40 minutes per month);

(f) During the 11th year of total state employment 17 days (11 hours, 20 minutes per month);

(g) During the 12th year of total state employment 18 days (12 hours per month);

(h) During the 13th year of total state employment 19 days (12 hours, 40 minutes per month);

(i) During the 14th year of total state employment 20 days (13 hours, 20 minutes per month);

(j) During the 15th year of total state employment 21 days (14 hours per month);

(k) During the 16th and succeeding years of total state employment 22 days (14 hours, 40 minutes per month).

(2) Employees working less than full-time schedules shall accrue vacation leave credit on the same prorata basis that their appointment bears to a full-time appointment.

(3) Per the provisions of WAC 251-19-130(2), the scheduled period of cyclic year position leave of absence without pay shall not be deducted for purposes of computing the rate of vacation leave accrual for cyclic year position employees.

(4) The following shall apply for purposes of computing years of qualifying state employment:

(a) Employment in the legislative and/or the judicial branch shall not be credited;

(b) Employment exempt by the provisions of WAC 251-04-040(4) or employment in a state agency which is analogous to the conditions specified in WAC 251-04-040(4) shall not be credited;

(c) Each contract year of full-time faculty and/or administrative exempt employment within the higher education institutions shall be credited as a year of qualifying service;

(d) Employment in part-time classified positions shall be credited as full-time service.

(5) Vacation leave credits shall not accrue during a leave of absence without pay which exceeds ten working days in any calendar month, nor shall credit be given toward the rate of vacation leave accrual except during military leave without pay as provided in WAC 251-22-180.

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

WSR 02-12-116
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed June 5, 2002, 9:21 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Amending WAC 356-14-010 Compensation plan—General provisions, 356-14-026 Salary surveys, 251-08-005 Compensation plans—General, and 251-08-021 Compensation plans—Salary surveys; and repealing WAC 356-14-060 Compensation plan—Additional salary surveys and studies, 251-08-051 Compensation plans—Implementation, 251-08-060 Compensation plans—Additional salary survey, and 251-01-180 Fringe benefits.

Purpose: The rules pertain to the compensation plan and salary surveys for state employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

Summary: These changes are necessary due to the passage of SHB 1268. The portion of the bill that affects these rules becomes effective June 13, 2002.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules pertain to the compensation plan and salary surveys for state employees. These modifications are due to the passage of SHB 1268. These modifications reflect language that was deleted or changed in the statute.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 11, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 5, 2002, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 5, 2002.

Date of Intended Adoption: July 11, 2002.

June 4, 2002

E. C. Matt
Secretary

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-14-010 Compensation plan—General provisions. The director of personnel shall prepare a compensation plan for all classifications. The plan shall provide for:

(1) Full compensation to each employee for all work assigned and performed and consideration of all compensation to the employee in setting the employee's salary.

(2) Salary range schedules including the first, intervening, and maximum steps of each range.

(3) Assignment of each classification to a salary range giving full consideration to the prevailing rates in Washington state private industries, and other governmental units (~~for positions of a similar nature to provide like pay for like work~~).

(4) Work period designation of each classification, or individual positions within a classification.

(5) Rates of premium pay, shift premium, and standby pay schedules determined by the board in the same manner as are basic salaries.

~~((6) Appropriate statistical standards and reporting requirements as outlined in chapter 356-14 WAC for comprehensive and trend salary/fringe benefit surveys.))~~

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-14-026 Salary surveys~~((Application—Indexing)).~~ ~~((1) Comprehensive and trend salary))~~ Salary surveys will be ~~((conducted))~~ undertaken in accordance with applicable portions of chapter 41.06 RCW.

~~((2) All classes shall be identified and indexed (affixed) to a particular salary survey benchmark class (or group average of selected benchmark classes). Such indexing shall display the number of salary schedule ranges that each class is aligned above, the same, or below the respective benchmark class or group. Such class by class indexing shall be published on twenty day notice and approved by the board.~~

~~((3) The salary relationships so established by indexing will remain the same upon application of the salary survey data to respective benchmark classes and groups: *Provided*, That the board may approve exceptions to correct for inequities, substantial changes in duties and responsibilities, or recruiting and retention problems, consistent with other provisions of this chapter.))~~

REPEALER

WAC 356-14-060 Compensation plan—Additional salary surveys and studies.

AMENDATORY SECTION (Amending WSR 95-19-055, filed 9/15/95, effective 10/16/95)

WAC 251-08-005 Compensation plans—General. The director shall prepare, and subject to board approval shall periodically revise in a manner consistent with the development of the original plan, compensation plans for all classes. The plans shall provide for:

(1) Full compensation to each employee for all work assigned and performed.

(2) Regular salary increment increases based upon length of service for all employees whose performance is such as to permit them to retain job status in the classified service.

(3) Assignment of each class to a salary range reflecting prevailing rates in other public employment and in private employment in this state or in the locality in which the institution is located, provided funds are available as defined in WAC 251-08-051.

(4) The rates in the salary schedules or plans to be increased if necessary to attain comparable worth.

~~((5) Equal pay for similar duties, responsibilities, and qualifications among classes as determined by the salary survey process.))~~

~~((6))~~ (5) Such other provisions as are appropriate in the establishment and maintenance of compensation equity in

relation to prevailing practices found in Washington state private industries and other governmental units.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-08-021 Compensation plans—Salary survey. ~~((Comprehensive and trend salary))~~ Salary surveys will be ~~((conducted))~~ undertaken in accordance with applicable portions of chapter 41.06 RCW.

REPEALER

WAC 251-08-051 Compensation plans—Implementation.

REPEALER

WAC 251-08-060 Compensation plans—Additional salary survey.

REPEALER

WAC 251-01-180 Fringe benefits.

WSR 02-12-117

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed June 5, 2002, 9:22 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-18-080 Leave—Worker's compensation, 356-30-260 Probationary period—Provisions—Status of employee, and 356-30-305 Trial service period—Provision.

Purpose: These rules pertain to workers compensation leave, probationary periods and trial service periods for general government state employees.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: These modifications are necessary due to the passage of HB 2401.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules pertain to worker's compensation leave and probationary and trial service periods. HB 2401 passed during the 2002 legislative session. This bill added the

PROPOSED

Department of Natural Resources to the list of agencies cited in chapters 72.01 and 72.09 RCW.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 11, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 5, 2002, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 5, 2002.

Date of Intended Adoption: July 11, 2002.

June 4, 2002

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 96-13-076, filed 6/18/96, effective 8/1/96)

WAC 356-18-080 Leave—Worker's compensation.

(1) Employees who suffer a work related injury or illness (occupational disease) shall file an application for worker's compensation in accordance with chapter 51.28 RCW.

(2) Employees who suffer a work related injury or illness and are unable to work due to such injury or illness may elect to receive time loss compensation exclusively, leave payment exclusively or a combination of time loss compensation and paid leave. The employing agency shall make such options known to the employee.

(3) Employees who elect to use sick leave during a period in which they receive worker's time loss compensation under the industrial insurance provisions for a work related illness or injury shall receive full sick leave pay, less any industrial insurance payments for time loss during the sick leave period.

(a) Until eligibility for worker's compensation is determined by the department of labor and industries, the employee may elect to use accrued sick leave, provided that the employee shall return any subsequent overpayment to the agency.

(b) Sick leave hours charged to an employee who receives worker's compensation as a result of the time loss shall be proportionate to that portion of the employee's salary paid by the agency during the claim period.

(4) When an employee elects to receive pay for vacation leave, compensatory time off or exchange time and also receives worker's compensation for time loss, the employee is entitled to both payments without any deductions for the time loss payment except for employees of the departments of social and health services, corrections, ~~(and)~~ veterans affairs, and natural resources who miss work due to an assault that occurred on the job and are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW. Pay for vacation leave, compensatory time off or exchange time to such employees shall be limited to an

amount equal to the amount of their worker's compensation for time loss.

(5) When an employee receives pay for a holiday and also receives worker's compensation for time loss, the employee is entitled to both payments without any deductions for the time loss payment.

(6) Should an employee apply for time loss compensation and the claim is then or later denied, accrued leave may be used for the absence.

(7) Employees who suffer a work related injury or illness and are unable to work due to such injury or illness may request such leave be designated, or the agency may designate such leave, in accordance with WAC 356-18-145, Family and Medical Leave Act of 1993.

AMENDATORY SECTION (Amending WSR 01-23-014, filed 11/8/01, effective 1/1/02)

WAC 356-30-260 Probationary period—Provisions—Status of employee.

(1) Employees who receive appointments to permanent positions from the open competitive register and the reemployment register shall serve a probationary period of six to twelve months as determined by the board. Employees appointed from the open competitive or promotional register prior to competing their probationary period shall start a new probationary period, except as provided in 356-30-280. The board shall designate a probationary period of six months for all positions in a class unless they determine that job requirements of the class require a longer period (up to twelve months) to provide adequate training and/or evaluation. The board shall apply the following criteria for approving probationary periods of longer than six months:

(a) The work of the majority of the positions in the class is of such a nature that performance of the full range of duties cannot be properly evaluated within six months after an appointment.

or

(b) Work of the class is cyclical in nature and the workload cycle cannot be completed within six months after an appointment.

or

(c) Work is of such a nature that extended formalized training is required prior to the full assumption of duties.

All positions in a class shall have the same probationary period.

(2) All persons at time of appointment shall be notified in writing by the agency of the length of their probationary period. When the probationary period for a class is increased beyond six months, the increased probationary period shall apply only to persons appointed after the effective date of the change.

(3) The probationary period will provide the appointing authority with the opportunity to observe a new employee's work, to train and aid the new employee in adjustment to the position, and to terminate any employee whose work performance fails to meet the required standards.

(4) Employees who, during their probationary period, go on leave without pay or shared leave shall have their probationary period extended by the number of calendar days they are on leave without pay or shared leave including any intervening nonworking days.

(5) Employees shall have their probationary period extended by the number of calendar days in excess of 30 in which the employee is not at work including any intervening nonwork days if:

(a) Work is missed due to sick leave, vacation leave, military training leave, or miscellaneous leave; or

(b) Work is missed by employees of the departments of social and health services, corrections, ~~((or))~~ veterans affairs, or natural resources due to an assault that occurred on the job and who are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW; or

(c) Work is missed due to any combination of leave identified in (5)(a) and (b) of this section which when added together exceeds 30 calendar days.

(6) Work missed during the probationary period due to holidays shall be counted as part of the required probationary period.

(7) When an employee accepts a temporary appointment to a higher class in the same series in the same work unit while serving in a probationary period, the probationary period shall continue for the lower class.

(8) Permanent appointment of a probationary employee shall be automatic unless the person is dismissed under provision of WAC 356-30-270.

(9) Veterans and their widows who have not remarried and are in probationary status will be granted seniority preference only within ranks of probationary employees and will not be granted preference within the ranks of the permanent employees until they acquire permanent status.

AMENDATORY SECTION (Amending WSR 01-23-014, filed 11/8/01, effective 1/1/02)

WAC 356-30-305 Trial service period—Provision.

(1) Permanent employees appointed from a voluntary demotion register to a class not previously held, a promotional register, or from the inter-system employment register shall serve a trial service period of six months. The trial service period will provide the appointing authority with the opportunity to observe the employee's work and to train and aid the employee in adjustment to the position, and to revert such an employee whose work performance fails to meet required standards. Reversions shall be under the provisions of WAC 356-30-320.

(2) Employees who during their trial service period go on leave without pay or shared leave shall have their trial service period extended by the number of calendar days they are on leave without pay or shared leave, including any intervening nonworking days.

(3) Employees shall have their trial service period extended by the number of calendar days in excess of 30 in which the employee is not at work, including any intervening nonwork days, if:

(a) Work is missed due to sick leave, vacation leave, military training leave, or miscellaneous leave; or

(b) Work is missed by employees of the departments of social and health services, corrections, ~~((or))~~ veterans affairs, or natural resources due to an assault that occurred on the job and who are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW; or

(c) Work is missed due to any combination of leave identified in (3)(a) and (b) of this section which when added together exceed 30 calendar days.

(4) Work missed during the trial service period due to holidays shall be counted as part of the required trial service period.

(5) When an employee accepts a temporary appointment to a higher class in the same series in the same work unit while serving in a trial service period, the trial service period shall continue for the lower class.

(6) When an employee is appointed to a higher class while serving in a trial service period, the trial service period for the lower class and the new trial service period for the higher class shall overlap provided that the higher and lower classes are in the same or a closely related field. The employee shall complete the terms of the original trial service period and be given permanent status in the lower class. Such employees will also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher class.

WSR 02-12-118

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed June 5, 2002, 9:22 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-18-220 Leave without pay—Effect on anniversary date, periodic increment date, and seniority.

Purpose: This rule pertains to the effect of leave without pay on a general government state employee's anniversary date, periodic increment date and seniority date.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule pertains to the effect of leave without pay on an employee's anniversary date, periodic increment date and seniority. This modification is housekeeping in nature and corrects a spelling error.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 11, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 5, 2002, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 5, 2002.

Date of Intended Adoption: July 11, 2002.

June 4, 2002

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 01-07-057, filed 3/19/01, effective 5/1/01)

WAC 356-18-220 Leave without pay—Effect on anniversary date, periodic increment date, and seniority.

(1) Leave without pay of fifteen consecutive calendar days or less will not affect an employee's anniversary date.

(2) When an employee is on leave without pay for more than fifteen consecutive days, the employee's anniversary date will not be affected when the absence is due to any of the following reasons:

(a) Military or United States Public Health Service;

(b) Government service and leave to enter the Peace Corps, not to exceed two years and one month;

(c) Leave taken by employees receiving time loss compensation due to injuries sustained while performing the employee's state job;

(d) Educational leave in accordance with the provisions of WAC 356-39-120;

(e) Leave without pay taken voluntarily under the provisions of WAC 356-30-335 to reduce the effect of an agency reduction in force.

(3) When an employee is on leave without pay for more than fifteen consecutive calendar days and the absence is not due to one of the reasons listed in subsection (2) of this section, the employee's anniversary date shall be moved forward in an amount equal to the duration of the leave of absence.

(4) When an employee's position is assigned to a program or facility whose primary purpose is academic and/or vocational education, and the program or facility follows the customary public school practice of less than a twelve-month school year, the employing agency may place the employee on leave without pay while the program or facility is closed for customary school vacations without adjusting the employee's anniversary date.

(5) Leave without pay taken for any of the reasons listed in subsection (2) of this section shall not affect an employee's seniority.

(6) (~~(Employee)~~) (~~(f)~~) Employees(~~(f)~~) who are on leave without pay for any reason other than subsection (2) of this section, shall have their seniority date extended by the number of calendar days they are on leave without pay including any intervening nonworking days.

(7) Leave without pay shall not affect an employee's periodic increment date.

WSR 02-12-119

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed June 5, 2002, 9:23 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 251-18-190 Eligible lists—Duration and 251-10-030 Layoff.

Purpose: These rules pertain to the duration of eligible lists and layoff for higher education state employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: These modifications are intended to clarify how layoff rights and options are determined for employees who have held status in classes that have been revised or abolished by a classification review or study.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules pertain to the duration of eligible lists and layoff for higher education state employees.

These modifications are intended to clarify how layoff rights and options are determined for employees who have held status in classes that have been revised or abolished by a classification review or study.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 11, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 5, 2002, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 5, 2002.

Date of Intended Adoption: July 11, 2002.

June 4, 2002

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 93-19-078, filed 9/14/93, effective 10/1/93)

WAC 251-18-190 Eligible lists—Duration. (1) The duration of eligibility on a list begins the date the name is placed on the list and ends as follows:

(a) After two years on an institution-wide layoff list or state-wide layoff list;

(b) After one year on an organizational unit or institution-wide promotional list, special employment program layoff list, interinstitutional employee list or intersystem employee list;

(c) After six months on an open competitive or noncompetitive list.

(2) Prior to the original expiration date of a name on an institution-wide layoff list, an organizational unit promotional list, an institution-wide promotional list, a special employment program layoff list, an interinstitutional employee list, or an intersystem employee list, the eligible shall be notified of the expiration and given the opportunity to extend eligibility for one additional year by written request to the personnel officer.

(3) The personnel officer may extend an entire eligible list for the following periods:

(a) Six months for open competitive and noncompetitive lists;

(b) One year for all other lists.

(4) The personnel officer shall cancel the entire eligible list when the class or examination has been changed to the degree that the list would be invalid. All affected eligibles shall be notified of the cancellation.

(5) If an institution-wide layoff list or statewide layoff list is cancelled because of a class revision or abolishment, the personnel officer shall place eligibles on the institution-wide layoff list or the statewide layoff list for the new or revised class which describes the work they were performing at the time they held permanent status in the old class. The duration of eligibility on the new list is unchanged.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-10-030 Layoff. (1) An appointing authority may layoff or reduce the number of working hours or the work year of an employee without prejudice because of lack of funds or lack of work and/or for good faith reorganization for efficiency purposes.

(2) Each institution shall develop for approval by the director a layoff procedure based upon layoff seniority as defined in WAC 251-01-245, to include as a minimum:

(a) Clearly defined layoff unit(s), in order to minimize the disruption of an institution's total operation, and

(b) Provision for veterans preference for eligible veterans and their unmarried widows/widowers as defined in WAC 251-10-045.

(3) A permanent status employee shall receive at least 20 calendar days written notice of layoff, including no less than three working days in which to select placement on layoff list(s) and/or an option in lieu of layoff as provided in subsections (4) and (5) of this section. Such written notice shall be

furnished directly to the employee during his/her scheduled working hours or mailed by certified letter to the employee's last known address because the employee is not available for personal service. If the notification is furnished directly to the employee, the day it is furnished shall not be counted as a day of notice. If the notification is mailed, the day of mailing shall not be counted as a day of notice, and the notice shall be considered to be received the day after it is postmarked. If the notification is mailed, the employee shall be given no less than five working days in which to select placement on the layoff list(s) and/or an option in lieu of layoff.

(4) Within the layoff unit, a permanent status employee scheduled for layoff shall be offered employment options to position(s):

(a) For which he/she meets any specific position requirements;

(b) Which are comparable, as determined by the personnel officer; and

(c) Which are in:

(i) Class(es) in which the employee has held permanent status which have the same or lower salary range maximum as the current class;

(ii) Lower class(es) in those same class series for which the employee is qualified.

The employee may exercise either option subsection (4)(c)(i) or (ii) of this section provided that the employee being replaced is the least senior in a comparable position in the class and has less layoff seniority than the employee replacing him/her. A vacant position, if available, should be considered to be the position in the class held by the least senior person. The employee may elect to have access to less-than-comparable positions by so notifying the personnel officer in writing.

(5) Except as provided in WAC 251-10-035, a permanent employee scheduled for layoff who has no options available under subsection (4) of this section shall be offered position(s) as follows:

(a) The personnel officer will offer in writing not less than three positions from among the highest available classes (unless the total available is less than three); provided that any position(s) offered must be:

(i) At the same level or lower than the class from which the employee is being laid off; and

(ii) Vacant or held by a provisional, temporary, or probationary employee; and

(iii) In a class for which the employee being laid off meets the minimum qualifications and can pass the appropriate qualifying examination.

(b) The employee will be required to indicate within three working days his/her interest in a specific class(es) so that the personnel officer may schedule the appropriate examination(s).

(c) Upon satisfactory completion of the examination(s) the employee will be offered option(s) to specific position(s), including salary information.

(d) Employees appointed to positions through provisions of this subsection will be required to serve a trial service period.

(e) In order to be offered a layoff option or return from layoff to a position for which specific position requirements

have been documented in accordance with WAC 251-18-255(1), the employee must demonstrate a satisfactory level of knowledge, skill, or ability on the specific position requirements.

(7) In a layoff action involving a position for which a particular sex is a bona fide occupational requirement, as approved by the Washington state human rights commission, the most senior employee meeting the occupational requirements may be retained in the position over more senior employees in such class who do not meet the occupational requirement.

(8) When it is determined that layoffs will occur within a unit, the personnel officer will:

(a) Provide a copy of the institution's reduction in force procedure to all employees subject to layoff;

(b) Advise each employee in writing of available options in lieu of layoff;

(c) Advise each employee in writing of the specific layoff list(s) upon which he/she may be placed as required per WAC 251-10-055 and 251-10-035;

(d) Provide information about the process by which the employee may make application for state-wide layoff lists, as required per WAC 251-10-060(7);

(e) Advise each employee in writing of the right to appeal his/her layoff to the personnel appeals board per WAC 251-12-080.

(9) Layoff actions for employees of special employment programs as identified in WAC 251-19-150 shall be administered as provided in WAC 251-10-035.

(10) When determining layoff options as provided in subsection (4) of this section, if a class in which an employee has previously held permanent status has been revised or abolished, the personnel officer shall determine the existing classification to offer as a layoff option. This determination shall be based upon the duties the employee was performing at the time they held permanent status in the class.

WSR 02-12-120

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed June 5, 2002, 9:24 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-56-070 Incumbent status for positions converted by the board from exempt to classified.

Purpose: This rule pertains to incumbent status for Washington Management Service positions that are converted by the Washington Personnel Resources Board from exempt to classified.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: This rule pertains to status, salary, periodic increment date, vacation leave credits, sick leave credits appeal rights and how it will be determined what methodology will be used to establish seniority when positions are converted from exempt to classified.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule is to deal with incumbents' status, salary, periodic increment dates, vacation leave, sick leave, appeal rights and how it will be determined what methodology will be used to establish the effective date for incumbent seniority when positions are converted by the Washington Personnel Resources Board from exempt to classified.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 11, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 5, 2002, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 5, 2002.

Date of Intended Adoption: July 11, 2002.

June 4, 2002

E. C. Matt, Director

Department of Personnel

NEW SECTION

WAC 356-56-070 Incumbent status for positions converted by the board from exempt to classified. (1) When the board determines that a position that has been treated as exempt does not meet the exemption criteria in WAC 356-06-020 the incumbent's status within the classified Washington management service will be in accordance with subsections (2) through (9) of this section.

(2) The incumbent shall not be required to meet any additional agency selection requirements in order to be placed into the converted position.

(3) Incumbents who have been continuously employed for a period of time equivalent to or greater than the Washington management review period that the agency requires to obtain permanent status shall not be required to complete a review period. Incumbents who have not been continuously employed for a period of time equivalent to or greater than the established review period shall be required to complete the remaining portion of the Washington management service review period.

(4) Incumbents whose salary is higher than the range of consideration or band assigned to the Washington management service shall retain their current salary, which will be administered as a Y-rate in accordance with WAC 356-14-075.

(5) Incumbents shall be credited with all unused sick leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue sick leave as provided in WAC 356-18-050.

(6) Incumbents shall be credited with all unused vacation leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue vacation leave as provided in WAC 356-18-090.

(7) With regard to calculation of unused sick and vacation leave credits upon conversion, the employing agency is entitled to a presumption that its calculations are accurate and in accordance with Chapter 356-18 WAC. If the incumbent disagrees he or she bears the burden of proof, by a preponderance of the evidence, that a different leave amount is correct under Chapter 356-18 WAC.

(8) The director will determine the methodology to be used for establishing the effective date for incumbent seniority. When feasible, the director will apply the methodology as prescribed in WAC 356-05-390. The employing agency shall set the seniority date in accordance with the director's instruction. Thereafter, incumbents shall accrue seniority in accordance with WAC 356-05-390. As provided in WAC 356-30-130, seniority gained by seasonal career employees during seasonal layoff will be disregarded. If an incumbent believes the agency did not set the seniority date in accordance with the director's instructions, the incumbent may request a review with the director. The written request for review must be filed with the director and received within 30 calendar days from the date the agency informed the employee of their seniority date. The request must contain the reasons and basis for the review. Once the review is completed the director or designee shall issue a decision, which will be final and binding.

(9) Incumbents placed in a position converted under the provisions of this section have appeal rights as provided in Title 356 WAC and Title 358 WAC.

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

WSR 02-12-123

WITHDRAWAL OF PROPOSED RULES STATE BOARD OF EDUCATION

[Filed June 5, 2002, 9:58 a.m.]

Please withdraw WSR 02-10-087 filed on April 29, 2002.

If you have any questions or need further information, feel free to contact Patty Martin at (360) 725-6025.

Larry Davis

WSR 02-12-126

PROPOSED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed June 5, 2002, 10:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-10-117.

Title of Rule: WAC 192-210-005 Definitions—Educational employees, 192-210-015 How will the department decide if reasonable assurance exists?, and 192-210-020 Reasonable assurance for instructional, research, or principal administrative staff at a community or technical college.

Purpose: Amend the regulations regarding eligibility for unemployment benefits of employees of educational institutions to make them consistent with the law as modified by the 2001 legislature.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Statute Being Implemented: RCW 50.44.050 and 50.44.053.

Summary: The rules define terms, clarify how the department will determine if an individual has reasonable assurance of continued employment, and further clarify how reasonable assurance will be determined for instructional, research, or principal administrative staff at community and technical colleges.

Reasons Supporting Proposal: The existing rules need to be amended to make them consistent with the law as amended in 2001.

Name of Agency Personnel Responsible for Drafting: Juanita Myers, Olympia, Washington, (360) 902-9665; Implementation and Enforcement: Annette Copeland, Olympia, Washington, (360) 902-9303.

Name of Proponent: Employment Security Department, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In 2002 [2001], the legislature amended the law relating to eligibility for unemployment benefits of educational employees. The statute provides additional clarification regarding the circumstances under which instructional, research, and principal administrative staff at community or technical colleges are considered to have reasonable assurance of continuing employment. This proposal amends existing rules to be consistent with the amended law, and describes the criteria the department will use to determine whether community and technical college faculty have reasonable assurance of returning to work in the next term. These regulations will provide for consistency of interpretation by the department, the employers, and by those employees who file claims for unemployment benefits.

Proposal Changes the Following Existing Rules: WAC 192-210-005(1) is amended to delete references to tenure or tenure track status employees. This provision is now contained in the law and inclusion here would be redundant.

WAC 192-210-015 is amended to eliminate the list of factors that will be considered when determining if educational employees have reasonable assurance of continuing

employment. A separate listing of factors to be used in determining whether community and technical college faculty have reasonable assurance is now incorporated in new WAC 192-210-020.

No small business economic impact statement has been prepared under chapter 19.85 RCW. All regulations contained within this filing pertain only to educational institutions. No private businesses are impacted by the proposed regulations.

RCW 34.05.328 does not apply to this rule adoption. The proposed revisions simply modify existing regulations for consistency with the amended law. The changes do not substantially change policy from that which existed prior to the change in law.

Hearing Location: Employment Security Department, 4th Floor Conference Room A, 212 Maple Park, Olympia, WA, on July 10, 2002, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Karen LaFreniere by July 9, 2002, TDD (360) 902-9589, or (360) 902-9582.

Submit Written Comments to: Barney Hilliard, Rules Coordinator, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, fax (360) 438-3226, by July 9, 2002.

Date of Intended Adoption: July 19, 2002.

June 3, 2002

Dr. Sylvia P. Mundy
Commissioner

AMENDATORY SECTION (Amending WSR 99-18-066, filed 8/31/99, effective 10/1/99)

WAC 192-210-005 Definitions—Educational employees. (1) **Contract.** An agreement that is binding on an educational institution to provide work and on an individual to perform services. ~~Tenure or tenure track status is considered a contract.~~

(2) **Faculty.** A teacher, counselor, librarian, or other position with similar training, experience and level of responsibility.

(3) **Full time employment.** Employment designated as full time for or at the educational institution under a collective bargaining agreement, individual hiring contract, or other agreement (including institutional policies), as provided in RCW 50.04.310(2). For faculty at public institutions, the hiring contract, agreement or institutional policy must be consistent with the provisions of RCW 28A.150.220 (kindergarten through twelfth grade), RCW 28B.50.851 (community and technical colleges), RCW 28B.35.120 (regional universities), or RCW 28B.20.130 (other colleges and universities).

(4) **Under the same terms and conditions of employment.** This includes economic conditions of employment such as wages, duration of contract, hours of work, and general nature of the work. It does not include other conditions and details such as the specific work location, duties, or assignment. The position need not be identical to the previous position to meet this test. A position would be considered to be under the same terms and conditions of employment if

it is of similar type or classification, with similar pay, fringe benefits, hours of work, general type of work, and duration of employment.

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

AMENDATORY SECTION (Amending WSR 99-18-066, filed 8/31/99, effective 10/1/99)

WAC 192-210-015 How will the department decide if reasonable assurance exists?—RCW 50.44.053. (1) Reasonable assurance is a bona fide offer from an educational institution to assign an individual future work at that institution under the same terms and conditions as the individual's previous employment. It is less than a contract or written agreement, but more than a mere possibility of future employment. The department must find that continued employment for that individual is likely or probable. For instructional, research, or principal administrative staff at a community or technical college, the additional provisions of WAC 192-210-020 will be considered in determining whether the individual has reasonable assurance.

~~(2) Decisions regarding the existence of reasonable assurance will be made on an individual basis, with consideration given to contingencies that may exist in the individual case.~~

~~(3) If there is a disagreement regarding whether an individual has reasonable assurance, the institution must provide the department with documentation in support of its statement that reasonable assurance exists for that individual.~~

~~(4) Following are some, but not all, examples of the types of documentary evidence that may be provided by an institution:~~

~~(a) The terms of any contract or agreement between the individual and the educational institution, including length, contingencies, or provisions for cancellation.~~

~~(b) Whether the employer pays fringe benefits to the individual, such as health care, during periods between the academic years or terms,~~

~~(c) The number of comparable positions at the institution;~~

~~(d) Projections of student enrollment, school funding, or program funding contained in the institution's budget.~~

~~(e) Any hiring priorities used by the school, such as precedence given to full-time or tenured staff or the use of seniority lists;~~

~~(f) The individual's employment history;~~

~~(g) Whether the class(es) have been consistently offered by the institution, including whether the class has been canceled due to lack of enrollment.~~

~~(5) The existence of reasonable assurance will be determined by the total weight of the evidence, rather than the existence of any one factor included in subsection (4).~~

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

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.

Reviser's note: The spelling 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 192-210-020 Reasonable assurance for instructional, research, or principal administrative staff at a community or technical college—RCW 50.44.053(3).

(1) A person who performs services in an instructional, research, or principal administrative capacity at a community or technical college is presumed not to have reasonable assurance when an offer is conditioned on enrollment, funding, or program changes.

(2) A conditional or contingent offer of employment is any offer other than an agreement that is binding on the college to provide work and on the individual to perform services.

(3) The assertion by the college that an individual has reasonable assurance of continued employment is insufficient to overcome the presumption that a conditional or contingent offer of employment does not constitute reasonable assurance unless supported by documentation explaining why reasonable assurance exists. The college bears the burden of providing the department with this documentation. Primary weight will be given to the contingent nature of the offer of employment.

(4) Whether an individual has reasonable assurance from the college will be determined on a case by case basis by the total weight of evidence, rather than the existence of any single factor.

(5) Examples of the types of evidence the department will consider in deciding whether the college has overcome the presumption that a conditional or contingent offer is not reasonable assurance include, but are not limited to, the following:

(a) The terms of the offer of employment between the individual and the college, with consideration given to any provisions related to length, contingencies, or reasons for cancellation;

(b) The number of comparable positions at the college;

(c) Any hiring priorities used by the college;

(d) The college's past practices, including the individual's previous experience with similar offers of employment from that college, and whether any classes have been cancelled due to lack of enrollment, lack of funding, or program changes.

WSR 02-12-128

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed June 5, 2002, 10:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-084.

Title of Rule: Chapter 16-674 WAC, Sealing, marking, retesting devices.

Purpose: This rule will be given a new title and amended to clarify weighmaster licensing and operating requirements. The changes will update exemptions for certain weighing or measuring devices or instruments. A change will be made to require the registration of weighing and measuring devices when the device is first placed into commercial use. Three sections regarding fees for inspections, tests, grain elevator scale tests and railroad track scales will be repealed. These repealed sections will be modified and moved to chapter 16-675 WAC. In this process, the fees will be increased within the fiscal growth factor or Fiscal Year 2003. The text will be amended to clear and readable format and updated to conform to current standards.

Statutory Authority for Adoption: RCW 19.94.010, 19.94.190, and 15.80.410.

Statute Being Implemented: Chapters 19.94 and 15.80 RCW.

Summary: Action will delete exemptions granted under an outdated state law. The rule will clarify the requirements for businesses licensed as weighmasters. They will be required to have a bond in force, have their weighing and measuring devices registered with the Department of Licensing, submit a scale test report and submit applications with proper fees. Weighmasters will be required to surrender impression seals upon expiration, suspension or revocation of their licenses. Owners of weighing and measuring devices will be required to register the devices when the device is first placed into commercial use. This action repeals WAC 16-674-010(2), 16-674-065, 16-674-080, and 16-674-090. The deleted sections will be moved to chapter 16-675 WAC and adopted concurrently with this rule change.

Reasons Supporting Proposal: The proposal repeals sections based on outdated state law and will clarify weighmaster licensing requirements and device registration requirements. The sections repealed will be placed in chapter 16-675 WAC thereby consolidating the provisions regarding fees in the weights and measures program into one rule. The new rule accomplishes the intent of Executive Order 97-02, regulatory improvement, by making the rule clear and readable.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jerry Buendel, 1111 Washington Street, Olympia, WA, (360) 902-1856.

Name of Proponent: Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule change will delete exemptions for the testing, sealing and marking requirements granted under an outdated state law. The rule will clarify the requirements for businesses applying for licenses as weighmasters. Weighmasters will be required to surrender their impression seals upon expiration, suspension or revocation of their licenses. Businesses will be required to register weighing and measuring devices when the device is placed into commercial use. The action repeals WAC 16-674-010(2), 16-674-065, 16-674-080, and 16-674-090. The deleted sections will be written into chapter 16-675 WAC and adopted concurrently with this rule change.

Proposal Changes the Following Existing Rules: This proposal repeals WAC 16-674-010(2), 16-674-065, 16-674-080, and 16-674-090. The repealed sections will be written into chapter 16-675 WAC and adopted concurrently with this rule change.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department conducted an economic impact survey of the two hundred forty-five businesses licensed under this program. The survey focused on the requirement that weighmasters submit a copy of a test report for their scales with the license application. The requirement further stipulated that the scale test be not more than twelve months old. 51% of those surveyed responded. The department determined that the compliance costs associated with the proposed new rule requirements are not "more than minor" and a formal small business economic impact statement under chapter 19.85 RCW is not required. We found current practice results in scales being tested at least once a year. Ninety percent of the respondents indicated that their scales are tested at least once a year. The proposed testing requirement does not impose a new compliance cost on the weighmasters. Finally, the fact that the department is not requiring a special test for the application but is allowing any test performed within the twelve months prior to the date a license application is submitted is a mitigating factor.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Natural Resources Building, 2nd Floor, Room 205, 1111 Washington Street, Olympia, WA 98504, on July 11, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jodi Jones by July 3, 2002, TDD (360) 902-1996, or (360) 902-1806.

Submit Written Comments to: Washington State Department of Agriculture, Weights and Measures, Jerry Buendel, Program Manager, P.O. Box 42560, or 1111 Washington Street, Olympia, WA 98504-2506, e-mail Jbuendel@agr.wa.gov, fax (360) 902-2086, by close of business July 11, 2002.

Date of Intended Adoption: July 22, 2002.

June 5, 2002

Mary A. Martin Toohey
Assistant Director

Chapter 16-674 WAC

~~WEIGHTS AND MEASURES—((SEALING, MARKING, RETESTING DEVICES))~~ EXEMPTIONS, WEIGHMASTERS AND DEVICE REGISTRATION

AMENDATORY SECTION (Amending WSR 96-01-040, filed 12/13/95, effective 1/13/96)

WAC 16-674-010 Exemptions and definitions. (1)

The weighing or measuring instruments or devices listed below ~~((shall be specifically))~~ are exempted from the sealing or marking inspection and testing requirements of ~~((section 2, chapter 355, Laws of 1995))~~ RCW 19.94.163, because they

are of such character or size that such sealing or marking ~~((inspection and testing))~~ would be inappropriate, impractical, or damaging to the apparatus in question:

- (a) Measure containers
- (b) Milk bottles
- (c) Lubricating oil bottles
- (d) Berry baskets and boxes.

~~((The classes of weighing or measuring instruments or devices listed below shall be specifically exempted from section 6, of chapter 237, Laws of 1992 because they are of such character that periodic testing is unnecessary to ensure continued accuracy:~~

- ~~((a) Vehicle tanks used as measures*~~
- ~~((b) Farm milk tanks*~~
- ~~((c) Liquid measures*~~
- ~~((d) Glass graduates~~
- ~~((e) Measures containers~~
- ~~((f) Milk bottles~~
- ~~((g) Lubricating oil bottles~~
- ~~((h) Linear measures*~~
- ~~((i) Dry measures*~~
- ~~((j) Berry baskets and boxes.~~

* ~~Whenever an item of this class is damaged, repaired or modified in any way that affects the accuracy of measurement, it shall not thereafter be used for measurement until it has been officially inspected and reapproved.~~

~~((3))~~ Unless the context clearly requires otherwise, the definitions provided for in chapter 19.94 RCW and in this section shall apply to this chapter.

(a) "Commercial weighing or measuring device" shall be construed to include any weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure. It shall also include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects the accuracy of the device.

(b) "Owner" shall be construed to mean the individual or business actually using a weighing or measuring device for commercial purposes, regardless of who is the legal owner or lien holder of such device.

AMENDATORY SECTION (Amending Order 2091, filed 7/25/91, effective 8/25/91)

WAC 16-674-030 Weighmaster license issuance, expiration and fees. (1) Weighmaster licenses issued under RCW 15.80.460 shall expire on June 30th following the date of issuance.

(2) Upon expiration, suspension or revocation of the license, the weighmaster must surrender their impression seal to the director or his representative within ten days if they do not renew their license, if their license is suspended or if their license is revoked. The seal may be surrendered by sending the seal to the department or by surrendering the seal to the director or his duly appointed representative.

(3) Businesses or individuals applying to renew their license or applying for their initial license with the department must have a current bond in the amount of one thousand dollars and that bond must remain in force and effect for not less than the entire licensing period.

(4) Weighing and measuring devices used by weighmasters are considered to be in commercial use and must be registered. Registrations are accomplished through the department of licensing as part of the master license service under chapter 19.02 RCW.

(5) Proof of a scale test within the last twelve months must be submitted with the application.

(6) Applications must be submitted with proper fees.

(7) Fees for weighmasters are as follows:

Item	Fee
Annual application	\$ 20.00
Each weigher	\$ 5.00
Each seal rental	\$ 5.00
Replacement seal	\$ 25.00
Late renewal penalty	50% of total renewal fee

(8) Applications received without subsections (3), (4), (5) and (6) of this section will be considered incomplete applications and will be returned to the applicant.

AMENDATORY SECTION (Amending Order 2091, filed 7/25/91, effective 8/25/91)

WAC 16-674-040 Weighmaster license—Late renewal penalty. (1) Renewal applications for weighmaster licenses issued under chapter 15.80 RCW not filed by July 1st of any one year are subject to a penalty of fifty percent of the renewal fee as provided by RCW 15.80.470.

(2) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

NEW SECTION

WAC 16-674-055 Weighing and measuring devices.

(1) Weighing and measuring devices used by weighmasters must meet all legal requirements for commercial weighing and measuring devices.

(2) Effective September 1, 2002, weighmaster scales must be tested not less than every twelve months and must conform to the tolerances and specifications in the edition of NIST Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," adopted by the department in chapter 16-662 WAC. Inspections must be performed by either service

agents registered with the department or by the department. The department is under no obligation to provide this inspection service.

(3) A legible copy of the current scale inspection and current master business license must be maintained at the same site as the scale and must be immediately made available to the director or his representative upon request.

AMENDATORY SECTION (Amending WSR 96-01-040, filed 12/13/95, effective 1/13/96)

WAC 16-674-095 Device registration. (1) All weighing or measuring devices used for commercial purposes in the state shall be registered annually. Devices in commercial use within a city having a city sealer and a weights and measures program that has adopted registration fees shall be registered with the city. Devices used commercially outside of such city shall register with the department. If the commercial use of the device is within such city that has not adopted fees, the device shall be registered with the department.

(2) The device registration fees established in RCW 19.94.175 shall apply unless a city jurisdiction has adopted separate registration fees for devices used within its jurisdiction. Cities may establish separate annual registration fees for devices within city jurisdictions; however, they may not exceed the fees in RCW 19.94.175 for registering the use of a similar instrument or device. Payment of the device registration fee constitutes registration. Cities shall notify the department of agriculture regarding the adoption of fee levels and any changes in fees.

(3) All device registrations with the department shall be accomplished as part of the department of licensing, master license system under chapter 19.02 RCW. Devices shall be initially registered at the time the owner applies for a master license for a new business or ~~((at the first renewal of the license that occurs after))~~ when the device is first placed into commercial use. Device registrations with a city may be accomplished through the master licensing system with a letter of request for implementation assistance from the city to the department of agriculture.

(4) The department of licensing shall remit to the department of agriculture all registration fees collected less reasonable collection expenses. The department of agriculture shall forward to the city that portion of fees attributable to city registrations.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-674-065 Special inspection and testing fees.
- WAC 16-674-080 Fees for federal grain elevator scales.
- WAC 16-674-090 Fees for railroad track scales.

PROPOSED

WSR 02-12-129
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed June 5, 2002, 10:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-083.

Title of Rule: Chapter 16-675 WAC, Calibration services.

Purpose: This rule would increase fees for service in the Washington State Department of Agriculture (WSDA) weights and measures program to offset the costs of furnishing the services. The fees will increase within the fiscal growth factor for Fiscal Year 2003. The rule title would also be changed to read, "Calibration Services, Special Inspection and Testing Fees." The department will move sections currently located in chapter 16-674 WAC establishing fees for special inspections and tests and fees for railroad track scales to this WAC. When this change is implemented fees established in rule for weights and measures services will be consolidated in a single chapter. The text will be amended to clear and readable format and updated to conform to current standards.

Statutory Authority for Adoption: RCW 19.94.216, 19.94.315.

Statute Being Implemented: Chapter 19.94 RCW.

Summary: This rule establishes the fees for calibration services, special inspections and tests and for railroad track scales. The fees will be increased by the fiscal growth factor for Fiscal Year 2003. Sections dealing with fees for special inspections and tests and sections dealing with railroad track scales will be moved from chapter 16-674 WAC to this chapter.

Reasons Supporting Proposal: Fees for services provided by the weights and measures program will be increased by the fiscal growth factor for Fiscal Year 2003 to offset the increased cost of providing these services. The sections addressing these fees will be placed in one chapter and the language will be amended to a clear and readable format.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jerry Buendel, 1111 Washington Street, Olympia, WA, (360) 902-1856.

Name of Proponent: Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule change will increase fees for service in the WSDA weights and measures program to offset the costs of furnishing the services. The change will also move sections currently located in chapter 16-674 WAC establishing fees for special inspections and tests and sections dealing with railroad track scales to this WAC. When this change is implemented fees established in rule for weights and measures services will be consolidated in a single chapter. The text will be amended to clear and readable format and updated to conform to current standards.

Proposal Changes the Following Existing Rules: This rule change will increase fees for services provided by the

weights and measures program and consolidates provisions regarding fees charged by the program into a single rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change does not require a statement because it does not impose additional costs to small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Natural Resources Building, 1111 Washington Street, 2nd Floor, Room 205, Olympia, WA 98504, on July 11, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jodi Jones by July 3, 2002, TDD (360) 902-1996, or (360) 902-1806.

Submit Written Comments to: Washington State Department of Agriculture, Weights and Measures, Jerry Buendel, Program Manager, P.O. Box 42560, or 1111 Washington Street, Olympia, WA 98504-2506, jbuendel@agr.wa.gov, fax (360) 902-2086, by close of business July 11, 2002.

Date of Intended Adoption: July 22, 2002.

June 5, 2002

Mary A. Martin Toohey
 Assistant Director

Chapter 16-675 WAC

CALIBRATION SERVICES, SPECIAL INSPECTION AND TESTING FEES

AMENDATORY SECTION (Amending WSR 97-12-024, filed 5/29/97, effective 6/29/97)

WAC 16-675-010 Purpose. The department of agriculture promulgates this chapter to implement the provisions of RCW 19.94.216(1) and 19.94.325(2) which allows the director of the state department of agriculture to establish reasonable fees for inspection, tolerance testing and calibration services performed by the metrology laboratory on weights and measures standards. This chapter also implements the provisions of RCW 19.94.175(3) which allows the director to establish inspection and testing fees for weighing and measuring devices specially requested to be inspected or tested by the device owner.

AMENDATORY SECTION (Amending WSR 98-12-030, filed 5/28/98, effective 6/28/98)

WAC 16-675-030 Condition of submitted weights and measures. Weights and measures standards submitted to the laboratory for tolerance testing or calibration must be in a physical condition that makes them acceptable for the service to be performed. Unacceptable weights and measures standards may be returned to the sender at the sender's expense or, if repairs can be made, these repairs shall be charged at the rate of seventy-five dollars an hour. Effective August 1, 2002, the rate will be \$77.46 per hour. Repair fees shall be charged in addition to any testing or other calibration fees.

Repairs will only be done by written agreement between the department and the owner of the weights or measures to be repaired.

AMENDATORY SECTION (Amending WSR 98-12-030, filed 5/28/98, effective 6/28/98)

WAC 16-675-040 Schedule of laboratory fees. The following fees will be charged for services performed by the metrology laboratory of the department:

- (1) An hourly fee of seventy-five dollars per hour will be charged for inspection, tolerance testing and calibration services performed at the metrology laboratory.
- (2) Inspection, tolerance testing and calibration services performed at other than the metrology laboratory will be charged an hourly rate of seventy-five dollars per hour plus the current mileage and per diem rates established by the office of financial management. Effective August 1, 2002, the hourly rate will be \$77.46 per hour.
- (3) There will be a minimum one-half hour charge for any services provided by the laboratory.

NEW SECTION

WAC 16-675-050 Special inspection and testing fees.

(1) The following fees shall be charged for the inspection and testing of weighing or measuring instruments or devices specially requested to be inspected or tested by the device owner or his/her representative:

Weighing and Measuring Device		
Device	Fee	Fee Effective August 1, 2002
Small scales "zero to four hundred pounds capacity"	\$15.00	\$15.49
Intermediate scales "four hundred pounds to five thousand pounds capacity"	\$50.00	\$51.64
Large scales "over five thousand pounds capacity"	\$125.00	\$129.11
Large scales with supplemental devices	\$150.00	\$154.93
Railroad track scales	\$1,000.00	\$1,032.90
Liquid fuel meters with flows of less than twenty gallons per minute	\$15.00	\$15.49

Weighing and Measuring Device		
Device	Fee	Fee Effective August 1, 2002
Liquid fuel meters with flows of twenty but not more than one hundred fifty gallons per minute	\$50.00	\$51.64
Fuel meters with flows over one hundred fifty gallons per minute	\$150.00	\$154.93
Liquid petroleum gas meters with one inch diameter or smaller dispensers	\$50.00	\$51.64
Liquid petroleum gas meters with greater than one inch diameter dispensers	\$150.00	\$154.93

- (2) The fees to be charged for the inspection of any device used in an agency or institution to which moneys are appropriated by the legislature or of the federal government shall be the same fees as those that are listed above.
- (3) For inspection services not covered under the above special inspection fee schedule, the department shall charge a fee of \$33.75 per hour for labor and travel time. Effective August 1, 2002, the hourly rate will be \$34.86 per hour. There will be a minimum one-hour charge for these services.

NEW SECTION

WAC 16-675-060 Fees for railroad track scales. All railroad track scale owners in this state shall provide suitable facilities for testing track scales. Track scale owners shall provide a suitable car or other device or facility to be used in testing track scales. The cost of providing and maintaining the car, device, or facility shall be equitably and reasonably apportioned by the department among all railroad track scale owners. The car, device, or facility shall be used by the department to test the accuracy of all track scales and the railroad companies shall, without charge, move the car, device, or facility to locations designated by the department.

**WSR 02-12-130
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**
[Filed June 5, 2002, 10:27 a.m.]

Original Notice.

PROPOSED

Preproposal statement of inquiry was filed as WSR 02-09-033.

Title of Rule: Duplicate license document fee.

Purpose: Set fee for duplicate license documents.

Statutory Authority for Adoption: Chapter 222, Laws of 2002.

Statute Being Implemented: Chapter 222, Laws of 2002.

Summary: Set duplicate license document fee at \$7.

Reasons Supporting Proposal: Legislative directive.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Jim Lux, 1111 Washington Street, Olympia, 902-2244; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Currently, duplicate licenses are sold individually, at \$10 per license. However, with the automated license system, all licenses purchased are shown on a single sticker affixed to the license document. The legislature has required the department to set the duplicate license fee at the actual cost of issuance. This has been determined to be \$7. For licenses that cost less than \$7 (youth fishing, the duplicate fee will be the cost of the license. Additionally for all duplicate licenses is the dealer's fee and automated system fee. The department will charge a single duplicate license document fee for all licenses on the original license document. There will be an individual charge for lost big game tags, also \$7. This will reduce the cost to the licensee who needs a duplicate, and will significantly reduce the cost to a person with multiple licenses.

Proposal Changes the Following Existing Rules: Repeal interim license.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: There are no reporting, record-keeping, or compliance requirements.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: There is no cost of compliance.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? License dealers currently charge a per license dealer fee for processing a duplicate license. This will change to a per license document fee. In 2001, dealers issued approximately 16,500 duplicate licenses. The department cannot determine how many were multiple duplicate licenses, but if one half were (a very high estimate; as we have many more anglers than hunters and the angler duplicate licenses constitute 11,000 of the total), the loss to the

dealers as a whole would be \$2 times 8,250 transactions, or \$16,500. With 625 dealers, the per dealer loss is a loss of \$26.40 in annual dealer fee revenue.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

- Cost per employee;
- Cost per hour of labor; or
- Cost per one hundred dollars of sales.

No cost of compliance.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: There are no costs of compliance.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: This rule was developed as the result of legislative directive. The license dealers were involved in the legislation that requires this rule.

8. A List of Industries That Will Be Required to Comply with the Rule: WDFW license dealers.

A copy of the statement may be obtained by writing to Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Room 103, Natural Resources Building, 1111 Washington Street, Olympia, WA, on July 9, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Evan Jacoby by July 1, 2002, TDD (360) 902-2207, or (360) 902-2930.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-0191, fax (360) 902-2155, by July 8, 2002.

Date of Intended Adoption: July 9, 2002.

June 5, 2002

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 220-55-200 Duplicate license fees. (1) The cost of a duplicate license document is seven dollars, plus the automated licensing system processing fee and dealer fee, unless the cost of all licenses on the original license document was less than seven dollars, then the license document cost is the same as the original cost, plus the automated licensing system processing fee and dealer fee. The duplicate license document shall contain all licenses purchased at the time the original license document was issued, including a migratory waterfowl validation if such validation was purchased, but shall not include any game tags issued with the original license.

(2) The cost of a duplicate game tag is seven dollars per game tag, plus the automated licensing system processing fee and the dealer fee.

(3) The department will not issue duplicate two-day fishing licenses issued as a charter stamp, duplicate collector

migratory waterfowl stamps, duplicate additional access decals, or duplicate game raffle tickets.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-55-20000A Interim hunting and fishing license.

WSR 02-12-132
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed June 5, 2002, 10:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-17-134.

Title of Rule: Chapter 480-75 WAC, Hazardous liquid, gas, oil and petroleum pipeline companies—Safety. The proposed rules would establish minimum safety standards and reporting requirements for the transportation of hazardous liquids by pipeline.

Purpose: This proposal would implement the requirements of chapter 81.88 RCW which requires the commission to develop a comprehensive program of hazardous liquid pipeline safety. In addition, the proposal would implement the Governor's Executive Order 97-02 by reviewing the rules for need, effectiveness and efficiency, clarity, intent and statutory authority, and cost and fairness.

Other Identifying Information: Docket No. TO-000712.

Statutory Authority for Adoption: RCW 80.01.040 and 80.04.160.

Statute Being Implemented: Chapter 81.88 RCW.

Summary: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Sondra Walsh, Senior Policy Strategist, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1286; Implementation and Enforcement: Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1174.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules would establish a comprehensive program of hazardous liquid pipeline safety consistent with chapter 81.88 RCW, by establishing safety standards for the transportation of hazardous liquids by pipeline, by establishing requirements for the design, construction, maintenance, and repair of hazardous liquids pipeline facilities, and by establishing safety plans and reporting requirements. The purpose of the rules is to provide minimum safety standards and reporting requirements for the transportation of hazardous liquids by pipeline. The proposal would protect the

health and safety of the public and the environment by implementing safety measures applicable to persons transporting hazardous liquids by pipeline within the state of Washington.

Proposal Changes the Following Existing Rules: The proposal would change the title of chapter 480-75 WAC to Hazardous liquid, gas, oil and petroleum pipeline companies—Safety.

The proposal repeals five out of seven existing rules in chapter 480-75 WAC, creates thirty-six new rules, and amends one existing rule.

Organization of the Chapter. The proposal would organize chapter 480-75 WAC into six parts (General Rules, Design and Construction Rules, and Maintenance Rules, Reporting Rules, and Adoption by Reference Rule) to improve ease of use.

General Rules. This section includes common rules that the commission applies to all regulated industries. Placement of general rules in this chapter would eliminate searching other WACs for applicable rules. Two new rules have been proposed for inclusion in this section: WAC 480-75-210 Additional requirements, and 480-75-220 Severability.

Design. This section includes ten new rules that incorporate the requirements of chapter 81.88 RCW.

Construction and Repair. This section also includes seven new rules based on the requirements of chapter 81.88 RCW.

Operation and Maintenance. This section includes six new rules that reflect the requirements of chapter 81.88 RCW.

Reporting Rules. WAC 480-75-650 Annual reports, has been redrafted for clarity and to reflect the requirements of chapter 81.88 RCW. This section also includes six new rules: WAC 480-75-600 Maps, drawings, and records of hazardous liquid facilities, 480-75-610 Reporting requirements for proposed construction, 480-75-620 Pressure testing reporting requirements, 480-75-630 Incident reporting, 480-75-640 Depth of cover survey, and 480-75-660 Operations safety plan requirements.

Adoption by Reference. WAC 480-75-999 is amended to update references.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

1. Introduction: In August 2000, the Washington Utilities and Transportation Commission (commission) initiated a review of the rules in chapter 480-75 WAC regarding petroleum pipeline companies. The commission initiated this review in Docket No. TO-000712 pursuant to chapter 81.88 RCW and Executive Order 97-02, which requires agencies to review existing rules for readability and content with attention being paid to clarity, intent, statutory authority, need, effectiveness, efficiency, coordination, cost, and fairness. The commission also conducted a general revision of the rules to analyze whether they provided the results that they were originally intended to achieve and whether the rules are consistent with laws and with appropriate and lawful policies. New rules were added to ensure clear communication of policies, processes, and procedures or to provide complete infor-

mation important to regulated companies and the customers they serve.

Over the last eighteen months, the commission has circulated multiple rounds of draft rules and held three workshops with stakeholders to discuss draft rule language, receive comments, and explore options. The commission regulates the petroleum pipeline industry for safety, and took into account the economic impact of potential rule changes as an integral part of its analysis. In addition, the commission asked stakeholders to provide information on the economic impact of potential rule provisions for use in preparing a small business economic impact statement (SBEIS). An SBEIS is intended to evaluate any disproportionate impacts of the rule making on small businesses.

2. Regulatory Fairness Act Requirements: Administrative rules implemented by state agencies can have a disproportionate impact on small businesses, compared to large business, simply because of the size of those businesses. This disproportionate impact may affect competition, innovation, employment, economic growth, and threaten the very existence of some small businesses. Thus, the Regulatory Fairness Act, chapter 19.85 RCW, was enacted with the intent of reducing any disproportionate impact of state administrative rules on small businesses.

The Regulatory Fairness Act requires agencies to prepare an SBEIS if the proposed rule will impose "more than minor costs on businesses in an industry." An agency must then compare the costs of compliance with the proposed rule for large and small businesses within an industry, and then consider how to mitigate any disproportionate impact on small businesses. A business is categorized as "small" under the Regulatory Fairness Act if the business employs fifty or fewer employees.

3. Objective: Pursuant to chapter 19.85 RCW, commission staff prepared this SBEIS to examine the anticipated impact on small businesses of the proposed rules for chapter 480-75 WAC, and to propose plausible mitigation strategies, if necessary, based on the magnitude of economic impacts.

4. Study Procedure: Staff considered the economic impact of potential changes to the petroleum pipeline industry rules as an integral part of its review of the rules themselves. In each round of written and oral comments by stakeholders, economic factors played a central role in the public interest issues under consideration. The commission's regulation of the petroleum industry is unique. The commission has jurisdiction over seven intrastate hazardous liquid companies. The companies range in size from 1.6 miles to 56.01 miles. Consequently drafting rules that are fair and equitable

to all companies presents a challenge. Four of the seven companies under commission regulation submitted an SBEIS. The analysis of the surveys follows.

The commission solicited input on economic impacts during the rule review process by circulating an SBEIS questionnaire in April, 2002. The commission received responses from four of the seven hazardous liquid companies under the commission's jurisdiction: Tidewater Terminal Company (Tidewater); Agrium U.S. Inc. (Agrium); McChord Pipeline Company (McChord); and Kaneb Pipeline Company (Kaneb). Two of the proposed rules Tidewater will implement will cause the company to incur substantial cost. Staff and Tidewater have had discussions on how to mitigate the implementation cost. If the rules are adopted as proposed an option for the company is to request from the commission an extension of time to comply with WAC 480-75-300 and 480-75-330. This would allow the company the ability to budget for the additional cost, and spread that cost over more than one fiscal year.

Agrium, which has 1.6 miles of pipeline will also incur substantial implementation cost. Staff and Agrium have discussed various ways to mitigate the cost. An option for the company, like for Tidewater, is to request from the commission an extension of time to comply with WAC 480-75-300 and give them the ability to budget for and spread the implementation cost over more than one fiscal year.

McChord may also incur substantial implementation cost. Staff and McChord continue to have discussions on the intent of WAC 480-75-390. If the company's current system meets the requirements of WAC 480-75-390, the implementation cost would decrease by \$250,000. If the system does not meet the requirements of the proposed rule, then the company would incur substantial cost. Staff will continue to work with the company and discuss ways to mitigate the cost if it is found that the system needs to be upgraded to meet the requirements of WAC 480-75-390.

The SBEIS submitted by Kaneb was inconclusive. Staff reviewed the SBEIS and found that Kaneb answered most of the questions with "cannot be determined at this time." The implementation cost and on-going cost included in the SBEIS is minimal. Staff has attempted to contact Kaneb to discuss their responses. The company has not been available, and did not attend the April 3, 2002, stakeholder meetings where the intent of all the rules was discussed. Staff will continue to try to discuss the intent of the draft rules and Kaneb's SBEIS with the company. At this time the economic impact on the company is minimal.

SBEIS ANALYSIS FOR COMPANIES

Company Name	Company Employee	Implementation Cost	Cost Per Employee	Three Year Mitigation	Ongoing Cost	Cost Per Employee	Staff Comments
Agrium U.S. Inc.	121	\$262,400	\$2168.602		\$35,000	\$289.26	
Tidewater Terminal Co.	43	\$360,000	\$8,372.09	\$2,790.70	\$52,000	\$1,209.30	Implementation is mitigated over a three year period.

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Company Name	Company Employee	Implementation Cost	Cost Per Employee	Three Year Mitigation	Ongoing Cost	Cost Per Employee	Staff Comments
McChord Pipeline Co.	150	\$332,000	\$2,213.33	\$737.78	\$8,000	\$53.33	Staff and the company will continue discussing the intent of WAC 480-75-390. If the company's current systems meets the requirements of the rule the implementation cost will decrease by \$250,000.
Kaneb Pipeline	150	\$10,000	\$66.67		\$2,500	\$16.67	

5. Rule Modifications: Commission staff modified WAC 480-75-340 to address McChord's concern of placing test stations at each pipe crossing. The rule has been redrafted to state that "...test stations and other electrical measurement contact points that are located at pipe casings and at locations sufficient to facilitate cathodic protection testing." This language change will eliminate \$25,000 in compliance cost for the company. Commission staff also modified WAC 480-75-420 from 5% to 10% to address Agrium's concern that setting the valve release at 5% was too close to the test pressure, and could potentially prolong the test.

6. Conclusion: Below, the section-by-section analysis shows, the economic impact of the proposed rule revisions is generally not significant for petroleum pipeline companies in general. The proposed revisions make the petroleum pipeline companies rules clearer and more consistent, which makes it easier for companies' to comply with the rules. Two of the rules could result in substantial implementation costs for some companies. Staff and the companies will discuss ways to mitigate those costs.

Section-by-Section Analysis of Economic Impact of New Proposed Rules and Revisions
Chapter 480-75 WAC, Hazardous Liquid, Gas, Oil and Petroleum Pipeline Companies—Safety

480-75-100 Definitions.	Any substantive effect of a change in definition is analyzed with the substantive rule itself.
480-75-200 Application of rules.	No substantive change. No economic impact.
480-75-210 Additional requirements.	No substantive change. No economic impact.
480-75-220 Severability.	No substantive change. No economic impact.
480-75-250 Civil penalty for violation of chapter 81.88 RCW.	No substantive change. No economic impact.
480-75-300 Leak detection.	New rule. Economic impact analyzed. See table.
480-75-310 Geological considerations.	New rule. No economic impact.
480-75-320 Overpressure protection.	New rule. No economic impact.
480-75-330 Overfill protection.	New rule. Economic impact analyzed. See table.
480-75-340 Cathodic protection test station location.	New rule. No significant economic impact.
480-75-350 Design specification for new pipeline project.	New rule. No economic impact.
480-75-360 Class location.	New rule. No economic impact.

480-75-370 Design factor (F) for steel pipe.	New rule. No economic impact.
480-75-380 Location of pump stations and breakout tanks for hazardous liquid pipeline.	New rule. No economic impact.
480-75-390 Valve spacing and rapid shutdown.	New rule. Economic impact analyzed. See table.
480-75-400 Backfill.	New rule. No economic impact.
480-75-410 Coatings.	New rule. No economic impact.
480-75-420 Hydrostatic test requirements.	New rule. No economic impact.
480-75-430 Welding procedures.	New rule. No economic impact.
480-75-440 Pipeline repairs.	New rule. Economic impact to each of the companies is \$300.00 or less.
480-75-450 Construction specifications.	New rule. No economic impact.
480-75-460 Welding inspection requirements.	New rule. No significant economic impact.
480-75-500 Moving and lowering hazardous liquid pipelines.	New rule. Economic impact analyzed. See table.
480-75-510 Remedial action.	New rule. No significant economic impact.
480-75-520 Inspections during excavation.	New rule. No significant economic impact.
480-75-530 Right of way inspections.	New rule. No significant economic impact.
480-75-540 Above ground facilities.	New rule. No significant economic impact.
480-75-550 Change in class location.	New rule. No economic impact.
480-75-600 Maps, drawings, and records of hazardous liquid facilities.	New rule. No economic impact.
480-75-610 Reporting requirements for proposed construction.	New rule. No significant economic impact.
480-75-620 Pressure testing reporting requirements.	New rule. No significant economic impact.
480-75-630 Incident reporting.	New rule. No significant economic impact.
480-75-640 Depth of cover survey.	New rule. No significant economic impact.
480-75-650 Annual reports.	No substantive change. No economic impact.
480-75-660 Operations safety plan requirements.	New rule. No significant economic impact.
480-75-999 Adoption by reference.	No change.

A copy of the statement may be obtained by writing to Washington Utilities and Transportation Commission, Records Center, Docket No. TO-000712, 1300 South Ever-

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green Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250, phone (360) 664-1234, fax (360) 664-1150.

RCW 34.05.328 does not apply to this rule adoption. The commission is not an agency to which RCW 34.05.328 applies. The proposed rules are not significant legislative rules as referenced in RCW 34.05.328.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, on July 10, 2002, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Mary DeYoung by July 8, 2002, TDD (360) 586-8203 or (360) 664-1133.

Submit Written Comments to: Secretary, Docket No. TO-000712, Washington Utilities and Transportation Commission, 1300 South Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250, fax (360) 586-1150, by June 26, 2002.

Date of Intended Adoption: July 10, 2002.

June 5, 2002

Carole J. Washburn

Secretary

Chapter 480-75 WAC

HAZARDOUS LIQUID, GAS, OIL AND PETROLEUM PIPELINE COMPANIES—SAFETY

GENERAL RULES

NEW SECTION

WAC 480-75-100 Definitions. "Hazardous liquid" means (a) petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 CFR Part 195 and (b) carbon dioxide.

"Maximum operating pressure (MOP)" means the maximum operating pressure at which a pipeline or segment of a pipeline may be operated under 49 CFR Part 195.

"Backfill" means the material filled over the pipe after the pipe is lowered into a trench.

"Bedding" means the material placed in the bottom of a trench prior to laying a pipe.

"Break-out tank" means a tank that is used to relieve surges in a hazardous liquid pipeline system, or a tank used to receive and store hazardous liquid transported by a pipeline for reinjection and continued transportation by pipeline.

"Company," "pipeline," "pipeline system," or "hazardous liquid pipeline" means all parts of a pipeline facility through which hazardous liquid moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. Pipeline or pipeline system does not include process or transfer pipelines.

"High stress" means a pipeline that operates at a hoop stress level greater than twenty percent of the specified minimum yield strength of the line pipe.

"High stress pipeline" means a hazardous liquid pipeline that is operated in its entirety at a stress level over twenty percent of the specified minimum yield strength of the pipe.

"Major reconstruction" or "reconditioning" means any change in pipeline routing, either horizontally or depth, or replacement of existing pipe of one hundred feet or more in length.

"Independent level alarm" means an alarm function actuated by a primary level sensing device that is separate and independent from any tank gauging equipment on the tank.

"New pipeline" means a new pipeline that did not previously exist, a replacement of an existing pipeline of one hundred feet or longer, or an extension of an existing pipeline for one hundred feet or longer.

"Operator" means a person who owns or operates pipeline facilities.

"Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any political subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

"Pipeline company" or "hazardous liquid pipeline company" means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid or carbon dioxide. A "pipeline company" does not include: (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (b) excavation contractors or other contractors that contract with a pipeline company.

"Pipeline facility" means new and existing pipeline, rights of way and any equipment, facility, or building used in the transportation of hazardous liquids or carbon dioxide.

"Release" means when hazardous liquid escapes from the pipeline.

"Subsoiling" means the agricultural practice of breaking compact subsoil.

"Telephonic notification" means verbal notification by telephone to the Washington utilities and transportation commission, pipeline safety division.

NEW SECTION

WAC 480-75-200 Application of rules. The rules in this chapter apply to hazardous liquid pipeline companies that are subject to the jurisdiction of the commission under chapter 81.88 RCW. The purpose of the rules is to provide minimum safety standards and reporting requirements for the transportation of hazardous liquids by pipeline. These rules apply to the design, construction, operation, maintenance, and safety of hazardous liquids pipeline facilities except those hazardous liquids pipeline facilities exclusively under federal jurisdiction as prescribed by the Pipeline Safety Law, 49 U.S.C. Section 60101.

NEW SECTION

WAC 480-75-210 Additional requirements. (1) These rules do not relieve any hazardous liquid pipeline company from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any hazardous liquid pipeline company in appropriate circumstances, consistent with the requirements of law.

NEW SECTION

WAC 480-75-220 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION

WAC 480-75-250 Civil penalty for violation of chapter 81.88 RCW. (1) Any hazardous liquid pipeline company that violates any public safety provision of chapter 81.88 RCW or regulation issued thereunder, required for compliance with the Federal Pipeline Safety Law, 49 U.S.C. Section 60101, is subject to a civil penalty not to exceed twenty-five thousand dollars for each violation for each day that the violation persists. The maximum civil penalty under this subsection for a related series of violations is five hundred thousand dollars. This subsection applies to violations of public safety requirements including any commission order or chapter 480-75 WAC.

(2) In determining the amount of the penalty, the commission will consider the appropriateness of the penalty in relation to the position of the person charged with the violation.

NEW SECTION

WAC 480-75-260 Exemption for rules in chapter 480-75 WAC. (1) The commission may grant an exemption from the provisions of any rule in this chapter if consistent with the public interest, with the purposes underlying regulation, and with applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason for the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind

different from hardship imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purpose of the rule.

(5) The commission will enter an order granting or denying the request, or setting it for hearing pursuant to chapter 480-09 WAC.

DESIGNNEW SECTION

WAC 480-75-300 Leak detection. (1) Hazardous liquid pipeline companies must rapidly locate leaks from their pipeline. Companies must provide leak detection for under flow and no flow conditions.

(2) Leak detection systems must be capable of detecting an eight percent of maximum flow leak within fifteen minutes or less.

(3) Hazardous liquid pipeline companies must have a leak detection procedure and a procedure for responding to alarms. The operator must maintain leak detection maintenance and alarm records.

NEW SECTION

WAC 480-75-310 Geological considerations. New pipeline designs must consider potential impacts from seismic activity and landslides.

NEW SECTION

WAC 480-75-320 Overpressure protection. Piping that can be pressurized above its maximum operating pressure (MOP) must be equipped with pressure relief systems. When determining whether the MOP can be exceeded, the operator must consider internal pressure surges from rapid valve closures or other obstruction. The pressure relief system must be set at or below MOP. The operator must conduct a surge analysis to determine the likelihood of surge pressure exceeding one hundred ten percent of MOP.

NEW SECTION

WAC 480-75-330 Overfill protection. Break out tanks must have an independent level alarm.

NEW SECTION

WAC 480-75-340 Cathodic protection test station location. Each cathodically protected pipeline must have test stations and other electrical measurement contact points that are located at pipe casings and at locations sufficient to facilitate cathodic protection testing.

NEW SECTION

WAC 480-75-350 Design specifications for new pipeline projects. New pipeline projects must be designed in accordance with ASME B31.4 "Pipeline Transportation Systems for Liquid Hydrocarbon and Other Liquids." Informa-

tion about the ASME edition adopted and where to obtain it are set out in WAC 480-75-999, Adoption by reference.

NEW SECTION

WAC 480-75-360 Class locations. (1) This section classifies pipeline locations for the design of new pipelines. The following criteria apply to classifications under this section.

(a) A "class location unit" is an onshore area that extends 220 yards (200 meters) on either side of the centerline of any continuous 1 mile (1.6 kilometers) of pipeline.

(b) Each separate dwelling unit in a multiple dwelling unit building is counted as a separate building intended for human occupancy.

(2) Except as provided in subsection (3) of this section, pipeline locations are classified as follows:

(a) A Class 1 location is:

(i) An offshore area; or

(ii) Any class location unit that has ten or fewer buildings intended for human occupancy.

(b) A Class 2 location is any class location unit that has more than ten but fewer than forty-six buildings intended for human occupancy.

(c) A Class 3 location is:

(i) Any class location unit that has forty-six or more buildings intended for human occupancy; or

(ii) An area where the pipeline lies within 100 yards (91 meters) of either a building or a small, well-defined outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by twenty or more persons on at least five days a week for ten weeks in any twelve-month period. (The days and weeks need not be consecutive.)

(d) A Class 4 location is any class location unit where buildings with four or more stories above ground are prevalent.

(3) The length of Class locations 2, 3, and 4 may be adjusted as follows:

(a) A Class 4 location ends 220 yards (200 meters) from the nearest building with four or more stories above ground.

(b) When a cluster of buildings intended for human occupancy requires a Class 2 or 3 location, the class location ends 220 yards (200 meters) from the nearest building in the cluster.

NEW SECTION

WAC 480-75-370 Design factor (F) for steel pipe. Except as otherwise provided in subsections (1), (2) and (3) of this section, the design factor to be used in the design formula in 49 CFR 195.106 for new and existing pipelines is determined in accordance with the following table. Information about the Code of Federal Regulation regarding the version adopted and where to obtain it is set out in WAC 480-75-999, Adoption by reference.

Class location	Design factor (F)
1	0.72
2	0.60

Class location	Design factor (F)
3	0.50
4	0.40

(1) For Class 1 locations a design factor of 0.60 or less must be used in the design formula in 49 CFR 195.106 for steel pipe in Class 1 locations that:

(a) Crosses the right of way of an unimproved public road, without a casing;

(b) Crosses without a casing, or makes a parallel encroachment on the right of way of either a hard-surfaced road, a highway, a public street, or a railroad;

(c) Is supported by a vehicular, pedestrian, railroad, or pipeline bridge; or

(d) Is used in a fabricated assembly (including mainline valve assemblies, cross-connections, and river crossing headers).

(2) For Class 2 locations, a design factor of 0.50, or less, must be used in the design formula in 49 CFR 195.106 for uncased steel pipe that crosses the right of way of a hard-surfaced road, a highway, a public street, or a railroad.

(3) For Class 1 and Class 2 locations, a design factor of 0.50, or less, must be used in the design formula in 49 CFR 195.106 for:

(a) Steel pipe in a pump station; and

(b) Steel pipe (including a pipe riser, on a platform located offshore or in inland navigable waters).

NEW SECTION

WAC 480-75-380 Location of pump stations and breakout tanks for hazardous liquid pipelines. No new pump station will be located on any hazardous liquid pipeline or be constructed in any zoned area without prior approval of the appropriate zoning authority and acquisition of required permits. In other areas, the distance between any pump station and any existing building intended for human occupancy and not under the control of the company will not be less than five hundred feet. When locating new pump stations and breakout tanks, the operator must consider such hazards as overhead power lines, geologic faults, areas prone to flooding, landslides, and rock fall. This requirement only applies prior to facility construction.

NEW SECTION

WAC 480-75-390 Valve spacing and rapid shutdown.

(1) Each hazardous liquid pipeline company must rapidly locate and isolate all releases from pipelines. The hazardous liquid pipeline company must install remote control shutoff valves, check valves, and remotely monitored pressure gauges and meters where they will minimize the magnitude of a pipeline spill. The hazardous liquid pipeline company must consider terrain, valve placement, geohazards and drainage potential to reduce pipeline shutdown time and to minimize the amount of product flowing out of the pipeline in the event of a spill.

(2) Whenever a hazardous liquid pipeline company changes the design or operation of an existing valve, a surge

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analysis must be conducted and the report kept for the life of the pipeline.

(3) Hazardous liquid pipeline companies must include in their safety plan shutdown procedures for the containment of product that will designate where and how valves will be placed.

CONSTRUCTION AND REPAIRS

NEW SECTION

WAC 480-75-400 Backfill requirements. (1) For new pipelines or when conducting maintenance activity for existing pipelines backfilling must be provided in a manner that will provide firm support for the pipeline and in a manner that neither the pipe nor the pipe coating is damaged by the backfill material or by subsequent surface activities.

(2) Where the backfill material contains rocks or hard lumps that could damage the coating, care must be taken to protect the pipe and the pipe coating from damage by such means as the use of mechanical shield material.

(3) Backfilling procedures must not cause distortion of the pipe cross-section that would be detrimental to the operation of the piping, passage of cleaning, or internal inspection devices.

(4) Backfilling must be performed in such a manner as to prevent excessive subsidence or erosion of the backfill and support material. Where a ditch is flooded, care must be exercised so that the pipe is not floated from the bottom of the ditch prior to backfill completion.

(5) For open trench installations that cross paved areas subject to vehicular loading, the backfill must be compacted in layers to a minimum of ninety-five percent relative density.

(6) Bedding material must be clean sand or soil and must not contain stones having a maximum dimension larger than one-half inch. Material must be placed to a minimum depth of six inches under the pipe and six inches over the top of the pipe. The remaining backfill must not contain rock larger than six inches. Organic material and wood is not permitted for bedding and backfill.

NEW SECTION

WAC 480-75-410 Coatings. All new coated pipe used to transport hazardous liquids must be electrically inspected prior to backfilling, using a holiday detector to check for faults not observable by visual examination. The holiday detector must be operated in accordance with the manufacturer's instructions and at the voltage level appropriate for the electrical characteristics of the pipeline system being tested.

NEW SECTION

WAC 480-75-420 Hydrostatic test requirements. New or existing hazardous liquid pipelines while being hydrostatically tested must have the following:

(1) An isolation valve must be provided between the pressure testing manifold and the pipeline being tested. The

isolation valve must be rated for the manifold test pressure when in the closed position.

(2) Pressure relief valve(s) of adequate capacity set to relieve at ten percent above the hydrotest pressure must be installed. The relief valves must be tested, dated, and tagged within one week prior to the hydrotest.

(3) In addition to the pressure relieving device, a bleed valve must be provided to protect the pipeline from overpressure. The bleed valve must be readily accessible in case immediate depressurization is required.

(4) The pressure testing manifold in the actual pressure test must be separately pressure tested to at least 1.2 times the pipeline test pressure but not less than the discharge pressure of the pump used for the pressure testing. After the test pressure is reached and before commencement of inspection of the pipeline, the isolation valve between the temporary test manifold and pipeline must be closed and the test pump disconnected.

(5) A test chart or other recording method that shows that the pressure was maintained at the minimum test pressure throughout the entire test must be documented for all hydrostatic tests. A company representative must sign and date the test to certify the validity of the test. All equipment such as hoses, piping, and other equipment used to hydrostatically test the pipe must be rated for at least the target pressure. Each hydrostatic test of a pipeline must be documented to show:

- (a) Test date;
- (b) Signature of the certifying agent;
- (c) Beginning and ending times of the test;
- (d) Beginning and ending temperatures; and
- (e) Highest and lowest pressure achieved.

(6) Precautions such as warning signs indicating a pipeline is under test conditions must be posted on highway crossings and at locations where large groups of people may gather, such as schools, churches, hospitals, shopping malls, to safeguard the public and those living and working around the area where the test is conducted.

(7) Pipeline companies must notify public officials who have jurisdiction encompassing the area affected by the pipeline test.

(8) No additional water is allowed to be added to the pipeline once the hydrostatic test has started. As pressure varies significantly with changing test water temperatures, each operator must take into consideration temperature variation in the test water before accepting the test.

NEW SECTION

WAC 480-75-430 Welding procedures. (1) For new and existing pipelines, all welding procedures and welders must be qualified to the API Standard 1104 or section 2001 of the ASME Boiler and Pressure Vessel Code. Information about the API standards and the ASME edition adopted, and where to obtain them, are set out in WAC 480-75-999, Adoption by reference. Each welder qualification test result must be recorded and kept for a period of five years, and:

(a) Operators must use testing equipment necessary to measure the essential variables during welder qualification or requalification, and also for procedure qualification or

requalification. All essential variables must be recorded as performed during the welding qualification.

(b) Qualified welding procedures must be on-site where welding is being performed.

(2) Welders must carry appropriate identification and qualification cards showing the name of welder or joiner, their qualifications, date of qualification expiration, and the company whose procedures were followed for the qualification. Welders' and joiners' qualification cards will be subject to commission inspection at all times when personnel are working on facilities subject to commission jurisdiction.

NEW SECTION

WAC 480-75-440 Pipeline repairs. Pipeline repairs must be made in accordance with ASME B31.4 "Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids." Information about the ASME edition adopted and where to obtain it are set out in WAC 480-75-999, Adoption by reference.

NEW SECTION

WAC 480-75-450 Construction specifications. New pipeline construction must conform to the requirements of ASME B31.4. Information about the ASME edition adopted and where to obtain it are set out in WAC 480-75-999, Adoption by reference. The longitudinal seams of connecting pipe joints must be offset by at least two inches. In addition, the longitudinal seams must be located on the upper half of the pipe when laid in the trench. Seamless pipe is exempted from the requirements of the longitudinal seam orientation.

NEW SECTION

WAC 480-75-460 Welding inspection requirements. For new and existing hazardous liquid pipelines, companies must perform one hundred percent inspection of all girth welds by radiography or automatic ultrasonic testing in accordance with API 1104. Information about the API standards adopted and where to obtain it are set out in WAC 480-75-999, Adoption by reference. Companies must keep a log of each weld inspected and keep all inspection records for the life of the pipeline.

OPERATION AND MAINTENANCE

NEW SECTION

WAC 480-75-500 Moving and lowering hazardous liquid pipelines. Prior to moving or lowering any hazardous liquid pipeline, hazardous liquid pipeline companies must prepare a study, to determine whether the proposed action will cause an unsafe condition. This study must be reviewed and approved by a person designated by the company who is qualified to review the study, and retained in the company's files for the life of the pipeline. The study must include pipe stress calculations based on API RP 1117 "Movement of In-Service Pipelines." Information about the API standards

adopted and where to obtain it are set out in WAC 480-75-999, Adoption by reference.

NEW SECTION

WAC 480-75-510 Remedial action for corrosion deficiencies. Hazardous liquid pipeline companies must initiate remedial action as necessary to correct deficiencies observed during corrosion monitoring, but no later than ninety days after acknowledging the deficiencies.

NEW SECTION

WAC 480-75-520 Inspections during excavation. Whenever a pipe is exposed for any reason, the operator must examine the pipe for evidence of mechanical damage or external corrosion, including inspecting the coating for evidence of damage. Mechanical damage must be evaluated and repaired as necessary, in accordance with company repair procedures. Coating damage must be repaired prior to reburying the pipeline. If the operator finds active corrosion, general corrosion, or corrosion that has caused a leak, the operator must investigate further to determine the extent of corrosion. The pipeline must be inspected prior to and during backfilling of the exposed section. The results of this inspection must be documented and maintained for the life of the pipeline.

NEW SECTION

WAC 480-75-530 Right of way inspections. Right of way inspections must be scheduled at least once each calendar week. If weather impedes the ability to conduct a fly-over inspection for a consecutive two week period, the weather condition must be noted and a drive-by right of way inspection must be conducted within the two week period.

NEW SECTION

WAC 480-75-540 Above ground facilities. Proper pipeline markers must be placed where hazardous liquid pipelines and any associated facilities are exposed. All hazardous liquid pipelines attached to bridges or otherwise spanning an area must have pipeline markers that are visible and readable at both ends of the suspended pipeline. Each operator must inspect all markers annually. Pipeline markers that are found damaged or missing must be replaced within thirty days.

NEW SECTION

WAC 480-75-550 Change in class location. Operators complying with WAC 480-75-014 and 480-75-015 must reevaluate their maximum operating pressure when there is a change in class location. The class location must be reevaluated periodically but not less often than once every five years.

REPORTING

NEW SECTION

WAC 480-75-600 Maps, drawings, and records of hazardous liquid facilities. (1) All hazardous liquid pipeline companies must prepare, maintain, and provide to the commission, upon request, copies of maps, drawings, and records that pertain to hazardous liquid pipeline facilities. The maps, drawings, and records must be of sufficient scale and detail as is necessary to show the size and type of material of all facilities.

(2) Each hazardous liquid pipeline company must make books, records, reports, and other information available to the commission, so the commission or its authorized representatives can determine whether the hazardous liquid pipeline company is in compliance with state and federal regulations.

(3) When pipeline facilities are modified, all construction records, revision to maps, and operating history made available to appropriate operations personnel must be updated within six months.

NEW SECTION

WAC 480-75-610 Reporting requirements for proposed construction. (1) At least forty-five days prior to the construction or major reconstruction (or reconditioning) of any hazardous liquid pipeline intended to be operated at twenty percent or more of the specified minimum yield strength of the pipe used, a report must be filed with the commission setting forth the proposed route and the specifications for such pipeline. The forty-five-day reporting requirement may be waived in the event of an emergency. The report must include, but is not limited to, the following items:

- (a) Description and purpose of the proposed pipeline;
- (b) Pipe specifications and route map;
- (c) Maximum operating pressure for which the pipeline is being constructed;
- (d) Location and construction details of all river crossings or other unusual construction requirements encountered en route; i.e., places where pipe will be exposed or it is impractical to provide required cover, bridge crossings, lines to be laid parallel to railroads or state highways and encroachments, and other areas requiring special or unusual design and construction considerations;
- (e) Corrosion control plan that includes the specifications for coating and for wrapping;
- (f) Welding specifications and welding inspection methods and procedures required during construction of the pipeline;
- (g) Required bending procedures; and
- (h) Location and specification of all mainline block valves indicating whether the valves will be operated by manual or remote control. Indicate other auxiliary equipment to be installed as a part of the pipeline system to be constructed.

(2) For pipelines operating under twenty percent specified minimum yield strength, companies must submit to the commission a written notice at least forty-five days prior to

the proposed construction. The notice must include a project description and timeline.

NEW SECTION

WAC 480-75-620 Pressure testing reporting requirements. If pressure testing is to be used to increase the maximum operating pressure of a pipeline, companies must file a report with the commission at least forty-five days prior to pressure testing. The report must include the change in the maximum operating pressure and include the information required to qualify the pipeline for higher operating pressure.

NEW SECTION

WAC 480-75-630 Incident reporting. (1) Every hazardous liquid pipeline company must give prompt telephonic notice to the commission within two hours of an incident being discovered that results in any of the following:

- (a) A fatality;
- (b) Personal injury requiring hospitalization;
- (c) Spills of five gallons of product (the commission request voluntary compliance with 49 CFR, Part 195.50(b). If the Washington state legislature adopts this change, then notice of the five-gallon spill will be mandatory);
- (d) Damage to the property of the company and others of a combined total cost exceeding five thousand dollars (automobile collisions and other equipment accidents not involving hazardous liquid or hazardous-liquid-handling equipment need not be reported under this rule);
- (e) A significant occurrence in the judgment of the company, even though it does not meet the criteria of (a) through (d) of this subsection;
- (f) The news media reports the occurrence, even though it does not meet the criteria of (a) through (e) of this subsection.

(2) A written report must be sent to the commission within one month of the incident. The report must include the following:

- (a) Name(s) and address(es) of any person or persons injured or killed or whose property was damaged;
- (b) The extent of injuries and damage;
- (c) A description of the incident including date, time, and place;
- (d) A description and maximum operating pressure of the hazardous liquid facilities implicated in the incident and the system operating pressure at the time of the incident;
- (e) The date and time the hazardous liquid facility returns to safe operations; and
- (f) The date, time, and type of any temporary or permanent repair.

(3) An operator must give the commission telephonic notification within twenty-four hours of emergency situations including emergency shutdowns, material defects, or physical damage that impairs the serviceability of the pipeline.

NEW SECTION

WAC 480-75-640 Depth-of-cover survey. For pipelines constructed after April 1, 1970. Every five years depth-of-cover surveys must be conducted in rights of way to ensure the minimum depth-of-cover as required by subsections (1) and (2) of this section has been maintained for the entire pipeline. In areas subject to erosion and subsoiling, the survey period is every three years.

(1) Unless specifically exempted in this section, all pipe must be buried so that it is below the level of cultivation. Except as provided in subsection (2) of this section, the pipe must be installed so that the cover between the top of the pipe and the ground level, road bed, river bottom, or sea bottom, as applicable, complies with the following table:

Location	Cover (inches) For normal excavation	Cover (inches) For rock excavation
Industrial, commercial, and residential areas	36	30
Crossings of inland bodies of water with a width of at least 100 ft. from high water mark to high water mark	48	18
Drainage ditches at public roads and railroads	36	36
Deepwater port safety zone	48	24
Any other area	30	18

Note: Rock excavation is any excavation that requires blasting or removal by equivalent means.

(2) Less cover than the minimum required by subsection (1) of this section may be used if:

- (a) It is impracticable to comply with the minimum cover requirements; and
- (b) Additional protection is provided that is equivalent to the minimum required cover.

NEW SECTION

WAC 480-75-650 Annual reports. (1) The annual report form No. 6 promulgated by the Federal Energy Regulatory Commission (FERC) is hereby adopted for hazardous liquid pipeline companies. At the close of each calendar year, hazardous liquid pipeline companies must secure from the FERC two copies of the annual report forms. The annual report must be completed for the calendar year's operations. One completed copy of the annual report must be submitted to the commission no later than April 1 of the succeeding year. The second completed copy must be retained by the company.

(2) For those hazardous liquid pipeline companies not required to file form No. 6 the commission requires those companies to file annual report form 224-225 prescribed by the commission. The annual report will be mailed to each

company by February 15 of each year. Companies must submit an annual report to the commission no later than April 1 of the succeeding year.

NEW SECTION

WAC 480-75-660 Operations safety plan requirements. (1) Each operator must prepare an operations safety plan (plan) that demonstrates the pipeline system is designed, constructed, operated, and periodically modified to provide for protection of the public and the environment. Facility operations must follow the plan. The plan must be thorough and contain enough information, analysis, and supporting documentation to demonstrate the company's ability to meet the requirements of this chapter. The plan may be incorporated into a company's existing operation, maintenance, or emergency plan as required by 49 CFR 195.402.

(2) A log sheet must be included in the plan to record amendments. The log sheet must include the date the old section was eliminated, any new sections that were added, the date, the initials of the individual making the change, and the signature of the person responsible for reviewing the amendment. A description of the amendment(s) and its purpose must be included.

- (a) At a minimum, the plan must include the following:
 - (i) The requirements in chapter 480-75 WAC;
 - (ii) A schedule of inspection and testing of all the mechanical components and electronic components within the pipeline system;
 - (iii) Structural integrity of all pipelines determined through pressure testing, in-line inspection surveys, or other appropriate techniques;
 - (iv) Failsafe systems including emergency shutdown and isolation procedures;
 - (v) Emergency management training for operators;
 - (vi) Procedures for responding to earthquakes that must include a threshold for line shutoff, and procedures for integrity monitoring prior to restart;
 - (vii) Procedure for assessing the potential for impacts on the pipeline system due to landslides. Operators with facilities located within potential landslide areas must develop monitoring and remediation procedures for ensuring that pipeline integrity is maintained in these areas.

(3) Hazardous liquid pipeline companies must submit a plan to the commission within twelve months after the adoption of this rule. New pipeline operators must submit a plan to the commission no later than sixty days prior to startup.

The plan must be submitted to:
 Washington Utilities and Transportation Commission
 Pipeline Safety Division
 P.O. Box 47250
 1300 S. Evergreen Park Dr. SW
 Olympia, WA 98504-7250

(4) Amendments to the plan must be submitted to the commission within thirty days of the change.

(5) Hazardous liquid pipeline companies must ensure that appropriate personnel are trained and familiar with the plan's content.

PROPOSED

PROPOSED

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-75-999 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:

~~((Title 49 Code of Federal Regulations, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.~~

~~(1) The commission adopts the version in effect on July 1, 2001.~~

~~(2) This publication is referenced in WAC 480-75-005.~~

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

(a) The commission adopts the version in effect on June 1, 2002.

(b) This publication is referenced in WAC 480-75-370, 480-75-630, and 480-75-660.

(2) The ASME B31.4, 1998 edition.

(a) This publication is referenced in WAC 480-75-350, 480-75-430, 480-75-440, and 480-75-450.

(3) The commission adopts API standard 1104 19th edition. This publication is referenced in WAC 480-75-430, 480-75-460, and 480-75-500.

Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 480-75-002 Application of rules.
- WAC 480-75-005 Compliance with federal standards.
- WAC 480-75-010 Annual reports.
- WAC 480-75-223 Civil penalty for violation of chapter 81.88 RCW or regulations issued thereunder—
Maximum amount.
- WAC 480-75-230 Modification/waivers.

WSR 02-12-001
EXPEDITED RULES

**DEPARTMENT OF COMMUNITY,
 TRADE AND ECONOMIC DEVELOPMENT**

[Filed May 22, 2002, 2:53 p.m.]

Title of Rule: Chapter 365-18 WAC, Long-term care ombudsman program, Department of Community, Trade and Economic Development.

Purpose: To implement the long-term care ombudsman program as provided in chapter 43.190 RCW and the Older American Act of 1965 (42 U.S.C. 3001 et seq., as amended).

Statutory Authority for Adoption: Chapter 43.190 RCW.

Statute Being Implemented: Chapter 43.190 RCW.

Summary: This expedited rule making is to revise WAC 365-18-040 (1)(a), (b) and (c) per revisions to chapter 43.190 RCW passed by the Washington state legislature during the 2002 session. The revisions change the conflict of interest waiting period from three years to one year.

Reasons Supporting Proposal: If these changes were not made, the WAC would contradict the RCW. The changes make the WAC consistent with the RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Hanna, Department of Community, Trade and Economic Development, State of Washington, 725-2856.

Name of Proponent: Department of Community, Trade and Economic Development, State of Washington, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This expedited rule making is to revise WAC 365-18-040 (1)(a), (b) and (c) per revisions to chapter 43.190 RCW passed by the Washington state legislature during the 2002 session. The revisions change the conflict of interest waiting period from three years to one year. The changes will make it easier to recruit and train volunteers to become long-term care ombudsmen, while retaining safeguards such as the screening process and the ultimate authority of the state long-term care ombudsman to certify volunteers.

Proposal Changes the Following Existing Rules: See above.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Nancy Hanna, Department of Community, Trade and Economic Development,

State of Washington, P.O. Box 48300, Olympia, WA 98504-8300, AND RECEIVED BY August 5, 2002.

May 15, 2002
 Martha Choe
 Director

AMENDATORY SECTION (Amending WSR 00-09-060, filed 4/17/00, effective 5/18/00)

WAC 365-18-040 Conflicts of interest. (1) All ombudsmen shall be free from conflicts of interests, including:

(a) No ombudsman shall be or have been employed by or participated in the management of any long-term care facility, or have or have had the right to receive remuneration from a long-term care facility, including work as a paid consultant or independent contractor, currently or within ~~((three years from the start of his or her duties as an ombudsman))~~ the past year;

(b) No ombudsman or member of his or her immediate family shall have, or have had within the past ~~((three))~~ year~~((s))~~, any pecuniary interest in a long-term care facility or a long-term care service;

(c) No ombudsman shall have a direct involvement in the licensing, certification, or regulation of a long-term care facility or of a long-term care service during his or her tenure as an ombudsman or within the past year;

(d) No ombudsman shall be assigned to or work in a long-term care facility in which the ombudsman or a member of his/her immediate family resides;

(e) No ombudsman shall solicit or be the beneficiary of gifts, money or estate property from residents in any facility in which he or she has served or is serving as ombudsman. This subsection shall not prohibit an ombudsman from receiving gifts, money, or estate property from a resident who is a relative of the ombudsman;

(f) No ombudsman may work for an agency or entity in which the ombudsman has direct personal involvement in the provision or establishment of involuntary services or in the involuntary commitment of a resident.

(2) No individual, or immediate family member of such an individual, who is involved in the designation or removal of the state ombudsman, or the designation or revocation of the contractor or subcontractors, or who administers or oversees the contractor's or subcontractor's contract, may be an official or employee of any agency or organization that conducts the licensing, certification, or regulation of long-term care facilities, or that owns, operates, or manages such facilities.

WSR 02-12-018
EXPEDITED RULES

CENTRAL WASHINGTON UNIVERSITY

[Filed May 28, 2002, 10:18 a.m.]

Title of Rule: Determination regarding exempt records - agency determination to grant or deny a public records request.

Purpose: Sets parameters for response to requests for public records.

Statutory Authority for Adoption: RCW 28B.10.528 and 28B.35.120(12).

Statute Being Implemented: WAC 106-276-100.

Summary: Amend time specified for determining a response to a request for public records from one day to five.

Reasons Supporting Proposal: RCW 42.17.320 states that an agency has five business days to respond to a request for public records. WAC 106-276-100 currently states that CWU will respond within one day. One business day does not allow enough time, in certain circumstances, to respond to a request for public records. The proposed change will align the rule with the RCW requirement.

Name of Agency Personnel Responsible for Drafting and Implementation: Sandy Arbuckle, Business Services and Contracts, (509) 963-2335; and Enforcement: Bruce Porter, Business Services and Contracts, (509) 963-2354.

Name of Proponent: Sandy Arbuckle, CWU Public Records Officer, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule outlines agency response to a public records request, setting an appropriate notification time. Individuals will now be notified within five days, rather than one day, whether a records' request will be granted or denied. Proposed changes to this rule bring it into compliance with RCW 42.17.320. Individuals seeking public records will be accommodated expeditiously.

Proposal Changes the Following Existing Rules: Individuals requesting public records under WAC 106-276-100(2) will be required to wait five business days for a response rather than one business day.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Judy B. Miller, Central Washington University, 400 East 8th Avenue, Ellensburg, WA 98926-7501, AND RECEIVED BY August 5, 2002.

May 22, 2002

Jerilyn S. McIntyre
President

AMENDATORY SECTION (Amending Order CWU AO 76, filed 10/3/94, effective 11/3/94)

WAC 106-276-100 Determination regarding exempt records. (1) The university reserves the right to determine that a public record requested in accordance with the procedures of this chapter is exempt under the provisions of RCW

42.17.310. Such determination may be made in consultation with any of the records officers of the university, president of the university, or an assistant attorney general assigned to the university.

(2) Responses to requests for records must be made promptly. For the purpose of these rules, a prompt response occurs if the person requesting the public record is notified within ~~(one)~~ five business days as to whether or not the request for a public record will be granted or denied.

(3) No denial of a request for public records shall be valid unless accompanied by a written statement, signed by the public records officer or designee, specifying the specific reasons therefore.

WSR 02-12-131

EXPEDITED RULES

UTILITIES AND TRANSPORTATION

COMMISSION

[Filed June 5, 2002, 10:29 a.m.]

Title of Rule: This rule making would revise adoption-by-reference dates in Title 480 WAC and create a new section WAC 480-110-999 Adoption by reference.

Purpose: The rule making would revise adoption-by-reference dates in Title 480 WAC to incorporate the most recent versions of adopted federal rules and other adopted publications; substitute an existing national standard for railroad passenger-carrying vehicle first-aid kit requirements to replace the commission's adopted Washington State Labor and Industries' rules that were repealed in 2001; create a new section in chapter 480-110 WAC so each chapter in Title 480 WAC will have a common location for adoption-by-reference rules; and correct grammatical and punctuation errors.

Other Identifying Information: Commission Docket No. A-020379. Affected chapters of the WAC include chapters 480-14, 480-15, 480-30, 480-31, 480-40, 480-62, 480-70, 480-90, 480-100, and 480-110 WAC.

Proposed Rule Changes
Adoption by Reference Date Changes and Other Administrative Changes
Docket No. A-020379
May 24, 2002

Action	WAC No.	Rule Title	Proposed Changes
Chapter 480-14 WAC, Motor carriers excluding household goods carriers and common brokers.			
Amend	480-14-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2002 Title 49 Code of Federal Regulations, October 1, 2001
Chapter 480-15 WAC, Household goods carriers.			
Amend	480-15-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2002 Title 49 Code of Federal Regulations, October 1, 2001
Chapter 480-30 WAC, Auto transportation companies.			
Amend	480-30-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2002 Title 49 Code of Federal Regulations, October 1, 2001
Chapter 480-31 WAC, Private nonprofit transportation providers.			
Amend	480-31-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2002 Title 49 Code of Federal Regulations, October 1, 2001
Chapter 480-40 WAC, Passenger charter carriers.			
Amend	480-40-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2002 Title 49 Code of Federal Regulations, October 1, 2001
Chapter 480-62 WAC, Railroad companies—Operations.			
Amend	480-62-999	Adoption by reference.	1. Adoption by reference dates changed as follows: Title 49 Code of Federal Regulations, October 1, 2001 MUTCD – no change WSDOT Chapter 480-95 WAC – no change ANSI Z308.1, December 31, 1998 (replaces L&I rules) L&I Chapter 296-24 WAC – repealed ANSI/ISEA 107, no change Title 49 United States Code, January 2, 2002
Amend	480-62-240	Passenger carrying vehicles—Equipment.	1. Changes in subsection (1)(h) removes reference to repealed L&I rules, WAC 296-24-060145 and 296-24-06160, Appendix 2 and replaces the repealed rules with the ANSI standard, ANSI Z308.1 (Minimum Requirements for Workplace First Aid Kits). A cross reference directing the reader WAC 480-62-999 is also added.
Chapter 480-70 WAC, Solid waste collection companies.			
Amend	480-70-999	Adoption by reference.	1. Adoption by reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2002 Title 40 Code of Federal Regulations, July 1, 2002 Title 49 Code of Federal Regulations, October 1, 2001
Chapter 480-90 WAC, Gas companies—Operations.			
Amend	480-90-999	Adoption by reference.	1. Adoption by reference dates changed as follows: Title 18 Code of Federal Regulations, April 1, 2002

EXPEDITED

Amend	480-90-203	Accounting system requirements.	<ol style="list-style-type: none"> 1. Change in subsection (1) identifies the specific part of Title 18 CFR that applies to accounting requirements - Part 201. 2. New subsection (4) added to clarify that adopting the most current version of FERC requirements does supercede prior commission orders directing companies to treat accounting items in a specific manner such as depreciation accounting.
Amend	480-90-208	Financial reporting requirements.	<ol style="list-style-type: none"> 1. Change in subsection (1)(a) identifies the specific part of Title 18 that applies to accounting requirements - Part 260.
Chapter 480-100 WAC, Electric companies.			
Amend	480-100-999	Adoption by reference.	<ol style="list-style-type: none"> 1. Adoption by reference dates changed as follows: Title 18 Code of Federal Regulations, April 1, 2002 National Electrical Code, 2002 ANSI C12.1, 2001 2. Change in subsection (3) corrects National Electric Code reference to National Electrical Code.
Amend	480-100-163	Service entrance facilities.	<ol style="list-style-type: none"> 1. Changes in subsection (2) corrects National Electric Code reference to National Electrical Code.
Amend	480-100-203	Accounting systems requirements.	<ol style="list-style-type: none"> 1. Change in subsection (1) identifies the specific part of Title 18 CFR that applies to accounting requirements - Part 101. 2. New subsection (4) added to clarify that adopting the most current version of FERC requirements does supercede prior commission orders directing companies to treat accounting items in a specific manner such as depreciation accounting.
Amend	480-100-208	Financial reporting requirements.	<ol style="list-style-type: none"> 1. Change in subsection (1)(a) identifies the specific part of Title 18 that applies to accounting requirements - Part 141.
Chapter 480-110 WAC, Water companies.			
New Section	480-110-999	Adoption by reference.	<ol style="list-style-type: none"> 1. New section created so the section number will be consistent throughout Title 480 WAC chapters. 2. Adoption by reference dates added as follows: Uniform System of Accounts for Water Utilities, 1996 Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies, 1985 3. Cross-references added that identify the sections within this chapter that refer to adopted material.
Amend	480-110-275	Accounting and reporting requirements, and regulatory fees.	<ol style="list-style-type: none"> 1. A punctuation correction is made to the rule title. 2. Change in subsection (1) adds a cross-reference to WAC 480-110-999.
Amend	480-110-485	Retention and preservation of records and reports.	<ol style="list-style-type: none"> 1. Change in subsection (2) adds a cross-reference to WAC 480-110-999

Statutory Authority for Adoption: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353.

Summary: This proposal would revise the adoption-by-reference dates to reflect the current version of adopted material and makes other minor administrative changes in Title 480 WAC. Adopted material in the telecommunications and

pipeline safety chapters of rules is not reflected in this rule making as those chapters are open under other docket numbers.

Reasons Supporting Proposal: The commission adopts by reference several parts in Title 18, Title 40, and Title 49 of the Code of Federal Regulations and other state rules and

national standards. Commission rules need to reflect the most current versions of the adopted material.

Name of Agency Personnel Responsible for Drafting: Kim Dobyns, Regulatory Analyst, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1242; Implementation and Enforcement: Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1174.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal would change adoption-by-reference dates to reflect current published versions of adopted material and make other minor administrative changes such as:

Create a new adoption-by-reference section in chapter 480-110 WAC, Water companies, WAC 480-110-999, so each chapter in Title 480 WAC will have a common location for the adoption-by-reference rules and add cross references to the newly created rule;

Correct grammatical and punctuation errors; and

Add language to WAC 480-90-203 Accounting system requirements and 480-100-203 Accounting system requirements, that clarifies that adopting the most current version of Title 18 of the Code of Federal Regulations does not supercede prior commission orders directing companies to treat accounting items, such as depreciation accounting, in a specific manner.

The proposal would also substitute an existing national standard (ANSI Z308.1) for railroad passenger-carrying vehicle first-aid kit requirements to replace the commission's adoption-by-reference of Washington State Labor and Industries' rules (chapter 296-24 WAC) that were repealed in 2001.

Proposal Changes the Following Existing Rules: New federal rules and national standards are incorporated into the commission's rules. Other administrative changes and clarifying language is added. See a detailed listing of the proposed rule changes in Other Identifying Information above.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Secretary, Docket No. A-020379, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, AND RECEIVED BY August 5, 2002.

June 5, 2002
Carole J. Washburn
Secretary

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-14-999 Adoption of 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 Uniform 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, (~~2001~~) 2002.

(b) This publication is referenced in WAC 480-14-360, 480-14-370 and 480-14-390.

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

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

(a) The commission adopts the version in effect on October 1, (~~2000~~) 2001.

(b) This publication is referenced in WAC 480-14-040, 480-14-070, 480-14-250, 480-14-360, 480-14-370, 480-14-380, 480-14-390 and 480-14-400.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

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 Uniform 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, (~~2001~~) 2002.

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

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

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

(a) The commission adopts the version in effect on October 1, (~~2000~~) 2001.

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

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

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 Uniform 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, ~~((2001))~~ 2002.

(b) This publication is referenced in WAC 480-30-097 and 480-30-100.

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

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

(a) The commission adopts the version in effect on October 1, ~~((2000))~~ 2001.

(b) This publication is referenced in WAC 480-30-095 and 480-30-100.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

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 Uniform 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, ~~((2001))~~ 2002.

(b) This publication is referenced in WAC 480-31-120.

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

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

(a) The commission adopts the version in effect on October 1, ~~((2000))~~ 2001.

(b) This publication is referenced in WAC 480-31-100, 480-31-120, 480-31-130 and 480-31-140.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-40-999 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 Uniform 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, ~~((2001))~~ 2002.

(b) This publication is referenced in WAC 480-40-065.

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

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

(a) The commission adopts the version in effect on October 1, ~~((2000))~~ 2001.

(b) This publication is referenced in WAC 480-40-070 and 480-40-075.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. TR-981102, General Order No. R-477, filed 1/30/01, effective 3/2/01)

WAC 480-62-240 Passenger carrying vehicles—Equipment. (1) Equipment requirements for all vehicles.

(a) Vehicles must comply with all applicable equipment requirements of Title 46 RCW.

(b) Vehicles must have exhaust systems that prevent exposure of passengers to the vehicle's emissions.

(c) Vehicles must have two external rear vision mirrors, one at each side of the cab. The mirrors must be firmly attached to the motor vehicle at a point where the driver is provided a view of the highway to the rear along both sides of the vehicle. An outside mirror may be placed only on the driver's side on vehicles in which the driver has a view to the rear by means of an interior mirror.

(d) Vehicles must be equipped with a steering system maintained to insure that lash or preplay do not exceed those values set forth in 49 CFR, Parts 570.7 and 570.60 (Vehicle

in Use Inspection Standards). Information about Title 49 CFR regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(e) Vehicles must have a heating system that will maintain an ambient temperature of at least fifty-five degrees in passenger areas.

(f) Vehicles must have at least three red-burning fuses, three red portable emergency reflectors, or at least two red cloth flags suitable for warning the motoring public in an emergency. The driver must ensure that such equipment is in the vehicle and is maintained in good condition. Any devices that may create a spark or open flame must be carried in a separate compartment or a closed metal container provided for that purpose.

(g) Vehicles must have a two and one-half pound dry chemical fire extinguisher or its equivalent, properly filled and located where it is readily accessible for use. The extinguisher must allow visual determination of the state of its charge at all times. The extinguishing agent must be nontoxic and preferably noncorrosive. The fire extinguisher must be suitable for attachment to the motor vehicle, bear the label of approval by the Underwriters Laboratories, Inc., and be kept in good working condition at all times.

(h) Vehicles must have a first-aid kit located where it is readily accessible. The kit must contain all of the items specified in ((WAC 296-24-06145 and 296-24-06160, Appendix 2, adopted by the department of labor and industries)) ANSI 2308.1, Minimum Requirements for Workplace First Aid Kits. Additionally, the kit must contain gloves capable of preventing exposure to bloodborne pathogens. Items used from first-aid kits must be replaced before the next shift, and kits must be checked for compliance with this rule if the seal on the kit is broken. Information about ((chapter 296-24 WAC)) ANSI 2308.1 regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(2) Equipment requirements for specified vehicles.

(a) Coupling devices used on a vehicle equipped with retractable flange wheels for operation on railroad tracks must be substantial and made of metal. The devices must be equipped with safety chains or straps of sufficient strength to prevent separation in the event of accidental uncoupling.

(b) A passenger compartment separate from the cab of the vehicle must be made of metal and be fastened directly to the frame of the vehicle. The compartment must have an interior lining sufficient to absorb condensation, and padded seats and backrests firmly secured in place. The floor of the compartment must be constructed to bear the weight of all cargo and passengers. The floor must not have unnecessary openings, and it must be constructed to prevent the entry of noxious fumes or permeation with flammable materials. The compartment must have a curtain of nonpermeable material of sufficient weight and size to close off the rear opening and a tailgate which must be closed whenever the vehicle is in motion. If the bottom of the entrance to the passenger compartment is more than three feet six inches above ground level, the vehicle must have permanent or temporary steps designed for the safe boarding and discharge of passengers.

(c) Communication between a cab and a separated passenger compartment must be provided by means of a light or

audible device mounted in the cab of the vehicle that may be activated by a passenger in the rear compartment.

(d) On vehicles designed to transport nine or more passengers, an emergency exit must be placed at the end of the vehicle opposite the regular entrance. The exit must be at least six and one-half square feet in area, and the smallest dimension must be at least eighteen inches. The route to and from the emergency exit must be unobstructed at all times.

AMENDATORY SECTION (Amending Docket No. TR-981102, General Order No. R-477, filed 1/30/01, effective 3/2/01)

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 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on ((~~January 29~~)) October 1, 2001.

(b) This publication is referenced in WAC 480-62-160, 480-62-200, 480-62-205, 480-62-210, 480-62-215, 480-62-235 and 480-62-240.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle Office of the Government Printing Office 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 January 29, 2001.

(b) This publication is referenced in WAC 480-62-230, 480-62-235 and 480-62-245.

(c) Copies of the MUTCD are available from the Seattle Office of the Government Printing Office and from various third-party vendors.

(3) **Washington state department of transportation rules**, cited as chapter 468-95 WAC, are published by the statute law committee.

(a) The commission adopts the version in effect on January 29, 2001.

(b) This publication is referenced in WAC 480-62-230.

(c) Copies of the Washington state department of transportation rules are available from the department of transportation or on the internet website for the office of the code reviser (slc.leg.wa.gov).

(4) ((~~Washington state department of labor and industries rules~~), cited as chapter 296-24 WAC, are published by the statute law committee.

(a) The commission adopts the version in effect on January 29, 2001.

(b) This publication is referenced in WAC 480-62-240.

(e) Copies of the Washington state department of labor and industries rules are available from the department of labor and industries or on the internet website for the office of the code reviser (sle-leg.wa.gov.) ANSI Z308.1 - 1998 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 December 31, 1998.

(b) This publication is referenced in WAC 480-62-240.

(c) Copies of ANSI Z308.1 - 1998 American National Standard for Minimum Requirements for Workplace First Aid Kits are available from the American National Standards Institute, 11 West 42nd Street, NY, NY 10036 or on the internet website for the American National Standards Institute (<http://web.ansi.org/>).

(5) ANSI/ISEA 107-1999 - American National Standard for High-Visibility Safety Apparel is published by the American National Standards Institute.

(a) The commission adopts the version in effect on January 29, 2001.

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

(c) Copies of ANSI/ISEA 107-1999 - American National Standard for High-Visibility Safety Apparel are available from the American National Standards Institute, 11 West 42nd Street, NY, NY 10036 or on the internet website for the American National Standards Institute (<http://web.ansi.org/>).

(6) Title 49 United States Code, cited as 49 U.S.C., is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on January 2, 2002.

(b) This publication is referenced in WAC 480-62-200.

(c) Copies of Title 49 United States Code are available from the Seattle office of the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

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 Uniform Out-of-Service Criteria** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ((2001)) 2002.

(b) This publication is referenced in WAC 480-70-201.

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

(2) **Title 40 Code of Federal Regulations**, cited as 40 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on July 1, ((2001)) 2002.

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

(c) Copies of Title 40 Code of Federal Regulations are available from the Government Printing Office and from various third-party vendors.

(3) **Title 49 Code of Federal Regulations**, cited as 49 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ((2000)) 2001.

(b) This publication is referenced in WAC 480-70-201, 480-70-431 and 480-70-486.

(c) Copies of Title 49 Code of Federal Regulations are available from the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. UG-990294, General Order No. R-484, filed 5/3/01, effective 6/3/01)

WAC 480-90-203 Accounting system requirements.

(1) Gas utilities in the state of Washington must use the uniform system of accounts applicable to major and nonmajor gas utilities as published by the Federal Energy Regulatory Commission (FERC) in Title 18 of the Code of Federal Regulations, Part 201. Information about the Code of Federal Regulations regarding the version adopted and where to obtain it is set out in WAC 480-90-999, Adoption by reference.

(2) Gas utilities having multistate operations must maintain records in such detail that the costs of property located and business done in Washington can be readily ascertained in accordance with geographic boundaries.

(3) Any deviation from the uniform system of accounts, as prescribed by the FERC, will be accomplished only after due notice and order of this commission.

(4) This rule does not supercede any commission order regarding accounting treatments.

AMENDATORY SECTION (Amending Docket No. UG-990294, General Order No. R-484, filed 5/3/01, effective 6/3/01)

WAC 480-90-208 Financial reporting requirements.

(1) **Annual reports.**

(a) Gas utilities must use the annual report form (FERC Form No. 2) promulgated by the Federal Energy Regulatory Commission in Title 18 of the Code of Federal Regulations, Part 260, for purposes of annual reporting to this commission. Data required by RCW 80.04.080, Annual reports, but not included in the FERC Form No. 2, must also be submitted with the annual report. Utilities must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year. If not presented in the prescribed FERC Form, the annual report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales. Information about the FERC Form No. 2 regarding the version adopted

and where to obtain it is set out in WAC 480-90-999, Adoption by reference.

(b) Utilities must also submit to this commission, in essentially the same format and content as the FERC Form No. 2, a report that documents the costs incurred and the property necessary to furnish utility service to its customers and the revenues obtained in the state of Washington. The report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales;

(c) Combination and multistate utilities must submit with the annual report their cost allocation methods necessary to develop results of operations for the state of Washington. Approval of cost allocation schemes for rate-making purposes is accomplished only by commission order;

(d) The total utility results of operations reported by each utility in its annual report to the commission must agree with the results of operations shown on the utility's books and records.

(2) Commission basis reports (annual).

(a) The intent of the "commission basis" report is to depict the gas operations of a utility under normal temperature and gas supply conditions during the reporting period. The commission basis report must include the following:

(i) Booked results of gas operations and rate base, and all the necessary adjustments as accepted by the commission in the utility's most recent general rate case or subsequent orders;

(ii) Actual adjusted results of operations for out-of-period, nonoperating, nonrecurring, and extraordinary items or any other item that materially distorts reporting period earnings and rate base; and

(iii) Adjusted booked revenues and gas supply expenses to reflect operations under normal temperature conditions before the achieved return on rate base is calculated;

(b) Commission basis reports should not include adjustments that annualize price, wage, or other cost changes during a reporting period, nor new theories or approaches that have not been previously addressed and resolved by the commission;

(c) Utilities must submit the basis of any cost allocations and the allocation factors necessary to develop the commission basis results of gas operations for the state of Washington;

(d) Commission basis reports are due within four months of the end of a utility's fiscal year.

(3) Quarterly reports. Gas utilities must file a report of actual results for Washington operations within forty-five days of the end of each quarter. The results of operations report must contain each of the three monthly balances and the latest twelve months' ending balance for all accounts of the uniform system of accounts. The report must include the average customer count and total unit sales per customer class for each reported period.

(4) Additional reports. This section does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

AMENDATORY SECTION (Amending Docket No. UG-990294, General Order No. R-484, filed 5/3/01, effective 6/3/01)

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 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, ((2000)) 2002.

(b) This publication is referenced in WAC 480-90-203, Accounting system requirements, and WAC 480-90-208, Financial reporting requirements.

(c) Copies of 18 CFR are available from the U.S. Government Printing Office in Pittsburgh, Pennsylvania.

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

(a) The commission adopts the version in effect in 1985.

(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.

AMENDATORY SECTION (Amending Docket No. UE-990473, General Order No. R-482, filed 5/3/01, effective 6/3/01)

WAC 480-100-163 Service entrance facilities. (1) An electric utility may require customers to:

(a) Provide service entrance facilities at the easiest access point to the utility's distribution system; and

(b) Comply with reasonable requirements to keep those facilities free from tampering or interference.

(2) In order to permit the required clearances, utilities may require their customers to provide a structurally sound point of attachment for the utility's service conductors pursuant to the National ((Electric)) Electrical Code. Information about the National ((Electric)) Electrical Code regarding the version adopted and where to obtain it is set out in WAC 480-100-999 Adoption by reference.

AMENDATORY SECTION (Amending Docket No. UE-990473, General Order No. R-482, filed 5/3/01, effective 6/3/01)

WAC 480-100-203 Accounting system requirements.

(1) Electric utilities in the state of Washington must use the uniform system of accounts applicable to major and nonmajor electric utilities as published by the Federal Energy Regulatory Commission (FERC) in Title 18 of the Code of Federal

Regulations, Part 101. Information about the Code of Federal Regulations regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

(2) Electric utilities having multistate operations must maintain records in such detail that the costs of property located and business done in the state of Washington can be readily ascertained in accordance with geographic boundaries.

(3) Any deviation from the uniform system of accounts, as prescribed by the FERC, will be accomplished only after due notice and order of this commission.

(4) This rule does not supercede any commission order regarding accounting treatments.

AMENDATORY SECTION (Amending Docket No. UE-990473, General Order No. R-482, filed 5/3/01, effective 6/3/01)

WAC 480-100-208 Financial reporting requirements. (1) Annual reports.

(a) Electric utilities must use the annual report form (FERC Form No. 1) promulgated by the Federal Energy Regulatory Commission in Title 18 of the Code of Federal Regulations, Part 141, for purposes of annual reporting to this commission. Data required by RCW 80.04.080 Annual reports, but not included in the FERC Form No. 1, must also be submitted with the annual report. Utilities must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year. If not presented in the prescribed FERC Form, the annual report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales. Information about the FERC Form No. 1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

(b) Utilities must also submit to this commission, in essentially the same format and content as the FERC Form No. 1, a report that documents the costs incurred and the property necessary to furnish utility service to its customers and the revenues obtained in the state of Washington. The report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales;

(c) Combination and multistate utilities must submit with the annual report their cost allocation methods necessary to develop results of operations for the state of Washington. Approval of cost allocation schemes for rate-making purposes is accomplished only by commission order;

(d) The total utility results of operations reported by each utility in its annual report to the commission must agree with the results of operations shown on the utility's books and records.

(2) Commission basis reports (annual).

(a) The intent of the "commission basis" report is to depict the electric operations of a utility under normal temperature and power supply conditions during the reporting period. The commission basis report must include the following:

(i) Booked results of electric operations and rate base, and all the necessary adjustments as accepted by the commission in the utility's most recent general rate case or subsequent orders;

(ii) Actual adjusted results of operations for out-of-period, nonoperating, nonrecurring, and extraordinary items or any other item that materially distorts reporting period earnings and rate base; and

(iii) Adjusted booked revenues and power supply expenses to reflect operations under normal temperature and power supply conditions before the achieved return on rate base is calculated;

(b) Commission basis reports should not include adjustments that annualize price, wage, or other cost changes during a reporting period, nor new theories or approaches that have not been previously addressed and resolved by the commission.

(c) Utilities must submit the basis of any cost allocations and the allocation factors necessary to develop the commission basis results of electric operations for the state of Washington;

(d) Commission basis reports are due within four months of the end of a utility's fiscal year.

(3) **Quarterly reports.** Electric utilities must file a report of actual results for Washington operations within forty-five days of the end of each quarter. The results of operations report must contain each of the three monthly balances and the latest twelve months ending balance for all accounts of the uniform system of accounts. The report must include the average customer count and total unit sales per customer class for each reported period.

(4) **Additional reports.** This section does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

AMENDATORY SECTION (Amending Docket No. UE-990473, General Order No. R-482, filed 5/3/01, effective 6/3/01)

WAC 480-100-999 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 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, ~~((2000))~~ 2002.

(b) This publication is referenced in WAC 480-100-203, Accounting system requirements and WAC 480-100-208, Financial reporting requirements;

(c) Copies of 18 CFR are available from the U.S. Government Printing Office in Pittsburgh, Pennsylvania.

(2) *The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is published

by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(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.;

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

(a) The commission adopts the version published in ((1999)) 2002.

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

(c) The National ((Electric)) Electrical Code is a copyrighted document. Copies are available from the NFPA, in Quincy, Massachusetts.

(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 ((1995)) 2001.

(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.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-275 Accounting((s)) and reporting requirements, and regulatory fees. (1) Water companies must use the uniform system of accounts (USOA) published by the National Association of Regulatory Utility Commissioners (NARUC). Information about the USOA regarding the version adopted and where to obtain it is set out in WAC 480-110-999, Adoption by reference. The USOA sets out the accounting requirements for class A, B, and C water companies.

Water companies are classified by revenues.

Class	Annual Gross Operating Revenue
A	\$1,000,000 or more
B	\$200,000 to \$999,999
C	Less than \$200,000

(2) A water company may use the accounting requirements for a higher class if it chooses.

(3) The commission will distribute an annual report form that each water company must complete and file with the commission for the prior calendar year. The annual report must be filed, and the company's regulatory fee paid, no later than May 1 of each year.

(4) A written request for the extension of the time for filing the annual report can be made prior to May 1. The com-

mission does not grant an extension of time for payment of regulatory fees.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-485 Retention and preservation of records and reports. (1) The water company must retain all records and reports for three years unless otherwise specified in subsection (2) of this section.

(2) The *Regulations to Govern the Preservation of Records of Electric, Gas and Water Companies*, published by the National Association of Regulatory Utility Commissioners is prescribed as the requirement for the state of Washington. ((This document is available at the commission branch of the Washington state library. The commission secretary will provide a copy of the document on request, subject to any charge, or it may be ordered directly from the National Association of Regulatory Utility Commissioners.)) Information about the *Regulations to Govern the Preservation of Records of Electric, Gas and Water Companies* regarding the version adopted and where to obtain it is set out in WAC 480-110-999, Adoption by reference.

NEW SECTION

WAC 480-110-999 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) The *Uniform System of Accounts for Water Utilities* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1996.

(b) This publication is referenced in WAC 480-110-275, Accounting, and reporting requirements and regulatory fees.

(c) The *Uniform System of Account for Water Utilities* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.

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

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-110-485, 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.

EXPEDITED



WSR 02-11-048**PERMANENT RULES****CASCADIA COMMUNITY COLLEGE**

[Filed May 9, 2002, 10:25 a.m.]

Date of Adoption: April 1, 2002.

Purpose: To adopt traffic and parking rules specifically for the colocated Cascadia Community College/University of Washington, Bothell campus. Since both institutions share the same campus location and parking infrastructure, the identical new rules are being filed separately - as chapter 132Z-116 WAC for Cascadia Community College and chapter 478-117 WAC for University of Washington, Bothell.

Statutory Authority for Adoption: RCW 28B.50.140(10).

Adopted under notice filed as WSR 02-03-089 on January 18, 2002.

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 26, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 26, 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 26, Amended 0, Repealed 0.

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

May 7, 2002

Victoria Munoz Richart, Ed.D.

President

Chapter 132Z-116 WAC**Parking and Traffic Rules of
the Cascadia Community College****NEW SECTION**

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.

NEW SECTION

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.

NEW SECTION

WAC 132Z-116-020 Definitions. The following definitions apply to this chapter:

(1) Campus: The co-located 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.

NEW SECTION

WAC 132Z-116-030 Applicable parking and traffic rules. The applicable parking and traffic rules upon the campus are:

(1) The motor vehicle and other traffic laws of the state of Washington, Title 46 RCW.

(2) The traffic code of the city of Bothell.

(3) The parking and traffic rules in this chapter. If the Washington laws or the Bothell traffic code conflicts with these rules, the Washington laws or the Bothell traffic code shall govern.

NEW SECTION

WAC 132Z-116-040 Enforcement of parking and traffic rules. The institutions share responsibility for parking and traffic management on campus. Duly appointed public safety officers or independent contractors hired by the institutions are authorized to enforce these parking and traffic rules.

NEW SECTION

WAC 132Z-116-050 Permits required for vehicles on campus. No person shall park, or leave any vehicle (other than bicycles), whether attended or unattended, upon the campus without a permit issued by the institutions. Permission to park on campus will be shown by display of a valid permit.

(1) A valid permit is:

(a) A current vehicle permit displayed in accordance with WAC 132Z-116-110. Vehicle permits are valid until revoked.

(b) A temporary permit authorized by the institutions and displayed in accordance with instructions. Temporary permits are valid through the date or time on the permit.

(c) A parking permit issued by a gate attendant and displayed on the vehicle in accordance with instructions.

(d) A parking permit dispensed by machine at the campus and displayed in accordance with instructions.

(2) Parking permits are not transferable, except as provided in WAC 132Z-116-060 and 132Z-116-090.

(3) The college and university reserve the right to refuse to issue parking permits.

(4) This section does not apply to vehicles that the institutions own or operate.

(5) The institutions may allow persons without permits to drive through the campus without parking.

(6) A public safety officer may require visitors to wait at the entrances to the campus when pedestrian or vehicular traffic congestion is above normal.

NEW SECTION

WAC 132Z-116-060 Carpool and disability parking permits. (1) Carpool permits may be issued to employees and students. One transferable permit will be issued by the institutions for each carpool. This permit is transferable only among the registered members of the carpool. This permit must be displayed in accordance with the instructions provided with the permit. A carpool is a group of two or more employees or students who commute to the campus in the same vehicle.

(2) The institutions provide parking for the disabled in accordance with the requirements of federal and state law, including parking spots reserved for persons who display a state of Washington disabled driver permit.

NEW SECTION

WAC 132Z-116-070 Permit revocations. Parking permits are the property of the institutions, and may be recalled by the issuer for any of the following reasons:

(1) When the purpose for which the permit was issued changes or no longer exists.

(2) When a permit is used by an unauthorized individual.

(3) Falsification on a parking permit application.

(4) Multiple or continued violations of parking rules.

(5) Counterfeiting or altering permits.

(6) Failure to comply with a final decision of the citation review committee, or institutional hearing officer.

NEW SECTION

WAC 132Z-116-080 Right to appeal revocation. Parking permit revocations under this chapter may be appealed pursuant to the procedures in WAC 132Z-116-320.

NEW SECTION

WAC 132Z-116-090 Transfer of permits limited. (1) Permit holders may transfer one permit between motor vehicles when used by the permit holder. Improper transfer of a permit shall include, but is not limited to, the wrongful sale, lending, or transfer of a parking permit.

(2) Permits displaying license plate numbers shall be used only in the vehicles whose license number is written on the permit.

NEW SECTION

WAC 132Z-116-100 Responsibility of person to whom permit issued. The person to whom a permit is issued is responsible for the vehicle upon which the permit is affixed. He or she shall be held responsible for all violations of this chapter charged to that vehicle. However, the operator of a vehicle will not be relieved of responsibility for violating any rule of this chapter simply because he or she is not also the holder of the permit.

NEW SECTION

WAC 132Z-116-110 Display of permits. (1) Parking permits shall be displayed by hanging from the rear view mirror 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.

NEW SECTION

WAC 132Z-116-200 Parking fees. The institutions' governing boards shall adopt parking fees, specifying the charge per day, quarter, and year. Each institution may set its own rates for quarterly and yearly permits, but the rates for daily parking permits must be uniform for both institutions. Each institution shall sell quarterly and yearly permits to the employees and students only of its own institution. Each institution may also sell quarterly and yearly permits in its discretion to regular visitors to that institution.

NEW SECTION**WAC 132Z-116-210 Allocation of parking spaces.**

The parking space available on the campus shall be allocated in a manner that will best attain the objectives of these rules.

During special occasions causing additional or heavy traffic and during emergencies, the institutions may impose additional traffic and parking policies to achieve the specified objectives of this chapter.

NEW SECTION

WAC 132Z-116-220 Parking within designated spaces. (1) No motor vehicle shall be parked on the campus except in areas designated as parking areas.

(2) No vehicle shall be parked so as to occupy any portion of more than one parking space as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not excuse a violation of this section.

NEW SECTION

WAC 132Z-116-230 Parking—Operator's responsibility. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first:

(1) Stopping the engine, locking the ignition, and removing the key.

(2) Effectively setting the brake and transmission to prevent movement of the vehicle.

NEW SECTION

WAC 132Z-116-240 Regulatory signs, markings, barricades, etc. (1) The institutions may erect signs, barricades, and other structures, and paint marks and other directions upon the streets and parking areas within the campus. Drivers of vehicles shall obey the signs, barricades, structures, markings, and directions. Drivers of vehicles shall comply with directions given to them by public safety officers in the control and regulation of traffic. Drivers shall also comply with directions given to them by the traffic guides or parking checkers in the assignment of parking space and in the collection of parking fees.

(2) No person without authorization from the institutions shall move, deface, or in any way change a sign, barricade, structure, marking, or direction that regulates traffic or parking.

NEW SECTION

WAC 132Z-116-250 Speed. No vehicle shall be operated on the campus at a speed in excess of posted limits. If no limit is posted, no vehicle shall exceed twenty miles per hour or such lower speed as is reasonable and prudent in the circumstances.

NEW SECTION**WAC 132Z-116-260 Pedestrian's right of way.** (1)

The operator of a vehicle shall yield right of way to any pedestrian. However, no pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible or unsafe for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass that vehicle.

(3) Where a sidewalk is provided, pedestrians shall proceed upon the sidewalk.

NEW SECTION**WAC 132Z-116-270 Motorcycles, bicycles, scooters.**

(1) Motorcycles, bicycles, and scooters are subject to all traffic rules controlling other motor vehicles.

(2) Motorcycles and motorized scooters may be parked in designated areas in addition to the regular parking lots.

(3) Motorcycles and motorized scooters are not permitted on paths, sidewalks, or authorized bicycle or pedestrian areas, or in buildings at any time.

(4) Bicycles shall be parked in designated areas only. Improperly parked bicycles may be impounded and a citation and fine imposed upon the owner.

(5) No bicycles or foot-propelled devices shall be operated on campus corridors, hallways, or buildings unless their use is required as part of the educational process in an authorized program, or authorized by campus personnel. A "foot-propelled device" is a wheeled device designed or used for recreation or transportation, including but not limited to skateboards, roller skates, and roller blades.

NEW SECTION

WAC 132Z-116-280 Distribution of literature. No person may distribute literature by placing it on motor vehicles parked on the campus. Literature includes but is not limited to pamphlets, flyers, and stickers.

NEW SECTION**WAC 132Z-116-300 Issuance of traffic citations.**

Upon probable cause to believe that a violation of these rules has occurred, a public safety officer or designated contractor may issue a citation setting forth the date, the approximate time, the locality, the nature of the violation, the permit number, license number, infraction, officer, and the amount of fine(s). The citation shall be served on the person responsible for the violation by: attaching a copy of the citation to, or placing it prominently within, the vehicle allegedly involved in the violation; mailing a copy of the citation to the person responsible; or serving a copy of the citation personally on the person responsible.

NEW SECTION

WAC 132Z-116-310 Fines and impounding. (1) The current schedule of fines shall be published by the institutions and made available for review in the Central Plant Building.

(2) All fines must be paid as designated on the citation within twenty calendar days from the date of the citation. Fines must be delivered in person to the citation hearing office or postmarked on or before the due date specified in these rules to avoid additional penalties. If any citation has neither been paid nor appealed after twenty calendar days from the date of the citation, the institution shall impose an additional fine of ten dollars per offense and may:

- (a) Withhold the violator's degrees, transcripts, grades, refunds, or credits until all fines are paid.
- (b) Delay registration for the following quarter.
- (c) Impound the violator's vehicle.
- (d) Deny future parking privileges to the violator.
- (e) Refuse to issue keys to a violator who is an employee or student.

(3) In addition to imposing fines, public safety officers may impound or immobilize any vehicle parked on campus in violation of these rules. The expenses of impounding, immobilization, and storage shall be charged to the owner or operator, or both, of the vehicle and must be paid before the vehicle's release. Grounds for impounding vehicles shall include, but not be limited to the following:

- (a) Blocking a roadway so as to impede the flow of traffic.
- (b) Blocking a walkway so as to impede the flow of pedestrian traffic.
- (c) Blocking a fire hydrant or fire lane.
- (d) Creating a safety hazard.
- (e) Blocking another legally parked vehicle.
- (f) Parking in a marked "tow-away" zone.
- (g) Leaving a vehicle unattended on campus for longer than two days.
- (h) Failing to pay a fine imposed under this chapter.

Not more than twenty-four hours after impoundment of any vehicle, the institution shall mail a notice to the registered owner of the vehicle and to any other person who claims the right to possession of the vehicle, if those persons can be identified. The institutions shall not be liable for loss or damage of any kind resulting from impounding, immobilization, or storage. Impounding a vehicle does not remove the obligation for any fines associated with the violation.

(4) An accumulation of traffic violations by a student may be cause for discipline under the student conduct code of the student's institution.

NEW SECTION

WAC 132Z-116-320 Appeals of fines and impoundments. (1) Any impoundment or fine under this chapter may be appealed in writing within twenty calendar days from the date of the citation or the notice of impoundment. The notice of appeal must be addressed to the location indicated on the citation or notice of impoundment. The institutions will make appeal forms available at the university's cashiers office in Room UW1 176 and at the college's cashiers office

in Room CC1 103. The notice of appeal must explain the reasons for contesting the citation or impoundment. If the person who files a notice of appeal desires an opportunity to make an oral statement in the appeal, the request to make an oral statement must be included in the notice of appeal.

(2) The hearing on the appeal shall be a brief adjudicative hearing as provided by RCW 34.05.482 et seq. If a request for an oral statement was made, the presiding officer or officers shall provide reasonable notice of the time and place for receiving the oral statement. The presiding officer(s) shall review the notice of appeal and provide a written decision to the person submitting the appeal within ten days of taking action. If the appeal is denied, the decision shall include a brief statement of its reasons and information about the opportunity for further review. Any fine owed on a written decision that is not further appealed as provided in subsection (3) of this section shall be paid within twenty-one days after service of the decision.

(3) A person wishing to contest the written decision may request a review by contacting the institution in writing within twenty-one days after service of the decision. The request for review shall explain why the decision was incorrect. The reviewing officer shall, within twenty days of the date of the request, review the matter and render a final written decision, which shall include a brief statement of its reasons and information about the opportunity to appeal the decision to the district court. Any final decision of the reviewing officer not appealed as provided in subsection (4) of this section shall be paid within ten days after service of the decision.

(4) A person wishing to appeal a final decision of the citation hearing office to the district court may, within ten days of service of the final decision, file a written notice with the institution. Documents relating to the appeal shall immediately be forwarded to the district court, which shall have jurisdiction to hear the appeal de novo. No appeal to the district court may be taken unless the citation has been contested as provided in subsections (2) and (3) of this section.

NEW SECTION

WAC 132Z-116-400 Report of accident. The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or total or claimed damage to either or both vehicles of \$500, shall within twenty-four hours report such accident to the campus security department. This does not relieve any person so involved in an accident from his responsibility to file a state of Washington motor vehicle accident report within twenty-four hours after such accident.

NEW SECTION

WAC 132Z-116-410 Liability of institutions. Except for vehicles that the institutions own or operate, the institutions assume no liability under any circumstances for vehicles on the campus.

WSR 02-11-081
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket No. U-991301, General Order No. R-498—Filed May 14, 2002,
 1:28 p.m., effective June 17, 2002]

In the matter of amending, repealing and adopting all or parts of chapter 480-80 WAC; chapter 480-90 WAC; chapter 480-100 WAC; chapter 480-120 WAC; and WAC 480-121-065, relating to tariffs, price lists, contracts and public notice rules in the gas, electric, telecommunications and water industries.

1 STATUTORY OR OTHER AUTHORITY: The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 01-24-113, filed with the code reviser on December 5, 2001. The commission brings this proceeding pursuant to RCW 80.01.040 and 80.04.180.

2 STATEMENT OF COMPLIANCE: This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), 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 to be effective June 17, 2002.

4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: RCW 34.05.325 requires that the commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the reasons for adopting the rule, a summary of the comments received regarding the proposed rule, and responses reflecting the commission's consideration of the comments.

5 The commission often includes a discussion of those matters in its rule adoption order. In addition, most rule-making proceedings involve extensive work by commission staff that includes summaries in memoranda of stakeholder comments, commission decisions, and staff recommendations in each of those areas.

6 In this docket, to avoid unnecessary duplication, the commission designates the discussion in this order as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda presented at the adoption hearing and at the open meetings where the commission considered whether to begin a rule making and whether to propose adoption of specific language. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

7 REFERENCE TO AFFECTED RULES: This order repeals the following sections of the Washington Administrative Code: WAC 480-80-035 Price lists, 480-80-040 Tariff, 480-80-041 Tariff, 480-80-045 Filing of banded tariffs, 480-80-050 Copies of tariff to be filed, 480-80-060 Delivery of tariff, 480-80-070 Statutory notice, 480-80-080 Tariff file at principal business office, 480-80-090 Tariff file at designated business offices, 480-80-100 Payment agencies, 480-80-110 Reference to tariff file, 480-80-125 Notice by utility to customers concerning hearing, 480-80-130 Notation of receipt of tariff by agents, 480-80-140 Form of tariff sheets, 480-80-150

Numbering of tariffs, 480-80-160 General arrangement of tariff, 480-80-170 Schedule designation, 480-80-180 Tariff sheet designation, 480-80-190 Numbering plan for sheets, 480-80-200 Title page, 480-80-210 Index page, 480-80-220 Rules and regulations page, 480-80-230 Rate schedule page, 480-80-240 Less than statutory notice, 480-80-250 Adoption notice, 480-80-260 Tariff of acquired utility, 480-80-270 Reference to tariff, 480-80-280 Issuing agent, 480-80-290 Suspension of tariffs, 480-80-300 Rejection of tariffs, 480-80-310 Exceptions, 480-80-320 Discontinuance of service, 480-80-325 Contract for service, 480-80-326 Contract for gas and electric service, 480-80-330 Telecommunications contracts, 480-80-335 Special contracts for electric, water, and natural gas companies, 480-80-340 Forms, 480-80-350 Refiling tariffs, 480-80-360 Standard tariff forms, 480-80-370 Symbols, 480-80-380 Availability of rules, and 480-120-043 Notice to the public of tariff changes.

8 This order amends the following sections of the Washington Administrative Code: WAC 480-80-010 Application of rules, 480-80-020 Additional requirements, 480-80-030 Definitions, 480-90-193 Posting of tariffs for public inspection and review, and 480-100-193 Posting of tariffs for public inspection and review.

9 This order adopts the following sections of the Washington Administrative Code: WAC 480-80-015 Exemptions from rules in chapter 480-80 WAC, 480-80-025 Severability, 480-80-031 Delivery of tariff, price list, and contract filings, 480-80-101 Tariff requirements, 480-80-102 Tariff content, 480-80-103 Tariff format, 480-80-104 Transmittal letter, 480-80-105 Tariff filing instructions, 480-80-112 Banded rate tariff filings, 480-80-121 Tariff changes with statutory notice, 480-80-122 Tariff changes with less than statutory notice, 480-80-123 Tariff changes that do not require statutory notice, 480-80-124 Failure to provide statutory notice, 480-80-131 Withdrawing a tariff filing, 480-80-132 Rejecting tariff changes, 480-80-133 Tariff adoption notice, 480-80-134 Discontinuing a tariffed service or services, 480-80-141 Service contract, 480-80-142 Special contracts for telecommunications companies not classified as competitive, 480-80-143 Special contracts for gas, electric, and water companies, 480-80-201 Use of price lists, 480-80-202 Interpretation and application of price lists, 480-80-203 Transmittal letter, 480-80-204 Price lists format and content, 480-80-205 Effective date of price list filings, 480-80-206 Price list availability to customers, 480-80-241 Filing contracts for services classified as competitive, 480-80-242 Using contracts for services classified as competitive, 480-90-194 Publication of proposed tariff changes to increase charges or restrict access to services, 480-90-195 Notice of tariff changes other than increases in recurring charges and restrictions in access to services, 480-90-197 Adjudicative proceedings where public testimony will be taken, 480-90-198 Notice verification and assistance, 480-90-199 Other customer notice, 480-100-194 Publication of proposed tariff changes to increase charges or restrict access to services, 480-100-195 Notice of tariff changes other than increases in recurring charges and restrictions in access to services, 480-100-197 Adjudicative proceedings where public testimony will be taken, 480-100-198 Notice verification and assistance, 480-100-199 Other

PERMANENT

customer notice, 480-120-193 Posting of tariffs for public inspection and review, 480-120-194 Publication of proposed tariff changes to increase charges or restrict access to services, 480-120-195 Notice of tariff changes other than increases in recurring charges and restrictions in access to services, 480-120-196 Customer notice requirements—Competitively classified telecommunications companies or services, 480-120-197 Adjudicative proceedings where public testimony will be taken, 480-120-198 Notice verification and assistance, 480-120-199 Other customer notice, and 480-121-065 Customer notice requirements—Petition for competitive classification of a service.

10 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER: The commission filed a preproposal statement of inquiry (CR-101) on September 17, 1999, at WSR 99-19-086.

11 ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT: The statement advised interested persons that the commission was considering entering a rule making on a comprehensive review of rules relating to tariffs, price lists and contracts filed with the commission by regulated utility companies. The notice indicated all rules codified in chapter 480-80 WAC, as well as tariff related rules codified in other chapters, would be reviewed. The commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending notice to all regulated gas, electric, telecommunications and water companies and the commission's list of utility attorneys as well as the commission's list of interested persons of all general and utility related rule makings. The commission posted the relevant rule-making information on its internet web site at www.wutc.wa.gov.

12 Prior to filing its rule proposal, the commission solicited written comments and held workshops relating to the content, location, and public notice of tariff, price list, and contract rules, and the economic impact of proposed rules on small businesses; requested economic impact information via a survey to the affected industries; and asked for written comments relating to the content and location of draft proposed rules.

13 MEETINGS OR WORKSHOPS; ORAL COMMENTS: The commission held eight workshops to address the location and content of rules relating to tariffs, price lists, and contracts; and two workshops to discuss the economic impact of proposed rules on small businesses. The following companies, organizations, municipalities, and individuals attended some or all of the workshops: Association of Communications Enterprises, AT&T Communications of the Pacific Northwest, Inc., Avista Corporation (Avista), Cascade Natural Gas Corporation, CenturyTel of Washington, Inc., City of Bremerton, Eschelon Telecom of Washington, Inc., Electric Lightwave, Inc., Get Wired Services, Gold Tel Corporation, Great West Services, Ltd., GTE Northwest Incorporated and GTE Communications Corporations, Ionex Communications North, Inc., Kalama Telephone Company, McLeodUSA Telecommunication Services, Inc., NEXTLINK Washington, Inc., Northwest Natural Gas (NW Natural), Oak Park

Water Company, Inc., PacifiCorp, Pac-West Telecomm, Inc., Public Counsel, Puget Sound Energy (PSE), Qwest Corporation (Qwest), SBC Telecom, Inc., Sprint Corporation, TDS Long Distance Corporation, Tenino Telephone Company, Verizon Northwest Inc. (Verizon), Washington Independent Telephone Association (WITA), Washington Telecommunications Ratepayers Association for Cost-based and Equitable Rates (TRACER), Washington Public Interest Research Group (WashPIRG), Washington Water Service, Whidbey Telephone Company, WKG, and WorldCom, Inc. (WorldCom).

14 All rules were discussed at the workshops. Items of greatest interest included discussions relating to electronic filing, tariffs vs. price lists, public notice requirements, cost standards, and the required formats for tariff and price list filings. Agreement was reached on most issues raised by various stakeholders. Comments on which agreement was not reached are discussed below.

15 NOTICE OF PROPOSED RULE MAKING: The commission filed a notice of proposed rule making (CR-102) on December 5, 2001, at WSR 01-24-113.¹ The commission scheduled this matter for oral comment and adoption under Notice No. WSR 01-24-113 at 1:30 p.m., Wednesday, January 9, 2002 in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission.

16 COMMENTERS (WRITTEN COMMENTS): During the rule-making process, the commission called for ten rounds of comments on discussion drafts of rules. Following the notice of proposed rule making (CR-102), the commission received written comments from the following companies, organizations, municipalities, and individuals: AARP of Washington, Affiliated Tribes of the Northwest Indians, Avista, Nakano Association, Landscape Architects, National Federation of Independent Business, Northwest Energy Coalition, NW Natural, PSE, Public Counsel, Qwest, Spokane Neighborhood Action Program, Verizon, WashPIRG, WITA, WorldCom, the Cities of Federal Way, Renton, and Mercer Island and over 230 citizens representing themselves. Agreement was reached on most issues raised by various stakeholders. Comments on which agreement was not reached are discussed below.

17 RULE-MAKING HEARING: The rule proposal was considered for adoption, pursuant to the notice, at a rule-making hearing scheduled during the commission's regularly scheduled open public meeting on January 9, 2002, before Chairwoman Marilyn Showalter, Commissioner Richard Hemstad and Commissioner Patrick J. Oshie.

18 The commission heard oral comments from Fred Ottavelli, Glenn Blackmon, Steven King and Gregory Trautman representing Commission Staff, Matthew Steuerwalt representing Public Counsel, Theresa Jensen and Lisa Anderl representing Qwest, Richard A. Finnigan representing WITA, Judith Endejan representing Verizon, Bruce Folsom representing Avista, and Phillip Popoff representing PSE.

19 SUGGESTIONS FOR CHANGE THAT ARE REJECTED:

The following suggested changes were not adopted for the reasons explained below.

20 Proposed Cost Standard

Qwest opposes the cost standard in the following rules:

- Banded rate tariff filings, WAC 480-80-112 (1)(b).
- Special contracts for telecommunications companies not classified as competitive, WAC 480-80-142 (7)(b)(iii).
- Price lists format and content, WAC 480-80-204(6).
- Using contracts for services classified as competitive, WAC 480-80-242(4).
- Filing contracts for services classified as competitive, WAC 480-80-241(6).

21 Qwest maintains these proposed rules introduce a new cost standard that requires inclusion of the price charged to other telecommunications carriers for any essential function used to provide the service, or any other commission-approved cost method. The commission disagrees with Qwest's position. This rule clarifies that an imputation test will be required if an essential function is involved. It does not require that every function or service be imputed. It requires only imputation of functions that are essential, which could vary by service. This rule provides a starting point for company filings. If a company believes this method is inappropriate for a certain situation, it may come to the commission and request an alternate method which, by rule, the commission has authority to approve.

22 **WAC 480-80-030 Definitions.** Verizon comments that the definition of price list should be the same as the definition of tariff. Verizon contends that the proposed definition appears to be an effort to inappropriately deprive price lists of their legal effect. The commission disagrees with Verizon's comments. The commission believes differences in the definition of tariffs and price lists result from differing statutory requirements and treatment (chapter 80.36 RCW), and are justified.

23 **WAC 480-80-133 (1) and (5) Tariff adoption notice.** Verizon expresses concern that any change in control or ownership of a company would require the company to file an adoption tariff notice. The commission does not share Verizon's concern. Subsection (1) states: *A utility must file a tariff notice with the commission when either of the following changes affects an existing tariff.* Accordingly, no notice need be filed, under this rule, due to a change in control or ownership if the tariff is not affected.

24 **WAC 480-80-142 Special contracts for telecommunications companies not classified as competitive.** Verizon proposes that the filing requirements in WAC 480-80-142 (5) and (6) should be fifteen *business* days. The commission disagrees with Verizon's proposal. The fifteen day provision establishes a deadline for filing certain contracts after they are executed. Verizon's proposal to count only business days would lengthen the deadline by up to an additional week. The current proposal of fifteen days is a reasonable interval.

25 Qwest proposes that the title of WAC 480-80-142 (8)(a), *"Nature, characteristics, and quantity of the service*

provided," be revised to *"The quantity and type of service provided."* Qwest suggests that information about the nature and characteristics of the service provided may be proprietary information capable of being used by other carriers as competitive intelligence and therefore should not be made public. According to Qwest, a company should be allowed to protect this information. The commission disagrees with Qwest's proposal. A complete description of the service is appropriate in order to understand what is covered by the contract. There is no evidence that disclosing the nature of the service itself causes any competitive harm.

26 **WAC 480-80-201 Use of price lists.** Verizon objects to the language that subjects *the company* to full regulation when a company elects to offer a competitive service under a tariff. Instead, Verizon contends that only *the service* should be subject to full regulation. The commission disagrees with Verizon. The language is appropriate because it treats all companies that are filing both price lists and tariffs comparably. Waivers granted pursuant to RCW 80.36.320 are appropriate only if all services of the company are offered under price lists. Companies that use a mix of price lists and tariffs do not generally receive such waivers, though service-specific waivers may be appropriate in some instances. This rule does not preclude service-specific waivers.

27 **WAC 480-80-202(1) Interpretation and application of price lists.** Qwest asserts that the commission should either regulate price lists or refrain from regulating any aspect of a price list other than as specified in RCW 80.36.330(4). According to Qwest, the proposed language creates an ambiguity concerning a formal complaint (e.g., the commission cannot resolve a formal customer dispute without a full hearing as provided for in RCW 80.04.110). Qwest proposes the following language: "A price list is not a tariff and is not reviewed or approved by the commission at the time of filing. The commission will, when appropriate, investigate a price list or complain against a price list, in accordance with RCW 80.36.330(4)."

28 The commission does not accept Qwest's proposal. Grounds other than disputes exist for potential investigation of a price list. The commission observes that it is unclear what is meant by a "full hearing," but the use of this term could preclude the use of other dispute resolution processes that would otherwise be available to the commission, companies, and customers.

29 Verizon contends that WAC 480-80-202(1) attempts to make a distinction between a tariff and a price list, attempts to deprive price lists of their legal effect, and attempts to decide disputes in advance. According to Verizon, subsection (1) does not (and cannot) change Washington law, which requires telecommunications companies to charge *scheduled* rates and which recognizes the filed rate doctrine. Verizon maintains that enacting this subsection would, at best, create confusion. The commission disagrees with Verizon's position that Washington law recognizes the application of the filed rate doctrine to price lists. The commission believes that it is important to recognize the fundamental differences in tariffs and price lists under Washington law. The price list is a binding offer by the company to provide service at the prices, terms, and conditions stated in the price list.

30 WAC 480-80-202(2) Interpretation and application of price lists. Qwest believes the language that construes a conflict or ambiguity in favor of the customer with a rebuttable presumption more accurately belongs in a commission interpretive policy statement rather than codified in a rule. However, if it must be in the rule Qwest asks the commission to add clarifying language that provides that a determination and resolution will be reached through a formal hearing process as reflected in RCW 80.04.110.

31 Qwest suggests that the commission should refrain from taking a hard-and-fast position as part of its rules. Qwest observes that such a position would not allow for those circumstances where the commission may choose to rule differently than the manner specified in the proposed rule. Nor is it necessary for the commission to include this result as part of its rules. According to Qwest, the commission will rule as it deems appropriate and does not require a rule to enable such a disposition. Should the commission decide to retain the proposed language, Qwest proposes the following modification:

(2) Upon investigation and a determination that provisions of a price list are conflicting or ambiguous, after full hearing in accordance with RCW 80.04.110, the commission may construe the conflict or ambiguity in favor of the customer.

32 The commission believes it is appropriate to include the rebuttable presumption language in rule rather than in a policy or interpretive statement because a policy or interpretive statement is advisory only. This rule clearly states the policy of the commission. The reason for the presumption is explained more fully at paragraph 37.

33 The commission agrees that caution is advised when codifying a rule that prescribes a presumption in favor of one party over another. The original proposed rule stated that the presumption would be in favor of the customer and implied the presumption would be made regardless of the evidence. The commission added *rebuttable presumption* language to ensure that the facts of the case would be fully considered.

34 The commission declines to adopt Qwest's modification to the proposed language. The proposed language recognizes the need to determine whether an ambiguity or conflict exists in any particular circumstance. Establishing this policy eliminates uncertainty for regulated companies and provides incentives to avoid ambiguous or conflicting offers or price list terms. The specific reference to a full hearing and RCW 80.04.110 should not be used, since it inaccurately implies that the commission is allowed to act only through a formal complaint and after a full hearing. Omitting the suggested language does not deprive any company of due process rights to which it would otherwise be entitled.

35 Qwest offered an additional alternative to subsection (2) as follows:

In any commission initiated complaint proceeding under subsection (1), there will be a rebuttable presumption that the conflict or ambiguity should be construed in favor of the customer.

The commission declines this alternative language, as well. Adding the language "In any commission initiated

complaint proceeding..." implies that a consumer cannot initiate a complaint.

36 Verizon asserts that the language suggests that all conflicts would be resolved in favor of the customer. Verizon suggests that conflicts should be resolved through a review of the documents and other relevant evidence. According to Verizon, the commission should not adopt a rule to govern every instance regardless of the underlying facts. The commission agrees that particular disputes should be decided based on particular facts, and the proposed language is consistent with that approach.

37 WorldCom contends that WAC 480-80-202(2) is unfair to carriers and is not necessary. WorldCom maintains that this is a matter of customer service which plays a major role in how a competitive company chooses to handle all of its customer concerns, including alleged ambiguities in its price list. The commission observes that the rule provision does not apply to *alleged* ambiguities; it applies to circumstances in which the commission *determines* that an ambiguity exists. Telecommunications companies write price lists and make offers to potential customers. Consequently, telecommunications companies are in the best position to ensure that price lists and offers are clear and consistent. The initial responsibility for ambiguities belongs with them. Since the entire provision is dependent on the commission being asked to resolve a conflict or ambiguity, a clear accurate price list will eliminate the need to implement the rule.

38 Qwest objects to the disparate treatment between the detailed format required for tariffs and the more general filing requirements for price lists. Qwest believes regulated companies should be given the same latitude in tariff format and content as competitive providers are given in filing price lists. The commission disagrees with Qwest. The proposed treatment of tariffs and price lists is justified by differing legal requirements for competitive services of companies not classified as competitive (RCW 80.36.330) and services of competitive companies (RCW 80.36.320).

39 WAC 480-80-204 Price lists format and content. Qwest expresses concern with the lack of parity in application of rule requirements for competitively classified services offered under price list or contract with the requirements for services offered by competitively classified companies and in WAC 480-80-204 Price lists format and content. Qwest continues to urge the commission to adopt rules that affect telecommunications companies in a competitively neutral manner. The commission does not share Qwest's concern. The proposed treatment of tariffs and price lists is based on differing legal requirements for competitive services of companies not classified as competitive (RCW 80.36.330) and services of competitive companies (RCW 80.36.320).

40 WAC 480-80-206 Price lists availability to customers. WorldCom objects to the requirement to post price lists on a web site. WorldCom contends that it should be voluntary for competitive companies. The commission disagrees with WorldCom. The availability of information is crucial to the successful operation of a competitive market, because customers cannot make good choices if they do not have good information. Posting of price lists on web sites is a highly efficient method of making information available to

customers. It is much less burdensome on companies than requiring companies to provide the price list to each customer.

Posting and Publication

41 On April 4, 2001, the commission adopted the proposal to move the customer notice rule from chapter 480-80 WAC to the individual industry rules, WSR 01-09-002. That proposal addressed only the relocation of rules. It did not change the content of the rules. Under the current rule proposal, WSR 01-24-113, the customer notice rules were rewritten as individual posting and publication sections in chapter 480-90 WAC, Gas operations; chapter 480-100 WAC, Electric operations; chapter 480-120 WAC, Telecommunications operations; and chapter 480-121 WAC, Registration, competitive classification, and initial price lists of telecommunications companies.

42 **WAC 480-(90, 100, 120)-194 Publication of proposed tariff changes to increase charges or restrict access to services.** Public counsel and approximately two hundred thirty other members of the public submitted comments supporting direct notice to customers thirty days in advance of a proposed tariff change. They believe thirty days advance notice is necessary to allow families the opportunity to make changes to their budgets and to participate in the public rate-making process. The commission has concluded, based on legal advice, that the tariff notice statutes do not give it authority to require individual notice to customers. The commission can allow companies that wish to provide individual notice to use this as a form of publication, and the proposed rule offers this as an option to companies. The fifteen day prior-notice option was added in response to companies seeking to use bill inserts as the means of accomplishing notice. If that is how it is used, then the shortest notice a customer is likely to receive is approximately ten days.

43 PSE contends that the requirement that a direct notice be mailed to customers a minimum of fifteen days prior to the effective date of the proposed revision is impractical. PSE notes that if the company desired to implement the direct notice alternative using bill inserts, the bill inserts would have to begin forty-five days before the effective date of the proposed tariff—fifteen days before the tariff is even filed. According to PSE, the only "work-around" for this problem would be to use direct mailers to half of its customers. Direct mail notice, however, is prohibitively expensive. Thus, PSE maintains that minimum timing requirement does not represent a reasonable balancing of the public interest and should be rejected. The commission notes that these rules offer companies three different options for notifying customers of tariff changes. The options comply with the statutory requirement of thirty days' notice. The commission observes that PSE's suggested change would not comply with the thirty day statutory requirement. However, if PSE's preferred method of notification is bill inserts, nothing precludes the company from beginning the mailings prior to the filing so all mailings are completed thirty days in advance of the effective date.

44 **WAC 480-120-194 (2) and (3) Publication of proposed tariff changes to increase charges or restrict access**

to services. WITA provided written and oral comments that address the requirement to publish notice of a proposed tariff rate increase in a public newspaper. WITA points out the difficulty in determining in which newspaper a company must publish its notice when a geographic region publishes more than one newspaper, such as in the Vancouver area. WITA asserts that the publishing cost would be too expensive for small telecommunications companies. Consequently, the second and third options are eliminated for small telecommunications companies. WITA requested that "Class B" telecommunications companies be exempted from the publishing requirement.

The commission refers WITA to WAC 480-120-198(2), which addresses notice verification and assistance. That rule provides that the commission's public affairs office will assist any company, upon request, in complying with the public notice requirements. This would include determining which newspaper would be the appropriate choice to publish a proposed tariff rate increase. The final proposal mitigates that requirement to the one newspaper with the largest subscriber-ship in the affected service area. This change would reduce the costs to those companies that choose this method of public notice. Moreover, subsection (3) does not require the company to pay to publish its notice. It merely requires the company to distribute the notice to the news media. The rule offers companies the option of three different ways to provide public notice to its affected customers. It is to be expected that not all methods are the best choice for every company. The commission expects that a company will make its decision about which public notice method to use, based on its internal policies and on cost.

45 **WAC 480-(90, 100, 120)-197 Adjudication proceedings where public testimony will be taken.** The city of Federal Way comments that it would like to see a minimum of forty-five days notice for formal hearings. The commission observes that, in most instances, giving customers a minimum of forty-five days notice would not create a problem. The time available for most contested cases allows this. The commission has not stated a minimum notice requirement in the rule because it recognizes the occasional need for flexibility to conduct contested cases quickly. The commission believes the way to balance these interests is to determine the appropriate amount of notice in each case during the prehearing conference.

46 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the commission repealed, adopted and amended the rules in the CR-102 at WSR 01-24-113 with the changes described below.

47 **CHANGES FROM PROPOSAL:** The commission adopted the proposal with the following changes from the text noticed at WSR 01-24-113.

48 At the request of Verizon, a definition for "Unified Business Identifier Number" is added to WAC 480-80-030.

49 At the request of Qwest, clarifying language is added to WAC 480-80-112 relating to banded rate tariff filings.

50 Language is slightly changed in WAC 480-80-133 relating to the tariff adoption notice to clarify that an adoption notice needs to be filed only when transfer of the operating control or ownership affects the tariff.

51 At the request of Verizon, the word "declaration" is changed to "statement" in WAC 480-90-198, 480-100-198, and 480-120-198 relating to notice verification and assistance.

52 At the request of WITA, the term "noncompetitive telecommunications companies" is removed from the definitions in WAC 480-80-030 and is changed to "telecommunications companies not classified as competitive" throughout the rules in chapter 480-80 WAC.

53 Other nonsubstantive grammar and punctuation changes were made after a final review by the commission.

54 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** In reviewing the entire record, the commission determines that WAC 480-80-035, 480-80-040, 480-80-041, 480-80-045, 480-80-050, 480-80-060, 480-80-070, 480-80-080, 480-80-090, 480-80-100, 480-80-110, 480-80-125, 480-80-130, 480-80-140, 480-80-150, 480-80-160, 480-80-170, 480-80-180, 480-80-190, 480-80-200, 480-80-210, 480-80-220, 480-80-230, 480-80-240, 480-80-250, 480-80-260, 480-80-270, 480-80-280, 480-80-290, 480-80-300, 480-80-310, 480-80-320, 480-80-325, 480-80-326, 480-80-330, 480-80-335, 480-80-340, 480-80-350, 480-80-360, 480-80-370, 480-80-380, and 480-120-043 should be repealed.

55 The commission determines that WAC 480-80-010, 480-80-020, 480-80-030, 480-90-193, and 480-100-193 should be amended to read as set forth in Appendix A and Appendix B as rules of the Washington Utilities and Transportation Commission, to take effect on June 17, 2002.

56 The commission also determines that WAC 480-80-015, 480-80-025, 480-80-031, 480-80-101, 480-80-102, 480-80-103, 480-80-104, 480-80-105, 480-80-112, 480-80-121, 480-80-122, 480-80-123, 480-80-124, 480-80-131, 480-80-132, 480-80-133, 480-80-134, 480-80-141, 480-80-142, 480-80-143, 480-80-201, 480-80-202, 480-80-203, 480-80-204, 480-80-205, 480-80-206, 480-80-241, 480-80-242, 480-90-194, 480-90-195, 480-90-197, 480-90-198, 480-90-199, 480-100-194, 480-100-195, 480-100-197, 480-100-198, 480-100-199, 480-120-193, 480-120-194, 480-120-195, 480-120-196, 480-120-197, 480-120-198, 480-120-199, and 480-121-065 should be adopted to read as set forth in Appendix A and Appendix B as rules of the Washington Utilities and Transportation Commission, to take effect on June 17, 2002.

¹On January 3, 2001, the commission filed a Notice of Proposed Rule-making (CR-102) with the Office of the Code Reviser under WSR 01-02-102, that would consider moving certain sections of chapter 480-80 WAC to the various industry rules to achieve better organization. The commission adopted the proposal to move rules on April 4, 2001, WSR 01-09-002.

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 46, Amended 5, Repealed 42.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 46, Amended 5, Repealed 42.

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

57 THE COMMISSION ORDERS That:

58 WAC 480-80-035, 480-80-040, 480-80-041, 480-80-045, 480-80-050, 480-80-060, 480-80-070, 480-80-080, 480-80-090, 480-80-100, 480-80-110, 480-80-125, 480-80-130, 480-80-140, 480-80-150, 480-80-160, 480-80-170, 480-80-180, 480-80-190, 480-80-200, 480-80-210, 480-80-220, 480-80-230, 480-80-240, 480-80-250, 480-80-260, 480-80-270, 480-80-280, 480-80-290, 480-80-300, 480-80-310, 480-80-320, 480-80-325, 480-80-326, 480-80-330, 480-80-335, 480-80-340, 480-80-350, 480-80-360, 480-80-370, 480-80-380, and 480-120-043 are repealed;

59 WAC 480-80-010, 480-80-020, 480-80-030, 480-90-193, and 480-100-193 are amended; and

60 WAC 480-80-015, 480-80-025, 480-80-031, 480-80-101, 480-80-102, 480-80-103, 480-80-104, 480-80-105, 480-80-112, 480-80-121, 480-80-122, 480-80-123, 480-80-124, 480-80-131, 480-80-132, 480-80-133, 480-80-134, 480-80-141, 480-80-142, 480-80-143, 480-80-201, 480-80-202, 480-80-203, 480-80-204, 480-80-205, 480-80-206, 480-80-241, 480-80-242, 480-90-194, 480-90-195, 480-90-197, 480-90-198, 480-90-199, 480-100-194, 480-100-195, 480-100-197, 480-100-198, 480-100-199, 480-120-193, 480-120-194, 480-120-195, 480-120-196, 480-120-197, 480-120-198, 480-120-199, and 480-121-065 are adopted to read as set forth in Appendix A and Appendix B as rules of the Washington Utilities and Transportation Commission, to take effect on June 17, 2002.

61 This order and the rule set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 14th day of May, 2002.

Washington Utilities and Transportation Commission
Marilyn Showalter, Chairwoman
Richard Hemstad, Commissioner
Patrick J. Oshie, Commissioner

I. GENERAL RULES

AMENDATORY SECTION (Amending Docket No. U-991301, General Order No. R-481, filed 4/4/01, effective 5/5/01)

WAC 480-80-010 Application of rules. ~~((1) These rules shall apply to any public service company, defined as such by the laws of the state of Washington, as amended, operating a gas, electric, telecommunications, water or irrigation plant which is subject to the jurisdiction of the Washington utilities and transportation commission as to rates and service.~~

~~(2) Upon acceptable showing by any utility, the commission may waive or modify, as to that utility, the provisions of any rule herein contained, except when such provisions are fixed by statute.~~

~~(3) In no case shall any utility deviate from these rules unless authorized in writing by the commission.~~

~~(4) Competitively classified telecommunications companies previously granted exemptions from chapter 480-80 WAC Utilities general—Tariff are not exempt from WAC 480-80-035 Price lists and WAC 480-80-325 Contract for service. Exemptions from the provisions of chapter 480-80 WAC include only the provisions in effect at the time the exemption was granted.)) (1) The rules in this chapter apply to any public service company that is subject to the jurisdiction of the commission as to rates and services under the provisions of Title 80 RCW.~~

(2) The tariffs, price lists, and contracts filed by public service companies must conform with these rules. If the commission accepts a tariff, price list, or contract that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-80-015 (Exemptions from rules in chapter 480-80 WAC). Tariffs, price lists, or contracts that conflict with these rules without approval are superseded by these rules.

(3) Any affected person may ask the commission to review the interpretation of these rules by a public service company or customer by posing an informal complaint under WAC 480-09-150 (Informal complaints), or by filing a formal complaint under WAC 480-09-420 (Pleadings and briefs—Applications for authority—Protests).

(4) No deviation from these rules is permitted without written authorization by the commission. Violations will be subject to penalties as provided by law.

(5) Any tariff, price list, or contract on file and in effect or pending on the effective date of these rules is not required to be refiled to comply with these rules.

NEW SECTION

WAC 480-80-015 Exemptions from rules in chapter 480-80 WAC. (1) The commission may grant an exemption from the provisions of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other affected persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind

different from hardship imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter 480-09 WAC.

(6) Competitive telecommunications companies previously granted exemptions from chapter 480-80 WAC Utilities general—Tariffs, price lists, and contracts, are not exempt from Part I and Part III of this chapter. Exemptions from the provisions of chapter 480-80 WAC include only the provisions in effect at the time the exemption was granted. This subsection confirms that there is no change in exemptions previously granted to telecommunications companies that have been classified as competitive as a result of:

(a) Moving rules between chapters 480-80 and 480-120 WAC; and

(b) Renumbering sections within chapters 480-80 and 480-120 WAC.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-80-020 ((~~Saving clause.~~) Additional requirements. ((These rules shall not be construed as affecting the validity of any presently effective tariff provisions or pending tariff revisions. Attention shall be given by each utility to bringing presently effective tariffs into compliance with these rules so that all tariffs shall, within a reasonable period of time, conform as to tariff arrangement.)) (1) These rules do not relieve any public service company from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any public service company in appropriate circumstances, consistent with the requirements of law.

NEW SECTION

WAC 480-80-025 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

AMENDATORY SECTION (Amending Order R-238, Cause No. U-85-44, filed 9/19/85)

WAC 480-80-030 Definitions. ~~((1) "Utility," when used in these rules, means any person, partnership, firm or corporation operating a gas, electric, telecommunications, water or irrigation plant which is subject to the jurisdiction of the commission as to rates and service.~~

~~(2) "Commission," when used in these rules, means the Washington utilities and transportation commission.~~

~~(3) "Tariff," as used in these rules, shall mean the complete tariff or any portion thereof containing those rate schedules and rules and regulations relating to charges and service which is regularly established under and in accordance with these rules and regulations relating to charges and service~~

~~which is regularly established under and in accordance with these rules and regulations and the applicable statutes and which is applied to specific groups of customers within any particular territory but shall exclude special contracts for special rates, service and facilities.~~

~~(4) "Banded tariff," as used in these rules means a tariff filed by a telecommunications company in which at least one element of the rate schedule (WAC 480-80-230) is a band consisting of a maximum and minimum rate within which the rate may vary.~~

~~(5) "Number," "numbers," "numbered" and "numbering," when used in these rules, means either a letter of the alphabet or a numeral unless otherwise specifically indicated.) The definitions in this section apply throughout the chapter unless the context clearly requires otherwise:~~

"Advice number" means a number assigned by the applicant to a tariff filing or contract filing for internal tracking purposes.

"Banded rate" means a rate that has a minimum and maximum rate.

"Commission" means the Washington utilities and transportation commission.

"Competitive telecommunications company" means a telecommunications company that has been classified as competitive by the commission pursuant to RCW 80.36.310.

"Fax" means the transmittal of electronic signals over telephone lines for conversion into written text.

"Price list" means a telecommunications company's standard offer to the general public or to other telecommunications companies of one or more intrastate telecommunications services that the commission has determined to be subject to effective competition.

"Public service company" means every gas company, electric company, telecommunications company, water company, or irrigation plant that is subject to the jurisdiction of the commission as to rates and service.

"RCW" means the Revised Code of Washington.

"Tariff" is a document that sets forth terms and conditions of regulated service, including rates, charges, tolls, rentals, rules, and equipment and facilities, and the manner in which rates and charges are assessed for regulated services provided to customers, and rules and conditions associated with offering service.

"Unified Business Identifier (UBI) number" means the standard nine-digit sequential number issued by Washington state and used by all state agencies to uniquely identify a business entity. The department of licensing, department of revenue, and secretary of state's office are authorized to issue UBI numbers.

"Utility" means every public service company that has not been classified as competitive by the commission.

"WAC" means the Washington Administrative Code.

NEW SECTION

WAC 480-80-031 Delivery of tariff, price list, and contract filings. (1) The commission records center will accept a tariff, price list, or contract filing delivered in per-

son, by mail, fax, or (when procedures are in place) electronic means. The commission records center will stamp a filing received on Saturdays, Sundays, and state holidays, or after 5:00 p.m., Pacific time, as received on the next business day.

(2) In person or by mail.

(a) In order to be deemed received on a given day, the commission records center must receive an original and two copies of the filing(s) and a transmittal letter by 5:00 p.m., Pacific time.

(b) A filing delivered by mail must be free from all charges for postage. The commission records center will return any postage-due filing to the sender.

(3) Fax filing.

(a) The commission records center must receive an original and two copies of the filing the following business day.

(b) The commission will use the date and time the fax filing is received and printed at the commission records center as the official file date.

(c) The commission records center must receive a faxed filing in its entirety by 5:00 p.m., Pacific time, Monday through Friday, except on state holidays, to be considered received on that business day.

(4) Electronic filing.

(a) An electronic filing must conform to commission procedures for electronic filing.

(b) After accepting an electronic filing, the commission records center will return an electronic mail message noting the receipt date.

II. TARIFFS AND CONTRACTS: UTILITIES

NEW SECTION

WAC 480-80-101 Tariff requirements. (1) A utility that is required to have a tariff on file with the commission must file and maintain its tariff(s) as required in the RCW and WAC.

(2)(a) A utility that provides more than one kind of service, such as gas, electric, or water, must file a separate tariff for each service type.

(b) Each tariff must have an official designation number, printed as WN U-number. Subsequent tariff designations must be sequentially numbered in ascending order.

NEW SECTION

WAC 480-80-102 Tariff content. The tariff must include:

(1) **Title page.** The first sheet of the tariff must contain the following information:

(a) Tariff number;

(b) The canceled tariff number, when applicable;

(c) The types of services covered by the tariff;

(d) An identification of the territory to which the tariff applies;

(e) Effective date of the sheet; and

(f) The complete name, address, phone number, unified business identifier (UBI) number, and if available, the mail address and web page address of the issuing utility.

(2) **Index or table of contents.** The second section of the tariff must be updated, when applicable, whenever a tariff sheet is added, revised, or canceled. It must include:

- (a) Tariff number;
- (b) Name of the utility issuing the tariff;
- (c) Effective date of the revised index or table of contents sheet; and
- (d) A complete and accurate list of the contents of the tariff.

(3) **Legend of symbols.** This section must identify all symbols used in the tariff to identify changes resulting from the filing of the specific sheet change. The list must include the required symbols and their meanings, and any other utility-specific symbol with its meaning, consistent with the requirements identified in WAC 480-80-105(4).

(4) **Rules section.** The rules section sets forth the conditions governing services under the tariff.

(a) The rules section must include the following, when applicable:

- (i) Application for service;
- (ii) Definition of service;
- (iii) Reconnection charge;
- (iv) Service connection;
- (v) Installation of meters;
- (vi) Distribution main or line extension unless specified in a rate schedule;
- (vii) Responsibility for, and maintenance of, distribution plant and service lines;
- (viii) Access to premises;
- (ix) Interruptions to service;
- (x) Bills;
- (xi) Deposits;
- (xii) Delinquent accounts;
- (xiii) Discontinuance of service; and
- (xiv) The method the utility will use to give notice to its customers of changes within the limits of a banded rate.

(b) Gas companies must also include the requirements set out in:

- (i) WAC 480-90-233 (Purchased gas adjustment) (may be included in rules section or rates section);
- (ii) WAC 480-90-303 (Heating value of gas); and
- (iii) WAC 480-90-343 (Statement of meter test procedures).

(c) Electric companies must also include the requirements set out in WAC 480-100-343 (Statement of meter test procedures).

(d) Rules for specific services may be included in either the rate schedule section or the rules section.

(5) **Rate schedule section.**

(a) Rate schedule sheets must include the following, when applicable:

- (i) Schedule number;
- (ii) A title that accurately describes the service;
- (iii) Availability;
- (iv) The rates to be paid for the service;
- (v) Any special terms or conditions associated with the service or the calculation of rates to be paid for the service.

(b) Telecommunications companies not classified as competitive must also provide the following information, when applicable, based upon the type of service offered:

- (i) **Exchange service rate schedules** that include:
 - (A) Primary rate schedules;
 - (B) Private branch exchange rate schedules;
 - (C) Miscellaneous rate schedules; and
 - (D) Exchange area maps.
- (ii) **Inter-exchange service rate schedules** that include:
 - (A) Basic rate schedules;
 - (B) Supplementary rate schedules; and
 - (C) List of toll points.

NEW SECTION

WAC 480-80-103 Tariff format. (1) **Tariff sheet format.**

(a) A utility must clearly print or type all tariffs on eight and one-half inch by eleven inch paper, with at least one-half inch margins on each side.

(b) The tariff sheet must include a blank space at least two inches wide and one and one-half inches high in the upper right hand corner of the sheet for commission use.

(c) Tariff sheets filed electronically must meet the requirements set forth in the applicable commission procedures.

(2) **Sheet requirements.** Each tariff sheet must specify:

- (a) The designated tariff number;
- (b) The tariff sheet revision number;
- (c) The name of the utility issuing the tariff; and
- (d) The effective date.

(3) **Sheet numbering.** Each tariff sheet must have a unique sheet number.

(a) The utility must designate the initial tariff sheet as the "original sheet."

(b) All subsequent revisions must be in sequential order and indicate the cancellation of the superseded sheet as follows:

On the first revision, designate the sheet as:
FIRST (or 1st) REVISION OF SHEET
CANCELING
ORIGINAL SHEET

On the second revision, designate the sheet as:
SECOND (or 2nd) REVISION OF SHEET
CANCELING
FIRST REVISION OF SHEET

(c) Each tariff revision sheet must use consecutive revision numbers and indicate the cancellation of the superseded sheet.

(d) A utility may reuse revision numbers assigned to sheets that were rejected or withdrawn for subsequent tariff changes.

(e) A utility may not reuse sheet numbers assigned to tariff sheets that are canceled and removed from the tariff during the life of the tariff unless the utility specifies that the sheet is reserved for future use.

(f) A utility may assign sheet numbers to sheets intended for future use.

(4) Authorizing signature.

(a) When the tariff sheets are submitted without a signature, the utility must include a statement in the transmittal letter certifying that the submitting person has authority to issue tariff revisions on behalf of the utility; or

(b) When the tariff sheets are submitted with a signature, such signature constitutes a certification that the person signing the tariff sheet has the authority to issue the tariff sheets on behalf of the utility.

NEW SECTION

WAC 480-80-104 Transmittal letter. A utility must submit a transmittal letter with all tariff and contract filings. The transmittal letter must:

(1) Identify all new tariffs or contracts, or identify the tariff or contract changes;

(2) Explain in understandable terms why the tariff or contract filing is being submitted;

(3) Specify the changes requested in clear and concise terms and define any acronyms used;

(4) Refer to the commonly used name of the service, the advice number, if known, and the docket number, if applicable;

(5) Include the advice number if the utility uses consecutively numbered advice letters;

(6) Describe the general effect of, and reasons for, tariff or contract filings involving only text changes;

(7) Describe which services are affected, and the dollar amount and percentage of increase or decrease if the filing is a rate change. If a combination of changes is filed (i.e., increases and decreases), each change should be described, as well as the net effect on company revenues; and

(8) If the utility does not include an authorizing signature on the tariff sheets, include a statement certifying that the submitting person has authority to issue tariff revisions on behalf of the utility.

NEW SECTION

WAC 480-80-105 Tariff filing instructions. (1) A tariff filing must:

(a) Comply with statutory notice requirements;

(b) Specify the requested effective date of the tariff sheet;

(c) Include an original and two copies of each tariff sheet unless it is filed electronically; and

(d) Be accompanied by a transmittal letter as set forth in WAC 480-80-104.

(2) Tariff filings must comply with the requirements set forth in chapter 480-09 WAC, where applicable.

(3) The tariff filing must include information sufficient to determine that the proposed tariff is fair, just, and reasonable.

(4) **Tariff symbols.** Each time a tariff sheet(s) is revised, a utility must code all changes with the tariff symbol that best reflects the purpose and effect of the change. A utility:

(a) Must locate the symbols on the right hand side of the changed text directly across from the change;

(b) Must use the following list of symbols to signify:

D - discontinued rate, service, regulation, or condition;

N - new rate, service, regulation, condition, or sheet;

I - a rate increase;

R - a rate reduction;

C - changed condition or regulation;

K - that material has been transferred to another sheet in the tariff. (A footnote is required on the tariff sheet to identify the material's new sheet number);

M - that material has been transferred from another sheet in the tariff. (A footnote is required on the tariff sheet to identify the material's former sheet number);

T - a change in text for clarification;

O - no change. (This symbol is discretionary unless specifically requested by the commission); and

(c) May use additional symbols for other purposes when it has identified the symbols in its tariff as provided for in WAC 480-80-102(3).

(5) A utility must not give effect to revised tariff sheets until the commission approves the tariff filing by issuing an order or the new or changed provisions become effective by operation of law.

(6) When a tariff sheet(s) becomes effective, the commission will return one copy of the transmittal letter and one copy of each tariff sheet to the utility marked with the receipt date.

(7) The commission may require a utility to refile the tariff in its entirety should circumstances warrant it.

(8) If the commission issues an order directing a utility to refile all or a portion of its tariff, the utility must refile, marking each affected sheet with the docket number.

NEW SECTION

WAC 480-80-111 Substitute tariff filings. (1) A utility may file substitute tariff sheets within a pending tariff filing if:

(a) There is no material change to the terms and conditions of service contained in the pending tariff sheet. This restriction does not apply to changes made to address commission concerns with the filing;

(b) The change does not increase the rates contained in the pending tariff sheet; or

(c) The change is to make typographical corrections to the pending tariff sheet.

(2) The filing must include a transmittal letter as set forth in WAC 480-80-104. The substitute filing must include the notation "Do Not Redocket."

(3) The commission retains discretion to reject any substitute tariff sheets where doing so is in the public interest.

NEW SECTION

WAC 480-80-112 Banded rate tariff filings. (1) **Telecommunications companies not classified as competitive.** Telecommunications companies not classified as competitive may file banded rate tariffs. The filings must, at a minimum, be accompanied with the following:

(a) A statement supporting the use of a banded rate tariff rather than a tariff with fixed rates;

(b) A verifiable cost-of-service study supporting the contention that the minimum rate in the banded rate tariff covers the cost of the service. Costs will be determined under a long-run incremental cost analysis, including, as part of the incremental cost, the price charged to other telecommunications companies for any essential function used to provide the service, or any other commission-approved cost method; and

(c) Information detailing the potential effect on revenue of the proposed banded rate tariff range, as well as the effect on revenue of the current or proposed rate.

(2) **Gas and electric companies.** Gas and electric companies may file banded rate tariffs for any nonresidential gas or electric service that is subject to effective competition from energy suppliers not regulated by the commission. When a gas or electric company files for a banded rate tariff, the filings must, at a minimum, be accompanied with the following:

(a) A statement supporting the use of a banded rate tariff rather than a tariff with fixed rates;

(b) A verifiable cost-of-service study supporting the contention that the minimum rate in the banded rate tariff covers all costs resulting from providing the service and provides a contribution to fixed costs; and

(c) Information detailing the potential effect on revenue of the proposed banded rate tariff range, as well as the effect on revenue of the current or proposed rate.

NEW SECTION

WAC 480-80-121 Tariff changes with statutory notice. (1) The commission must receive tariff changes not less than thirty days in advance of the requested effective date as required by RCW 80.28.060 and 80.36.110. Telecommunications companies not classified as competitive that meet the requirements of RCW 80.36.110(2) may file with ten days' notice to the commission.

(2) The statutory notice period begins on the date the commission receives the tariff filing, in accordance with WAC 480-80-031.

NEW SECTION

WAC 480-80-122 Tariff changes with less than statutory notice. (1) The commission may allow tariff changes to become effective with less than statutory notice (LSN) when the utility provides good cause. A utility filing for LSN treatment may use an LSN form provided by the commission, or may submit a letter that includes the following:

(a) Utility information:

(i) Name and address of utility;

(ii) Telephone number, e-mail address, and fax number;

and

(iii) Name of contact person for the filing.

(b) Tariff identification information:

(i) Number of the tariff being amended;

(ii) Title of the tariff item(s) being amended, if applicable; and

(iii) Number of the tariff sheet being amended.

(c) Concise description of the changes being proposed;

(d) Reason(s) for requesting LSN handling;

(e) Effective date requested; and

(f) If the utility does not include an authorizing signature on the tariff sheets, a statement certifying that the submitting person has authority to issue tariff changes on behalf of the utility.

(2) A utility requesting LSN must file tariff sheets with an effective date that reflects the required statutory notice period.

(3) If the LSN request is granted, the commission will issue an order directing that the tariff sheets be revised to reflect the authorized LSN effective date.

NEW SECTION

WAC 480-80-123 Tariff changes that do not require statutory notice. (1) A utility must file with the commission tariff changes that do not require statutory notice at least one day before the effective date.

(2) The filing must include a transmittal letter as set forth in WAC 480-80-104.

(3) Tariff changes that do not require statutory notice include:

(a) Initial tariffs filed by a newly regulated utility;

(b) A filing for a service not previously contained within a regulated utility's existing tariff;

(c) A tariff change that does not affect the public; and

(d) A change in a banded rate when notice to customers has been or will be given in accordance with tariff rules applicable to the service.

NEW SECTION

WAC 480-80-124 Failure to provide statutory notice. Except as provided under WAC 480-80-122, a tariff filing issued without the required statutory notice to the commission and the public has the same status as if the tariff filing had not been issued. A utility must give full statutory notice on any reissued tariff filing. The commission will promptly notify the utility in writing when a tariff filing is rejected for failure to provide statutory notice, but failure to notify the utility will not affect the status of the tariff filing.

NEW SECTION

WAC 480-80-131 Withdrawing a tariff filing. When withdrawing a filing, a utility must submit a letter that includes the following:

(1) The name and address of the utility;

(2) Docket number;

(3) Advice number, if applicable;

(4) The name of the contact person for the withdrawal;

(5) An explanation of why it is requesting the withdrawal; and

(6) A statement certifying that the submitting person has authority to withdraw the filing on behalf of the utility.

NEW SECTION

WAC 480-80-132 Rejecting tariff changes. The commission will reject any tariff change that reflects retroactive rate treatment. The commission may reject any tariff change that does not comply with commission rules.

NEW SECTION

WAC 480-80-133 Tariff adoption notice. (1) A utility must file a tariff adoption notice with the commission when either of the following changes affects an existing tariff:

- (a) Transfer of the operating control or ownership; or
- (b) Utility name change.

(2) The acquiring utility must file the tariff adoption notice if there is a change in ownership or operating control. The surviving utility must file the tariff adoption notice if there is a name change.

(3) Content of the tariff adoption notice must contain, at a minimum, the following:

(Name of Utility) adopts and makes its own in every respect all tariffs, supplements and amendments filed with the Washington Utilities and Transportation Commission by (Name of Previous Utility or Prior Name of the Utility) prior to (Date).

(4) The tariff adoption notice may be made effective on one day's notice.

(5) In the event of a change in control or ownership, as described above, the utility adopting the tariff must file to incorporate the adopted tariff in its own tariff within sixty days of the date of the filing of the adoption notice. In the event of a name change the time limit is one year.

(6) Until the utility that adopted a tariff refiles the tariff in its own name, all changes after the adoption must include:

- (a) The name of the utility whose tariff was adopted at the top of the sheet; and
- (b) The name of the utility that adopted the tariff at the bottom of the sheet.

NEW SECTION

WAC 480-80-134 Discontinuing a tariffed service or services. When discontinuing a service or services, a utility must file to cancel the applicable tariff sheets in the same manner as required by tariff filing instructions set forth in WAC 480-80-105. The commission will handle discontinuation filings in the same manner and in accordance with the same provisions governing all other tariff filings.

NEW SECTION

WAC 480-80-141 Service contract. (1) A utility may use service contracts when its tariff requires certain assurances from the customer for a specific service level such as a commitment to a minimum period of service.

(2) If the utility chooses to use service contracts, the utility must provide the commission with samples of the service contracts.

(a) Gas, electric, and water companies must provide the commission with samples of all service contracts currently in use.

(b) Telecommunications companies not classified as competitive must provide the commission with samples of current service contracts within five days after a request by the commission.

NEW SECTION

WAC 480-80-142 Special contracts for telecommunications companies not classified as competitive. (1) Contracts to be filed. Telecommunications companies not classified as competitive must file with the commission:

(a) All contracts for retail sale to end-use customers of intrastate telecommunications services not classified as competitive that:

- (i) State rates, charges, prices, terms, or conditions that are not consistent with any existing tariff; or
- (ii) Provide for telecommunications services not specifically addressed in the existing tariffs.

(b) Any significant modification of a previously executed contract will be treated as a new contract.

(c) A service order made pursuant to a filed contract is not itself a contract or contract amendment and need not be filed with the commission.

(2) Duration. All contracts must be for a stated time period.

(3) Ratemaking disclaimer. Unless otherwise provided by the commission, approval of contracts will not be determinative with respect to the expenses and revenues of the company for subsequent ratemaking considerations.

(4) Types of telecommunications contracts. The following types of telecommunications contracts have special or unique features, effective dates, and requirements:

(a) Federal, state, and local government "firm bid" contracts are governed under subsection (5) of this section.

(b) School, library, and rural health care (RHC) provider contracts entered into pursuant to 47 CFR, Part 54, are governed under subsection (6) of this section.

(c) All other retail contracts are governed under subsection (7) of this section.

SUMMARY COMPARISON OF THE DIFFERENT TYPES OF RETAIL CONTRACTS			
Subsection	Contract Type	When to File	Effective Date
(5)	Federal, State, and Local Firm Bid	no later than fifteen days after acceptance	when filed or later as specified
(6)	47 CFR Part 54; Schools, Libraries, and RHCs	no later than fifteen days after acceptance	when filed or later as specified
(7)	All other retail contracts	no later than thirty days prior to the proposed effective date	at least thirty days after filing

(5) Federal, state, and local government "firm bid" contracts - filing requirements and effective dates. Where a government agency asserts its authority to solicit a firm offer of services, and a contract subject to this section is submitted in

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response to that solicitation, the noncompetitive telecommunications company must file the contract with the commission no later than fifteen days after acceptance. The filing must include the same documentation as required for approval by subsection (7)(b) of this section and, if applicable, subsection (8) of this section. The contract will become effective at the time specified in the contract, but not earlier than when filed with the commission.

(6) School, library, and RHC provider contracts - filing requirements and effective dates. A telecommunications company that enters into a contract to provide service to a school, library, or RHC provider, as part of the federal universal service program, must file the contract with the commission no later than fifteen days after acceptance by the administrator of the federal universal service program. The filing must include the same documentation as required for approval by subsection (7)(b) of this section and, if applicable, subsection (8) of this section. The contract will become effective at the time specified in the contract, but not earlier than when filed with the commission.

(7) All other retail contracts - standard filing requirements and effective dates.

(a) Contracts must be filed with the commission not less than thirty days before the proposed effective date of the contract.

(b) Each application filed for commission approval of a contract must:

(i) Include a complete copy of the proposed contract;

(ii) Show that the contract meets the requirements of RCW 80.36.170 (Prohibiting unreasonable preference) and RCW 80.36.180 (Prohibiting rate discrimination);

(iii) Demonstrate, at a minimum, that the contract charges cover the company's cost of providing the service. Costs will be determined under a long-run incremental cost analysis, including as part of the incremental cost, the price charged by the offering company to other telecommunications companies for any essential function used to provide the service, or any other commission-approved cost method.

(iv) Summarize the basis of the charge(s) proposed in the contract and explain the derivation of the proposed charge(s) including all cost computations involved; and

(v) Indicate the basis for using a contract rather than a filed tariff for the specific service involved.

(c) Contracts will become effective on the effective date stated on the contract or thirty days after the filing date, whichever occurs later, unless suspended or rejected by the commission. The commission may approve an earlier effective date if requested by the company, in which event the contract shall not become effective on a date that precedes commission approval. A request for an earlier effective date must include a complete explanation of why an earlier effective date is appropriate.

(8) Confidentiality. Filings under this section may be submitted with portions designated "confidential" pursuant to WAC 480-09-015. However, any filing that designates as "confidential" the essential terms and conditions will be rejected by the commission as not in compliance with the public inspection requirement of RCW 80.36.150(1). Essential terms and conditions are:

(a) Nature, characteristics, and quantity of the service provided;

(b) Duration of the contract, including the stated effective date, ending date, and any options to renew;

(c) Charge(s) for service, including minimum charge provisions; and

(d) Geographic location(s), such as exchange or city, where service will be provided.

NEW SECTION

WAC 480-80-143 Special contracts for gas, electric, and water companies. (1) Contracts to be filed. Gas, electric, and water companies must file with the commission all contracts for the retail sale of regulated utility services to end-use customers that:

(a) State charges or conditions that do not conform to the company's existing tariff; or

(b) Provide for utility services not specifically addressed in the gas, electric, or water company's existing tariffs.

(2) Any significant modification of a previously executed contract will be treated as a new contract for purposes of this section.

(3) Essential terms and conditions of all contracts filed pursuant to this section are considered a part of the gas, electric, or water company's filed tariffs and are subject to enforcement, supervision, regulation, control, and public inspection as such.

(4) Filing and effective dates. The contract will become effective on the effective date stated in the contract or thirty days after the filing date, whichever occurs later, unless suspended or rejected by the commission. The commission may approve an earlier effective date if requested by the company, in which event the contract shall not become effective on a date that precedes commission approval. A request for an earlier effective date must include a complete explanation of why an earlier effective date is appropriate.

(5) Each application filed for commission approval of a contract must:

(a) Include a complete copy of the proposed contract;

(b) Show that the contract meets the requirements of RCW 80.28.090 (Prohibiting unreasonable preference) and RCW 80.28.100 (Prohibiting rate discrimination);

(c) Demonstrate, at a minimum, that the contract charges recover all costs resulting from providing the service during its term, and, in addition, provide a contribution to the gas, electric, or water company's fixed costs;

(d) Summarize the basis of the charge(s) proposed in the contract and explain the derivation of the proposed charge(s) including all cost computations involved; and

(e) Indicate the basis for using a contract rather than a filed tariff for the specific service involved. If the basis for using a contract is the availability of an alternative service provider, identify that provider.

(6) All contracts must be for a stated time period, except for contracts for water line extensions. The commission may approve terms and conditions that prescribe the charge(s) to be applied during the time period, if such charge(s) are found to be appropriate. Unless otherwise provided by the commission, such approval will not be determinative with respect to

the expenses and revenues of the utility for subsequent rate-making considerations.

(7) Filings under this section may be submitted with portions designated "confidential" pursuant to WAC 480-09-015. However, any filing that designates the essential terms and conditions of the contract as "confidential" shall be rejected by the commission as not in compliance with the public inspection requirement of RCW 80.28.050. Essential terms and conditions are:

- (a) Identity of the customer;
- (b) Nature and characteristics of the service provided, including interruptible, firm, or peak delivery;
- (c) Duration of the contract, including any options to renew;
- (d) Charge(s) for service, including minimum charge provisions;
- (e) Geographic location where service will be provided; and
- (f) Additional obligations specified in the contract, if any.

III. PRICE LISTS AND CONTRACTS: COMPETITIVE COMPANIES AND SERVICES

NEW SECTION

WAC 480-80-201 Use of price lists. (1) A competitive telecommunications company may file a price list instead of a tariff to offer any intrastate telecommunications service. A telecommunications company not classified as competitive may file a price list instead of a tariff to offer any intrastate telecommunications service that has been classified as competitive under RCW 80.36.330.

(2) A telecommunications company authorized to file a price list may file a tariff for a service. If a company elects to offer a competitive service by tariff, the company and the service will be subject to all rules and laws applicable to fully regulated services, and any waivers of rule or law otherwise applicable to competitive services or competitive companies will not apply.

NEW SECTION

WAC 480-80-202 Interpretation and application of price lists. (1) A price list is not a tariff and is not reviewed or approved by the commission at the time of filing. The commission will, when appropriate, investigate a price list or complain against a price list.

(2) If the commission determines that a telecommunications company's price list or other offer of service is ambiguous or conflicts with other offers, there is a rebuttable presumption that the conflict or ambiguity should be construed in favor of the customer.

NEW SECTION

WAC 480-80-203 Transmittal letter. A telecommunications company must submit a transmittal letter with all price list and contract changes. The transmittal letter must:

- (1) Identify all new price lists or contracts, or identify the price list or contract changes;
- (2) Specify the changes requested in clear and concise terms and define any acronyms used;
- (3) Describe which services are affected, and the dollar amount and percentage of increase or decrease if the filing is a rate change; and
- (4) Describe the general effect of, and reasons for, price list or contract filings involving only text changes.

NEW SECTION

WAC 480-80-204 Price lists format and content. (1) A price list must include, for each service in the price list, a description of the service, any limitations, terms, or conditions on the offering of that service, and all rates, charges, or prices at which the service is offered.

(2) A price list must:

- (a) Plainly state the places where the offered telecommunications service will be rendered;
- (b) Include the effective date clearly marked on each page;
- (c) Conform to all applicable laws, rules, and orders. The filing of a nonconforming price list will not be deemed a waiver of the law, rule, or order. A company may not enforce a price list provision that conflicts with a law, rule, or order unless the commission waives that law, rule, or order.

(3) A price list of a competitive telecommunications company may state the rates, charges, or prices as maximum amounts rather than as specific prices.

(4) A price list of a telecommunications company not classified as competitive offering a service classified as competitive under RCW 80.36.330 may state the rates, charges, or prices as maximum and minimum amounts rather than as specific prices. The minimum price must comply with the cost requirement in subsection (6) of this section.

(5) A transmittal letter must accompany a price list change in compliance with the provisions of WAC 480-80-203.

(6) The rates, charges, and prices of services classified as competitive under RCW 80.36.330 must cover the cost of providing the service. Costs must be determined using a long-run incremental cost analysis, including as part of the incremental cost, the price charged by the offering company to other telecommunications companies for any essential function used to provide the service, or any other commission-approved cost method.

NEW SECTION

WAC 480-80-205 Effective date of price list filings. (1) Any new price list or price list change becomes effective on the later of:

- (a) The effective date stated in the price list;
- (b) Ten days after it is filed with the commission, as required by RCW 80.36.320(2) and 80.36.330(2); or
- (c) Ten days after any existing customers are provided actual notice of the change in accordance with WAC 480-120-196.

(2) This section does not apply to the filing of initial price lists as a part of an application for registration and competitive classification under chapter 480-121 WAC.

NEW SECTION

WAC 480-80-206 Price list availability to customers.

(1) Each telecommunications company offering service under a price list must maintain a complete copy of the price list on a website accessible to the public using standard web browser software.

(2) Each telecommunications company offering service under a price list must provide to any customer making a written or oral request a copy of the price list sheets applicable to that customer's service. The telecommunications company must provide the price list at no charge to the customer. This subsection does not apply if the telecommunications company makes available for public inspection, at a location within the customer's exchange, a complete copy of the price list.

(3) Each telecommunications company offering service under a price list must include in each customer bill or notice:

(a) The Internet address (uniform resource locator) of the website containing its price list; and

(b) The toll-free telephone number to use in requesting price list copies and a statement that there is no charge for the price list copy. If a company is not required by subsection (2) of this section to provide price list copies, it must instead provide the address, telephone number, and business hours of the location within the customer's exchange at which a complete copy of the price list is available for public inspection.

NEW SECTION

WAC 480-80-241 Filing contracts for services classified as competitive. (1) This section applies to services offered by competitive telecommunications companies and to any service classified as competitive under RCW 80.36.330. However, if a telecommunications company has elected, pursuant to WAC 480-80-201(2), to offer a competitive service by tariff, the contract rules in WAC 480-80-142 applicable to tariffed services apply instead.

(2) A telecommunications company must file with the commission any contract with an end-user for retail intrastate telecommunications service if the service is not included in its price list or the contract contains prices, terms, or conditions other than those in its price list. A telecommunications company is not required to file a contract with prices below the maximum prices in the price list, as provided for in WAC 480-80-204(3), or within the maximum and minimum prices in the price list, as provided for in WAC 480-80-204(4), if the contract is otherwise consistent with the price list.

(3) Any significant modification to a previously executed contract is a new contract and must be filed as required by this section.

(4) Unless the contract includes a provision allowing the commission to reject it during the first fifteen days after it is filed, any contract required by subsection (2) of this section to be filed with the commission will become effective on the later of (a) its stated effective date or (b) ten days after it is

filed with the commission. The deadline for filing a contract that provides for commission rejection within fifteen days of filing is fifteen days after its stated effective date.

(5) A telecommunications company may submit filings under this section with portions designated "confidential" pursuant to WAC 480-09-015. However, the commission will reject any filing that designates as "confidential" the essential terms and conditions of a contract as defined in WAC 480-80-142(8).

(6) A telecommunications company filing a contract for a service classified as competitive under RCW 80.36.330 must provide information demonstrating that the contract prices comply with the cost requirement in WAC 480-80-204(6).

NEW SECTION

WAC 480-80-242 Using contracts for services classified as competitive.

(1) If a competitive telecommunications company or a company offering a service classified as competitive makes an offer of service at prices, terms, or conditions other than those in its price list, and the customer accepts that offer, the company must provide the service at prices, terms, and conditions consistent with the offer. Except as provided in WAC 480-80-241, the company must file with the commission either a price list change or a customer contract setting out the alternative prices, terms, and conditions.

(2) All contracts will be for a stated time period.

(3) A contract will be enforceable by the contracting parties according to its terms even if the telecommunications company fails to file the contract where required by WAC 480-80-241.

(4) Any contract for a service classified as competitive under RCW 80.36.330 must comply with the cost requirement in WAC 480-80-204(6).

(5) A contract must not include both "price listed" and "tariffed" services unless the tariffed services are set forth separately (see WAC 480-80-142).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-80-035	Price lists.
WAC 480-80-040	Tariff.
WAC 480-80-041	Tariff.
WAC 480-80-045	Filing of banded tariffs.
WAC 480-80-050	Copies of tariff to be filed.
WAC 480-80-060	Delivery of tariff.
WAC 480-80-070	Statutory notice.
WAC 480-80-080	Tariff file at principal business office.
WAC 480-80-090	Tariff file at designated business offices.

WAC 480-80-100	Payment agencies.
WAC 480-80-110	Reference to tariff file.
WAC 480-80-125	Notice by utility to customers concerning hearing.
WAC 480-80-130	Notation of receipt of tariff by agents.
WAC 480-80-140	Form of tariff sheets.
WAC 480-80-150	Numbering of tariffs.
WAC 480-80-160	General arrangement of tariff.
WAC 480-80-170	Schedule designation.
WAC 480-80-180	Tariff sheet designation.
WAC 480-80-190	Numbering plan for sheets.
WAC 480-80-200	Title page.
WAC 480-80-210	Index page.
WAC 480-80-220	Rules and regulations page.
WAC 480-80-230	Rate schedule page.
WAC 480-80-240	Less than statutory notice.
WAC 480-80-250	Adoption notice.
WAC 480-80-260	Tariff of acquired utility.
WAC 480-80-270	Reference to tariff.
WAC 480-80-280	Issuing agent.
WAC 480-80-290	Suspension of tariffs.
WAC 480-80-300	Rejection of tariffs.
WAC 480-80-310	Exceptions.
WAC 480-80-320	Discontinuance of service.
WAC 480-80-325	Contract for service.
WAC 480-80-326	Contract for gas and electric service.
WAC 480-80-330	Telecommunications contracts.
WAC 480-80-335	Special contracts for electric, water, and natural gas companies.
WAC 480-80-340	Forms.
WAC 480-80-350	Refiling tariffs.
WAC 480-80-360	Standard tariff forms.
WAC 480-80-370	Symbols.
WAC 480-80-380	Availability of rules.

AMENDATORY SECTION (Amending Docket No. U-991301, General Order No. R-481, filed 4/4/01, effective 5/5/01)

WAC 480-90-193 (~~Notice to the public of tariff changes~~) **Posting of tariffs for public inspection and review.** (~~((1) Except as to variations between the prescribed maximum and minimum rates in banded tariffs previously authorized by the commission, every utility desiring to change, modify, cancel or annul any rate, must place on file the tariff containing such modification or change at its listed business offices in the territory affected thereby for a period of at least thirty days prior to the expiration of statutory notice in connection therewith. A notice, coincident with or immediately prior to the date of such filing, that such tariff is on file at said offices shall be posted at the cashier's windows or other places where the customers pay their bills at the aforesaid offices. Said posted notice shall give anyone viewing same a brief summary as to the content of the tariff; state that the tariff is being submitted to the Washington utilities and transportation commission at Olympia; indicate the inserted effective date thereof; and relate that a copy of the tariff is available for inspection.~~

(2) If there is no listed business office in the territory to be affected by a tariff proposal subject to this notification but there is a payment agency therein, posted notice with the same content and timing as set forth above shall be employed at each such agency which notice, in addition thereto, shall give the name, address and telephone number of the nearest listed business office responsible for that service area at which such tariff may be examined in person without assigning any reason therefor.

(3) In lieu of the above posted notice, insofar as payment agencies are concerned, the utility may stamp or print on each bill or envelope in which such bill is mailed, enclose therewith or separately mail, with the same content as set forth above with respect to the posted notice in payment agencies and at the earliest practicable date subsequent to filing, a notice to each subscriber to be affected by the tariff proposal. Commencing ninety days or earlier from July 31, 1959, the latter procedure must be followed in those instances where a utility does not have a listed business office or a payment agency in the service area where notice, as set forth above, could otherwise be employed in a service area subject to a tariff proposal falling within this notification procedure.

(4) Whenever the alternative provision is chosen or must be used, the utility shall use such other adequate and appropriate means of notification, on or by the filing date, that will reasonably insure notice to the public of tariff revisions proposed and the effect on the public in the service area or areas involved. Such other notification may include personal contacts, letters or mailing pieces, newspaper articles or advertisements and radio and television announcements.

(5) The commission may require such other notification to the public as may be necessary in any particular case of tariff filing: Provided, That where a tariff or a part of a tariff is filed involving no increase in charges to its patrons; where the users to be affected by a tariff change are so few in number the utility chooses to advise each by direct mail or contact; or where there is no one to be affected by the tariff pro-

posal, the utility may forego posting of notice relative thereto and will not be required to have a copy of the proposed tariff available for inspection.

~~(6) The inserted effective date, unless otherwise directed, shall be a date not less than thirty days after the date the commission receives the tariff. Also, if the commission permits the tariff to become effective without statutory notice, the period of notice to the public shall still be for at least thirty days after the date the commission receives the tariff.)~~ Each gas utility offering service under tariff must make available for public inspection and review all tariffs governing its provision of service, as required by RCW 80.28.050. To comply with this requirement, a utility must fulfill the provisions of either subsection (1) or (2) of this section.

(1) Web, telephone, and mail access. The utility must:

(a) Maintain a complete copy of its tariff or tariffs and all proposed tariff changes on an Internet website accessible to the public using generally available browser software;

(b) Provide a toll-free telephone number by which customers and applicants can obtain assistance during normal business hours from a company agent qualified to assist the customer in locating, interpreting, and applying tariff provisions;

(c) Upon written or oral request by any customer or applicant, deliver at no charge a copy of any current, proposed or most recently canceled tariff page that relates to the customer's or applicant's service; and

(d) Include on each customer bill and notice the address of the tariff website and the toll-free telephone number.

(2) Physical access. The utility must make available for public inspection and copying a complete copy of its tariff or tariffs, all most recently canceled tariff sheets, and all proposed tariff changes at one or more offices in each county where it offers service, except: A single office may serve more than one county if the office is within twenty miles of all customers in the county where no tariff is posted. The utility must provide at each office either an agent qualified to assist the customer in locating, interpreting, and applying tariff provisions or access to such an agent by a toll-free telephone number.

NEW SECTION

WAC 480-90-194 Publication of proposed tariff changes to increase charges or restrict access to services. Each gas utility offering service under tariff must publish all proposed changes to its tariff for at least thirty days, as required by RCW 80.28.060. For any proposed tariff change that would increase recurring charges, except purchased gas adjustment (PGA) filings as provided in subsection (5) of this section, or restrict access to services (e.g., discontinue a service, or limit access to service by imposing a new usage level on existing services), a utility must fulfill the requirements of subsection (1), (2), or (3) of this section. For any other proposed tariffs, the utility must fulfill the requirements of WAC 480-90-195. The utility will not be required to accomplish publication under this section if it has agreed to suspend its

tariff filing and to provide notice as provided under WAC 480-90-197.

(1) **Thirty-day notice to individual customers.** To comply under this method, the utility must, at least thirty days before the stated effective date of the proposed change, mail the posting to each customer that would be affected by the proposed change. The posting must include the information listed in subsection (4) of this section.

(2) **Published notice.** To comply under this method, the utility must, at least thirty days before the stated effective date of the proposed change, publish notice of the proposed change within the geographical areas where it offers service. To meet minimum publication requirements, a utility must:

(a) Distribute copies of the published notice to community agencies and organizations in the geographic area where the utility offers service for posting and publication by the agency or organization. The utility must include in its distribution list any agency or organization that requests these notices;

(b) Cause to be printed in large print, as a paid advertisement, a complete copy of the published notice in the daily newspaper of general circulation with the greatest number of subscribers in each geographic area or each of the areas affected by the proposed tariff;

(c) Provide to the news editor of every newspaper, television station, and radio station, in the geographic area within which it offers service a news release or public service announcement summarizing the published notice. The release or announcement must include a toll-free number that customers can use to obtain more information from the utility. The commission will maintain a list of area newspapers, television, and radio stations and will provide it on request to any utility; and

(d) Post a complete copy of the published notice on an Internet website accessible to the public using generally available browser software.

(3) **Reduced publication with shortened notice to individual customers.** To comply under this method, the utility must:

(a) Mail the posting to each customer that would be affected by the proposed change at least fifteen days before the stated effective date of the proposed change;

(b) At the time of the utility's filing with the commission, distribute copies of the published notice in the same manner as provided in subsection (2)(a) of this section;

(c) At the time of the utility's filing with the commission, provide news media notice in the same manner as provided in subsection (2)(c) of this section; and

(d) At the time of the utility's filing with the commission, post a complete copy of the published notice in the same manner as provided in subsection (2)(d) of this section.

(4) **Content of postings.** The published notice required by this rule must include, when applicable:

(a) The date the notice is issued;

(b) The utility's name and address;

(c) A brief explanation of the reason(s) the utility has requested the rate change (e.g., increase in labor costs, recovery of new plant investment, and increased office expenses, such as postage and customer billing);

(d) A comparison of current and proposed rates by service;

(e) An example showing the monthly increase of the average customer's bill based on the proposed rates (e.g., "based on the proposed rates, a typical gas customer using an average of eighty therms per month would see an average monthly increase of \$2.74.");

(f) When the rates will be billed (i.e., monthly or bimonthly);

(g) The requested effective date and, if different, the implementation date;

(h) A statement that the commission has the authority to set final rates that may vary from the utility's request, which may be either higher or lower depending on the results of the investigation;

(i) A description of how customers may contact the utility if they have specific questions or need additional information about the proposal; and

(j) Public involvement language. A utility may choose from:

(i) Commission-suggested language that is available from the commission's designated public affairs officer; or

(ii) Utility-developed language that must include the commission's mailing address, toll-free number, and docket number, if known, and a brief explanation of:

(A) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail; and

(B) How to contact the commission for process questions or to be notified of the scheduled open meeting at which the proposal will be considered by the commission.

(5) **Optional method of publication for purchase gas adjustment (PGA).** A utility that publishes notice of a PGA filing pursuant to this subsection is not required to publish notice of the filing pursuant to subsection (1), (2), or (3) of this section.

(a) The utility must provide notice to affected customers before and after final commission disposition. Notice before commission disposition is to educate customers of a potential increase in natural gas prices. Notice after commission disposition is to inform customers of the new rates.

(b) Prior PGA notice. The notice must:

(i) Clearly define what a PGA is and explain how it works;

(ii) State whether the utility expects an increase or decrease in the upcoming filing; and

(iii) Include a utility contact phone number for additional information.

(c) The utility must mail the notice to each affected customer. The utility must also send the notice or a press release about the increase to every daily paper within its service territory.

(d) A newsletter, bill insert, bill message, or separate mailing to customers is permitted for prior notice.

(e) Customer notice after final commission disposition must be provided pursuant to WAC 480-90-195.

NEW SECTION

WAC 480-90-195 Notice of tariff changes other than increases in recurring charges and restrictions in access to services. (1) This section applies to tariff changes for other than those that are subject to WAC 480-90-194.

(2) A utility that files a tariff change to increase any charge that a customer may incur without being quoted a rate or price (e.g., late payment fees, insufficient fund charges, or a one-time charge) must provide notice to each affected customer on or with the first bill after the change becomes effective.

(a) At a minimum, the notice must include the effective date, a clear description of changes to rates or services and a utility contact number where customers may seek additional information.

(b) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the utility has the capability and the customer has authorized, by e-mail.

(3) A utility that files a tariff change that decreases rates, including promotions that temporarily waive recurring or nonrecurring charges, or that changes terms or conditions without restricting access to the service, must publish the change in the manner it posts tariffs under WAC 480-90-193.

NEW SECTION

WAC 480-90-197 Adjudicative proceedings where public testimony will be taken. (1) For adjudicated proceedings, when scheduling a hearing to take testimony from the public, the timing, location, and amount of notice to the public or to customers will be addressed in the prehearing conference order.

(2) The notice must include all information contained in WAC 480-90-194(4), except the public involvement information in WAC 480-90-194 (4)(j). A utility must include either of the following public involvement language:

(a) Commission-suggested language that is available from the commission's designated public affairs officer; or

(b) Utility-developed language that must include the commission's mailing address, toll-free number, docket number, and a brief explanation:

(i) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail;

(ii) How to contact the commission for process questions; and

(iii) The date, time and location of the public hearing.

(3) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the utility has the capability and the customer has authorized, by e-mail.

(4) In addition to each affected customer, a utility must notify at least one newspaper of general circulation, and at least one radio station and at least one television station in the area or each of the areas affected.

NEW SECTION**WAC 480-90-198 Notice verification and assistance.**

(1) Within ten days of making a filing requiring posting, publication, or customer notice under WAC 480-90-194, 480-90-195, or 480-90-197, but no sooner than when the tariff is filed with the commission, a utility must file a statement with the commission's records center that the required notice has been posted, published, and/or mailed. The declaration must include:

(a) The methods used to post, publish, and/or give notice to customers;

(b) When and how the notice was posted, published, and/or issued to customers;

(c) How many customers are affected; and

(d) A copy of the notice.

(2) A utility may request assistance from the commission's designated public affairs officer with efforts to comply with WAC 480-90-193 through 480-90-197.

NEW SECTION

WAC 480-90-199 Other customer notice. The commission may require notice to customers of tariff changes other than those described in these rules when the commission determines that additional customer education is needed.

AMENDATORY SECTION (Amending Docket No. U-991301, General Order No. R-481, filed 4/4/01, effective 5/5/01)

WAC 480-100-193 ((Notice to the public of tariff changes.)) Posting of tariffs for public inspection and review. ~~((1) Except as to variations between the prescribed maximum and minimum rates in banded tariffs previously authorized by the commission, every utility desiring to change, modify, cancel or annul any rate, must place on file the tariff containing such modification or change at its listed business offices in the territory affected thereby for a period of at least thirty days prior to the expiration of statutory notice in connection therewith. A notice, coincident with or immediately prior to the date of such filing, that such tariff is on file at said offices shall be posted at the cashier's windows or other places where the customers pay their bills at the aforesaid offices. Said posted notice shall give anyone viewing same a brief summary as to the content of the tariff; state that the tariff is being submitted to the Washington utilities and transportation commission at Olympia; indicate the inserted effective date thereof; and relate that a copy of the tariff is available for inspection.~~

~~(2) If there is no listed business office in the territory to be affected by a tariff proposal subject to this notification but there is a payment agency therein, posted notice with the same content and timing as set forth above shall be employed at each such agency which notice, in addition thereto, shall give the name, address and telephone number of the nearest listed business office responsible for that service area at which such tariff may be examined in person without assigning any reason therefor.~~

~~(3) In lieu of the above posted notice, insofar as payment agencies are concerned, the utility may stamp or print on each bill or envelope in which such bill is mailed, enclose therewith or separately mail, with the same content as set forth above with respect to the posted notice in payment agencies and at the earliest practicable date subsequent to filing, a notice to each subscriber to be affected by the tariff proposal. Commencing ninety days or earlier from July 31, 1959, the latter procedure must be followed in those instances where a utility does not have a listed business office or a payment agency in the service area where notice, as set forth above, could otherwise be employed in a service area subject to a tariff proposal falling within this notification procedure.~~

~~(4) Whenever the alternative provision is chosen or must be used, the utility shall use such other adequate and appropriate means of notification, on or by the filing date, that will reasonably insure notice to the public of tariff revisions proposed and the effect on the public in the service area or areas involved. Such other notification may include personal contacts, letters or mailing pieces, newspaper articles or advertisements and radio and television announcements.~~

~~(5) The commission may require such other notification to the public as may be necessary in any particular case of tariff filing. Provided, That where a tariff or a part of a tariff is filed involving no increase in charges to its patrons, where the users to be affected by a tariff change are so few in number the utility chooses to advise each by direct mail or contact; or where there is no one to be affected by the tariff proposal, the utility may forego posting of notice relative thereto and will not be required to have a copy of the proposed tariff available for inspection.~~

~~(6) The inserted effective date, unless otherwise directed, shall be a date not less than thirty days after the date the commission receives the tariff. Also, if the commission permits the tariff to become effective without statutory notice, the period of notice to the public shall still be for at least thirty days after the date the commission receives the tariff.) Each electric utility offering service under tariff must make available for public inspection and review all tariffs governing its provision of service, as required by RCW 80.28.050. To comply with this requirement, a utility must fulfill the provisions of either subsection (1) or (2) of this section.~~

(1) Web, telephone, and mail access. The utility must:

(a) Maintain a complete copy of its tariff or tariffs and all proposed tariff changes on an Internet website accessible to the public using generally available browser software;

(b) Provide a toll-free telephone number by which customers and applicants can obtain assistance during normal business hours from a company agent qualified to assist the customer in locating, interpreting, and applying tariff provisions;

(c) Upon written or oral request by any customer or applicant, deliver at no charge a copy of any current, proposed or most recently canceled tariff page that relates to the customer's or applicant's service; and

(d) Include on each customer bill and notice the address of the tariff website and the toll-free telephone number.

(2) Physical access. The utility must make available for public inspection and copying a complete copy of its tariff or tariffs, all most recently canceled tariff sheets, and all proposed tariff changes at one or more offices in each county where it offers service, except that: A single office may serve more than one county if the office is within twenty miles of all customers in the county where no tariff is posted. The utility must provide at each office either an agent qualified to assist the customer in locating, interpreting, and applying tariff provisions or access to such an agent by a toll-free telephone number.

NEW SECTION

WAC 480-100-194 Publication of proposed tariff changes to increase charges or restrict access to services. Each electric utility offering service under tariff must publish all proposed changes to its tariff for at least thirty days, as required by RCW 80.28.060. For any proposed tariff change that would increase recurring or per-occurrence charges or restrict access to services (e.g., discontinue a service, or limit access to service by imposing a new usage level on existing services), a utility must fulfill the requirements of subsection (1), (2), or (3) of this section. For any other proposed tariffs, the utility must fulfill the requirements of WAC 480-100-195. The utility will not be required to accomplish publication under this section if it has agreed to suspend its tariff filing and to provide notice as provided under WAC 480-100-197.

(1) Thirty-day notice to individual customers. To comply under this method, the utility must, at least thirty days before the stated effective date of the proposed change, mail the posting to each customer that would be affected by the proposed change. The posting must include the information listed in subsection (4) of this section.

(2) Published notice. To comply under this method, the utility must, at least thirty days before the stated effective date of the proposed change, publish notice of the proposed change within the geographical areas where it offers service. To meet minimum publication requirements, a utility must:

(a) Distribute copies of the published notice to community agencies and organizations in the geographic area where it offers service for posting and publication by the agency or organization. The utility must include in its distribution list any agency or organization that requests these notices;

(b) Cause to be printed in large print, as a paid advertisement, a complete copy of the published notice in the daily newspaper of general circulation with the greatest number of subscribers in each geographic area or each of the areas affected by the proposed tariff;

(c) Provide to the news editor of every newspaper, television station, and radio station in the geographic area within which it offers service a news release or public service announcement summarizing the published notice. The release or announcement must include a toll-free number that customers can use to obtain more information from the electric utility. The commission will maintain a list of area newspapers, television, and radio stations and will provide it on request to any utility; and

(d) Post a complete copy of the published notice on an Internet website accessible to the public using generally available browser software.

(3) Reduced publication with shortened notice to individual customers. To comply under this method, the utility must:

(a) Mail the posting to each customer that would be affected by the proposed change at least fifteen days before the stated effective date of the proposed change;

(b) At the time of the utility's filing with the commission, distribute copies of the published notice in the same manner as provided in subsection (2)(a) of this section;

(c) At the time of the utility's filing with the commission, provide news media notice in the same manner as provided in subsection (2)(c) of this section; and

(d) At the time of the utility's filing with the commission, post a complete copy of the published notice in the same manner as provided in subsection (2)(d) of this section.

(4) Content of postings. The published notice required by this rule must include, when applicable:

(a) The date the notice is issued;

(b) The utility's name and address;

(c) A brief explanation of the reason(s) the utility has requested the rate change (e.g., increase in labor costs, recovery of new plant investment, and increased office expenses, such as postage and customer billing);

(d) A comparison of current and proposed rates by service;

(e) An example showing the monthly increase of the average customer's bill based on the proposed rates (e.g., "based on the proposed rates, a typical electric customer using an average of 1,500 kwhs per month would see an average monthly increase of \$10.38.");

(f) When the rates will be billed (i.e., monthly or bimonthly);

(g) The requested effective date and, if different, the implementation date;

(h) A statement that the commission has the authority to set final rates that may vary from the utility's request, which may be either higher or lower depending on the results of the investigation;

(i) A description of how customers may contact the utility if they have specific questions or need additional information about the proposal; and

(j) Public involvement language. A utility may choose from:

(i) Commission-suggested language that is available from the commission's designated public affairs officer; or

(ii) Utility-developed language that must include the commission's mailing address, toll-free number, and docket number, if known, and a brief explanation of:

(A) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail; and

(B) How to contact the commission for process questions or to be notified of the scheduled open meeting at which the proposal will be considered by the commission.

NEW SECTION

WAC 480-100-195 Notice of tariff changes other than increases in recurring charges and restrictions in access to services. (1) This section applies to tariff changes for other than those that are subject to WAC 480-100-194.

(2) A utility that files a tariff change to increase any charge that a customer may incur without being quoted a rate or price (e.g., late payment fees, insufficient fund charges, or a one-time charge) must provide notice to each affected customer on or with the first bill after the change becomes effective.

(a) At a minimum, the notice must include the effective date, a clear description of changes to rates or services and a utility contact number where customers may seek additional information.

(b) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the utility has the capability and the customer has authorized, by e-mail.

(3) A utility that files a tariff change that decreases rates, including promotions that temporarily waive recurring or nonrecurring charges, or that changes terms or conditions without restricting access to the service, must publish the change in the manner it posts tariffs under WAC 480-100-193.

NEW SECTION

WAC 480-100-197 Adjudicative proceedings where public testimony will be taken. (1) For adjudicated proceedings, when scheduling a hearing to take testimony from the public, the timing, location, and amount of notice to the public or to customers will be addressed in the prehearing conference order.

(2) The notice must include all information contained in WAC 480-100-194(4), except the public involvement information in WAC 480-100-194 (4)(j). A utility must include either of the following public involvement language:

(a) Commission-suggested language that is available from the commission's designated public affairs officer; or

(b) Utility-developed language that must include the commission's mailing address, toll-free number, docket number, and a brief explanation:

(i) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail;

(ii) How to contact the commission for process questions; and

(iii) The date, time and location of the public hearing.

(3) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the utility has the capability and the customer has authorized, by e-mail.

(4) In addition to each affected customer, a utility must notify at least one newspaper of general circulation, and at least one radio station and at least one television station in the area or each of the areas affected.

NEW SECTION

WAC 480-100-198 Notice verification and assistance.

(1) Within ten days of making a filing requiring posting, publication, or customer notice under WAC 480-100-194, 480-100-195, or 480-100-197, but no sooner than when the tariff is filed with the commission, a utility must file a statement with the commission's records center that the required notice has been posted, published, and/or mailed. The declaration must include:

(a) The methods used to post, publish, and/or give notice to customers;

(b) When and how the notice was posted, published, and/or issued to customers;

(c) How many customers are affected; and

(d) A copy of the notice.

(2) A utility may request assistance from the commission's designated public affairs officer with efforts to comply with WAC 480-100-193 through 480-100-197.

NEW SECTION

WAC 480-100-199 Other customer notice. The commission may require notice to customers of tariff changes other than those described in these rules when the commission determines that additional customer education is needed.

NEW SECTION

WAC 480-120-193 Posting of tariffs for public inspection and review. Each company offering intrastate telecommunications service under tariff must make available for public inspection and review all tariffs governing its provision of service, as required by RCW 80.36.100. To comply with this requirement, a company must fulfill the provisions of either subsection (1) or (2) of this section.

(1) **Web, telephone, and mail access.** The company must:

(a) Maintain a complete copy of its tariff or tariffs and all proposed tariff changes on an Internet website accessible to the public using generally available browser software;

(b) Provide a toll-free telephone number by which customers and applicants can obtain assistance during normal business hours from a company agent qualified to assist the customer in locating, interpreting, and applying tariff provisions;

(c) Upon written or oral request by any customer or applicant, deliver at no charge a copy of any current, proposed or most recently canceled tariff page that relates to the customer's or applicant's service; and

(d) Include on each customer bill and notice the address of the tariff website and the toll-free telephone number.

(2) **Physical access.** The company must make available for public inspection and copying a complete copy of its tariff or tariffs, all most recently canceled tariff sheets, and all proposed tariff changes at one or more offices in each county where it offers service, except that: A single office may serve more than one county if the office is within twenty miles of all customers in the county where no tariff is posted. The company must provide at each office either an agent qualified

to assist the customer in locating, interpreting, and applying tariff provisions or access to such an agent by a toll-free telephone number.

NEW SECTION

WAC 480-120-194 Publication of proposed tariff changes to increase charges or restrict access to services.

Each company offering intrastate telecommunications service under tariff must publish all proposed changes to its tariff for at least thirty days, as required by RCW 80.36.110. For any proposed tariff change that would increase recurring or per-occurrence charges or restrict access to services (e.g., discontinue a service, or limit access to service by imposing a new usage level on existing services), a company must fulfill the requirements of subsection (1), (2), or (3) of this section. For any other proposed tariffs, the company must fulfill the requirements of WAC 480-120-195. The company will not be required to accomplish publication under this section if it has agreed to suspend its tariff filing and to provide notice as provided under WAC 480-120-197.

(1) **Thirty-day notice to individual customers.** To comply under this method, the company must, at least thirty days before the stated effective date of the proposed change, mail the posting to each customer that would be affected by the proposed change. The posting must include the information listed in subsection (4) of this section.

(2) **Published notice.** To comply under this method, the company must, at least thirty days before the stated effective date of the proposed change, publish notice of the proposed change within the geographical areas where it offers service. To meet minimum publication requirements, a company must:

(a) Distribute copies of the published notice to community agencies and organizations in the geographic area where the company offers service for posting and publication by the agency or organization. The company must include in its distribution list any agency or organization that requests these notices;

(b) Cause to be printed in large print, as a paid advertisement, a complete copy of the published notice in the daily newspaper of general circulation with the greatest number of subscribers in each geographic area or each of the areas affected by the proposed tariff;

(c) Provide to the news editor of every newspaper, television station, and radio station, in the geographic area within which it offers service a news release or public service announcement summarizing the published notice. The release or announcement must include a toll-free number that customers can use to obtain more information from the company. The commission will maintain a list of area newspapers, television and radio stations and will provide it on request to any company; and

(d) Post a complete copy of the published notice on an Internet website accessible to the public using generally available browser software.

(3) **Reduced publication with shortened notice to individual customers.** To comply under this method, the company must:

(a) Mail the posting to each customer that would be affected by the proposed change at least fifteen days before the stated effective date of the proposed change;

(b) At the time of the company's filing with the commission, distribute copies of the published notice in the same manner as provided in subsection (2)(a) of this section;

(c) At the time of the company's filing with the commission, provide news media notice in the same manner as provided in subsection (2)(c) of this section; and

(d) At the time of the company's filing with the commission, post a complete copy of the published notice in the same manner as provided in subsection (2)(d) of this section.

(4) **Content of postings.** The published notice required by this rule must include, when applicable:

(a) The date the notice is issued;

(b) The company's name and address;

(c) A brief explanation of the reason(s) the company has requested the rate change (e.g., increase in labor costs, recovery of new plant investment, and increased office expenses, such as postage and customer billing);

(d) A comparison of current and proposed rates by service;

(e) An example showing the monthly increase of the average customer's bill based on the proposed rates (e.g., "based on the proposed rates, a typical telephone customer using an average of twenty minutes of local toll service would see an average monthly increase of \$0.85.");

(f) When the rates will be billed (i.e., monthly or bimonthly);

(g) The requested effective date and, if different, the implementation date;

(h) A statement that the commission has the authority to set final rates that may vary from the company's request, which may be either higher or lower depending on the results of the investigation;

(i) A description of how customers may contact the company if they have specific questions or need additional information about the proposal; and

(j) Public involvement language. A company may choose from:

(i) Commission-suggested language that is available from the commission's designated public affairs officer; or

(ii) Company-developed language that must include the commission's mailing address, toll-free number, and docket number, if known, and a brief explanation of:

(A) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail; and

(B) How to contact the commission for process questions or to be notified of the scheduled open meeting at which the proposal will be considered by the commission.

NEW SECTION

WAC 480-120-195 Notice of tariff changes other than increases in recurring charges and restrictions in access to services. (1) This section applies to tariff changes for other than those that are subject to WAC 480-120-194.

(2) A company that files a tariff change to increase any charge that a customer may incur without being quoted a rate

or price (e.g., late payment fees, insufficient fund charges, or a one-time charge) must provide notice to each affected customer on or with the first bill after the change becomes effective.

(a) At a minimum, the notice must include the effective date, a clear description of changes to rates or services and a company contact number where customers may seek additional information.

(b) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the company has the capability and the customer has authorized, by e-mail.

(3) A company that files a tariff change that decreases rates, including promotions that temporarily waive recurring or nonrecurring charges, or that changes terms or conditions without restricting access to the service, must publish the change in the manner it posts tariffs under WAC 480-120-193.

NEW SECTION

WAC 480-120-196 Customer notice requirements—Competitively classified telecommunications companies or services. This rule sets out requirements in specific circumstances for notices that companies must provide to customers when services are provided under price list.

(1) A company must provide customer notice before the effective date of changes to the price list for competitively classified companies or competitively classified services.

(a) The company must provide notice to each affected customer at least ten days before the effective date when a company proposes to:

- (i) Increase rates;
- (ii) Decrease rates; or
- (iii) Change terms or conditions.

The company must measure the ten-day period from the time the notice is mailed to all customers or appears in the newspaper or on the website.

(b) Each customer notice must include, at a minimum:

- (i) The effective date;
- (ii) A clear description of changes to rates and services;

and

- (iii) A company contact number where customers can seek additional information.

(c) For increase in rates or a material change of terms and conditions a company must provide notice by bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers, or, if a company has the capability and the customer has authorized, by e-mail.

(d) For changes not covered by (c) of this subsection. A company must provide notice by:

- (i) Any method listed in (c) of this subsection;
- (ii) Publishing the notice in one or more newspapers of general circulation for the affected areas; or
- (iii) Posting the notice on the website on which the price list is available to the public.

(2) A company may request assistance from the commission's designated public affairs officer with efforts to comply with this section.

(3) As an alternative to the customer notice required by this rule, a company may propose another form of customer notice. The commission's public affairs officer must approve any such notice in advance.

(4) Within ten days of making a filing requiring posting, publication, or customer notice required by this rule, a company must file a statement with the commission records center that the required notice has been posted, published, and/or mailed. The statement must include:

- (a) The methods used to post, publish, and/or give notice to customers;
- (b) When the notice was first posted, published, and/or issued to customers; and
- (c) A copy of the notice.

NEW SECTION

WAC 480-120-197 Adjudicative proceedings where public testimony will be taken. (1) For adjudicated proceedings, when scheduling a hearing to take testimony from the public, the timing, location, and amount of notice to the public or to customers will be addressed in the prehearing conference order.

(2) The notice must include all information contained in WAC 480-120-194(4), except the public involvement information in WAC 480-120-194 (4)(j). A company must include either of the following public involvement language:

- (a) Commission-suggested language that is available from the commission's designated public affairs officer; or
- (b) Company-developed language that must include the commission's mailing address, toll-free number, docket number, and a brief explanation:
 - (i) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail;
 - (ii) How to contact the commission for process questions; and
 - (iii) The date, time and location of the public hearing.

(3) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the company has the capability and the customer has authorized, by e-mail.

(4) In addition to each affected customer, a company must notify at least one newspaper of general circulation, and at least one radio station and at least one television station in the area or each of the areas affected.

NEW SECTION

WAC 480-120-198 Notice verification and assistance. (1) Within ten days of making a filing requiring posting, publication, or customer notice under WAC 480-120-194, 480-120-195, or 480-120-197, but no sooner than when the tariff is filed with the commission, a company must file a statement with the commission's records center that the required notice has been posted, published, and/or mailed. The declaration must include:

- (a) The methods used to post, publish, and/or give notice to customers;
- (b) When and how the notice was posted, published, and/or issued to customers;

(c) How many customers are affected; and

(d) A copy of the notice.

(2) A company may request assistance from the commission's designated public affairs officer with efforts to comply with WAC 480-120-193 through 480-120-197.

NEW SECTION

WAC 480-120-199 Other customer notice. The commission may require notice to customers of tariff changes other than those described in these rules when the commission determines that additional customer education is needed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-120-043 Notice to the public of tariff changes.

NEW SECTION

WAC 480-121-065 Customer notice requirements—Petition for competitive classification of a service. (1) When a telecommunications company petitions for competitive classification of a telecommunications service(s), the company must provide notice to each affected customer at least thirty days before the requested effective date.

(2) Each customer notice must include, at a minimum:

(a) The date the notice is issued and the proposed effective date of the competitive classification;

(b) The company name and address;

(c) A clear explanation of the proposal to give customers the basis for understanding the proposal and the potential impact of the change. The company may satisfy this requirement with its own explanation or by using commission-developed language available from the commission's designated public affairs officer;

(d) A description of how customers may contact the company if they have specific questions or need additional information about the proposal; and

(e) Public involvement language. A company may choose from:

(i) Commission-suggested language that is available from the commission's designated public affairs officer; or

(ii) Company-developed language that must include the commission's mailing address, toll-free number, and docket number, if known, and a brief explanation of:

(A) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail; and

(B) How to contact the commission for process questions or to be notified of the scheduled open meeting at which the proposal will be considered by the commission.

(3) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the company has the capability and the customer has authorized, by e-mail.

(4) Within ten days of making a filing requiring posting, publication, or customer notice, a company must file a decla-

ration with the commission's records center that the required notice has been posted, published, and/or mailed. The declaration must include:

(a) The methods used to post, publish, and/or give notice to customers;

(b) When the notice was first posted, published, and/or issued to customers;

(c) How many customers are affected; and

(d) A copy of the notice.

(5) A company may request assistance from the commission's designated public affairs officer with efforts to comply with this section.

(6) The commission may require notice to customers other than those described in this rule when the commission determines that additional customer education is needed.

WSR 02-12-007

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 23, 2002, 12:32 p.m.]

Date of Adoption: May 21, 2002.

Purpose: To clarify and implement changes to chapter 42.17 RCW and to simplify and streamline the campaign reporting process for candidates and political committees.

Citation of Existing Rules Affected by this Order: Repealing 1, WAC 390-17-011; and amending 5, WAC 390-16-050, 390-16-055, 390-16-060, 390-17-030, and 390-17-060.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 02-09-080 on April 17, 2002.

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

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 4, Repealed 0.

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

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 5, Repealed 1.

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

May 22, 2002

Vicki Rippie

Executive Director

NEW SECTION

WAC 390-18-025 Political advertising—Identification of "top five contributors." (1) For purposes of RCW 42.17.510(2), "top five contributors" means the five persons,

as defined in RCW 42.17.020, giving the largest aggregate contributions during the twelve-month period preceding the date on which the political advertisement is published or otherwise presented to the public. If more than five contributors give an amount equal to the largest aggregate contribution received during the relevant twelve-month period, the political committee sponsoring the advertisement shall select five of these contributors to identify as the top five contributors.

(2) The "top five contributors" identification requirement applies to all political committees that make independent expenditures, including continuing political committees, required to register and report under chapter 42.17 RCW other than a bona fide political party committee.

(3) If a political committee keeps records necessary to track contributions according to the use intended by contributors, and the committee subsequently makes independent expenditures supporting or opposing a candidate or slate of candidates, that committee may identify the top five contributors giving for that purpose, as opposed to identifying the overall top five contributors to the committee as is otherwise required by RCW 42.17.510(2) and this section.

However, a contributor's contributions earmarked for independent expenditures supporting or opposing a specific candidate or slate of candidates shall not be used to support or oppose a different candidate or slate of candidates without the contributor being identified as one of the top five contributors for the actual expenditure if that contributor is one of the top five contributors for that expenditure.

AMENDATORY SECTION (Amending WSR 02-03-018, filed 1/4/02, effective 2/4/02)

WAC 390-16-050 Forms for contributions and expenditures of out-of-state or federal political committees (~~(not domiciled in Washington state)~~). The official form for the report of contributions and expenditures of political committees (a) registered with the Federal Election Commission, (b) not domiciled in Washington state, or (c) otherwise not required to report under RCW 42.17.040, 42.17.065, or 42.17.080 is designated "C-5," revised ~~((1/02))~~ 6/02. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504-0908. Any paper attachments shall be on 8 1/2" x 11" white paper.



FORM C5 1/02	PDC OFFICE USE P M A R K R E C E I V E D
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OUT OF STATE OR FEDERAL COMMITTEE CONTRIBUTION TO WASHINGTON CANDIDATES OR COMMITTEES

1. Name and address of committee making contribution	2. Check appropriate box <input type="checkbox"/> This is the first report submitted during 19____ <input type="checkbox"/> This shows new expenditures, contributions or information changed from reports submitted previously this calendar year.
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3. Explain briefly the purpose or affiliation of the committee. (e.g., A PAC of employees of XYZ Trade Assn., or the election committee of US Senator John Doe, or a PAC of members of the United Worker's Union.)

4. Officers or responsible leaders of committee Name and address	Title
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5. Candidate contributions: List each Washington candidate for state or local office to whom you have made a contribution of more than \$50.00.

Candidate's name	Office sought	Political party	Date	Amount given

6. Ballot measure committee contributions: List each Washington committee supporting or opposing a ballot measure to whom you have made a contribution of more than \$50.00.

Committee name and address	Ballot number	For or against?	Date	Amount given

7. Other contributions and expenditures: List each other contribution or expenditure of more than \$50.00 made to or on behalf of any Washington state or local candidate, ballot measure or political committee.

Recipient's name and address	Purpose	Date	Amount given

Check here if continued on attached sheet

8. Total contributions and expenditures (Add parts 5, 6, 7)

CAUTION: Failure to report transactions within ten days will cause the funds to forfeit to Washington State.

PERMANENT

9. Contributions received from Washington residents:

List all contributions of more than \$25.00 in aggregate to this out of state, federal or other committee during the current calendar year from Washington residents or corporations with a place of business in Washington.

Name and address	Date	Amount
(This area is crossed out with a large diagonal line)		

Check here if continued on attached sheet

Eligibility to Give to State Office Candidates: During the six months prior to making a contribution to a legislative or statewide executive candidate, your committee must have received contributions of \$10 or more from at least ten persons registered to vote in Washington State.

A check here indicates your awareness of and pledge to comply with this provision. Absence of a check mark means your committee does not qualify to give to legislative and statewide executive office candidates.

Certification: I certify the information contained in this report is true, complete and correct to the best of my knowledge.

Signature of Committee Official

Name - Typed or Printed

Home Telephone No.: ()

Be sure to notify each contribution recipient that you have filed this report, in order that they are aware they may spend the contribution on to them.)

INSTRUCTIONS

(Statutory reference: RCW 42.17.090 (1)(K))

WHO MUST REPORT

A political committee not domiciled in the State of Washington, a federal committee or other committee not required to register under Washington law, which has made contributions to a state or local candidate or political committee in Washington state.

WHEN TO REPORT

A C-5 report is due within ten days of a Washington state candidate or political committee receiving a contribution of more than \$50 from an out-of-state or federal PAC. After filing an initial C-5 report, subsequent reports during the same calendar year may be filed by letter updating or amending the information previously reported. These follow-up reports are also due within ten days of the contribution's receipt.

SEND REPORT TO

Public Disclosure Commission
711 Capitol Way, Room 206
PO Box 40908
Olympia, WA 98504-0908

VIOLATIONS AND PENALTIES

- Candidates for legislative office have a contribution limit of \$500 per election. Candidates for statewide executive office have a limit of \$1,000 per election. Each primary and general is a separate election.
- It is a violation of law for any person to make, or for any political committee or any local or judicial candidate to accept from any one person, contributions in the aggregate exceeding \$5,000 within 21 days of a general election
- Failure to report contributions and file the information required by this report within 10 days after the Washington candidate or committee receives the funds will cause the funds to be returned or forfeited to the state.

PERMANENT



FORM C5 6/02	PDC OFFICE USE P O S T R E C E I V E D
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OUT OF STATE OR FEDERAL COMMITTEE CONTRIBUTION TO WASHINGTON CANDIDATES OR COMMITTEES

1. Name and address of committee making contribution	2. Check appropriate box <input type="checkbox"/> This is the first report submitted during 20____ <input type="checkbox"/> This shows new expenditures, contributions or information changed from reports submitted previously this calendar year.
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3. Explain briefly the purpose or affiliation of the committee. (e.g., A PAC of employees of XYZ Trade Assn., or the election committee of US Senator John Doe, or a PAC of members of the United Worker's Union.)

4. Officers or responsible leaders of committee	Title
Name and address	

5. Candidate contributions: List each Washington candidate for state or local office to whom you have made a contribution of more than \$50.00.

Candidate's name	Office sought	Political party	Date	Amount given

6. Ballot measure committee contributions: List each Washington committee supporting or opposing a ballot measure to whom you have made a contribution of more than \$50.00.

Committee name and address	Ballot number	For or against?	Date	Amount given

7. Other contributions and expenditures: List each other contribution or expenditure of more than \$50.00 made to or on behalf of any Washington state or local candidate, ballot measure or political committee.

Recipient's name and address	Purpose	Date	Amount given

Check here if continued on attached sheet

8. Total contributions and expenditures (Add parts 5, 6, 7)

CAUTION: Failure to report transactions within ten days will cause the funds to forfeit to Washington State.

PERMANENT

9. Contributions received from Washington residents: List all contributions of more than \$25.00 in aggregate to this out of state, federal or other committee during the current calendar year from Washington residents or corporations with a place of business in Washington.

Name and address	Date	Amount

Check here if continued on attached sheet

Eligibility to Give to State Office Candidates: During the six months prior to making a contribution to a legislative or statewide executive candidate, your committee must have received contributions of \$10 or more from at least ten persons registered to vote in Washington State.

A check here indicates your awareness of and pledge to comply with this provision. Absence of a check mark means your committee does not qualify to give to legislative and statewide executive office candidates.

Certification: I certify the information contained in this report is true, complete and correct to the best of my knowledge.

Signature of Committee Official

Name - Typed or Printed

Address

Home Telephone No.: ()

Be sure to notify each contribution recipient that you have filed this report, in order that they are aware they may spend the contribution on to them.)

INSTRUCTIONS

(Statutory reference: RCW 42.17.090 (1)(K))

WHO MUST REPORT

A political committee not domiciled in the State of Washington, a federal committee or other committee not required to register under Washington law, which has made contributions to a state or local candidate or political committee in Washington state.

WHEN TO REPORT

A C-5 report is due within ten days of a Washington state candidate or political committee receiving a contribution of more than \$50 from an out-of-state or federal PAC. After filing an initial C-5 report, subsequent reports during the same calendar year may be filed by letter updating or amending the information previously reported. These follow-up reports are also due within ten days of the contribution's receipt.

SEND REPORT TO

Public Disclosure Commission
711 Capitol Way, Room 206
PO Box 40908
Olympia, WA 98504-0908

VIOLATIONS AND PENALTIES

- Candidates for legislative office have a contribution limit of \$625 per election. Candidates for statewide executive office have a limit of \$1250 per election. Each primary and general is a separate election.
- It is a violation of law for any person to make, or for any political committee or any local or judicial candidate to accept from any one person, contributions in the aggregate exceeding \$5,000 within 21 days of a general election
- Failure to report contributions and file the information required by this report within 10 days after the Washington candidate or committee receives the funds will cause the funds to be returned or forfeited to the state.

PERMANENT

AMENDATORY SECTION (Amending WSR 96-05-001, filed 2/7/96, effective 3/9/96)

WAC 390-16-055 (~~(Filing reports for nonreporting)~~)

Forfeiture of contributions received from out-of-state or federal political committees. ~~((1))~~ Each candidate or political committee receiving funds from a nonreporting committee ~~(out-of-state or federal political committee)~~ as described in RCW 42.17.090 (1)(1)(~~;~~) shall determine whether such committee has complied with that subsection. If the nonreporting committee has not filed the required report under WAC 390-16-050, the funds shall not be forfeited or reportable as having been received if they are returned to the nonreporting committee within ~~((three))~~ five business days after receipt. ~~((Any retention or other action taken with such funds, if there is not a complete and timely report on file, shall result in the forfeiture of such funds to the state of Washington and shall be deemed a violation of chapter 42.17 RCW.~~

~~(2) Any subsequent report by a nonreporting committee of its contributions which is required by RCW 42.17.090 (1)(1) during the same calendar year may update its initial report by letter showing, in addition to its name and address, only reportable information which is new or changed since its last report:))~~ If an out-of-state or federal political committee fails to file a complete and timely report, the recipient shall forfeit the contribution to the state of Washington.

AMENDATORY SECTION (Amending WSR 02-03-018, filed 1/4/02, effective 2/4/02)

WAC 390-16-060 **Forms for report of independent expenditures.** (1) The official form for reports of independent expenditures as required by RCW 42.17.100 and 42.17.103 is designated "C-6," revised ~~((1/02))~~ 6/02. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504. Any paper attachments shall be on 8 1/2" x 11" white paper.

(2) The C-6 report may be filed electronically consistent with WAC 390-19-040 by using an electronic filing alternative provided or approved by the commission.



FORM C6 1/02

THIS SPACE FOR OFFICE USE
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INDEPENDENT CAMPAIGN EXPENDITURES \$100.00 OR MORE

Name and address of person making expenditure

2. Check appropriate box
- One time report. I do not expect to make other independent expenditures.
 - I do expect to make other independent expenditures (See instructions)
 - Final report.

Name of candidate or ballot proposition supported or opposed: check support or oppose

a. List the value of all independent expenditures made if aggregate is \$100 or more. Itemize expenditures of more than \$50 made in support or in opposition to any candidate or ballot proposition during an election campaign. Do not include monetary or in-kind contributions made directly to a candidate or political committee.

Date	Name and address of vendor or recipient	Description of expenditure (goods, services, or rights purchased or furnished)	Amount or value (*see below)
Expenditures \$50 or less not itemized above			
Total this report period			\$

b. Total independent expenditures made during this election campaign. Include expenditures shown in this report and previously submitted reports. \$

INSTRUCTIONS

WHO MUST REPORT:
Persons who make expenditures aggregating \$100 or more during any election campaign in support of or opposition to a candidate or ballot proposition if not made directly to or in coordination with the candidate or a political committee.

WHEN TO REPORT: When aggregate amount reaches:
 less than \$100 — No report is required
 \$100 or more (or value cannot be estimated) — Within 5 days
 If additional expenditures made — * 10th of month preceding election in which other reports are not required.
 * 21 days prior to election
 * 7 days prior to election
 * 10th day of month after election

*Required only when expenditures have been made since last report was submitted.

WHERE TO REPORT:
 Copy # 1—Public Disclosure Commission.
 Copy # 2—County Elections Officer of candidate. For ballot propositions with County Elections Officer of person filing this report.

AMOUNT OR VALUE

*If no reasonable estimate can be made of value, describe activity, services, property or right furnished precisely and attach copy of item produced or distributed.

CERTIFICATION: I hereby certify that the above is true, complete and correct to the best of my knowledge.

Signature of person making expenditures _____

Name _____

Title _____ Date _____

PERMANENT



Form C6 6/02	This space for office use
	P O S T M A R K R E C E I V E D

Use this form for: (check one)

- INDEPENDENT EXPENDITURES (Occurring at any time) — \$100 or more
- INDEPENDENT EXPENDITURE ADS (Appearing within 21 Days of an Election) — \$1,000 or more

See instructions on Reverse

1. Name and address of person making expenditure: City / State / Zip Code

Name Mailing Address

2. Candidate(s) or ballot proposition(s) supported or opposed. Party (if Partisan)

Candidate/Proposition Names	Office/District/Proposition Number	Party (if Partisan)	Check
			<input type="checkbox"/> Support or <input type="checkbox"/> Oppose
			<input type="checkbox"/> Support or <input type="checkbox"/> Oppose
			<input type="checkbox"/> Support or <input type="checkbox"/> Oppose

Continued on attached sheet.

3. Identify independent expenditures. Itemize expenditures of more than \$50 that are part of an independent expenditure supporting or opposing any state or local office candidate or ballot proposition.

Date Made	Date first Published/ Presented	Name and Address of Vendor or Recipient	Description of Expenditure (E.g.: direct mail, newspaper ad, TV or radio ad)	Amount or Value ("See Below)

Amount or Value	Total this report	\$
*If no reasonable estimate can be made of value, describe activity, services, property or right furnished precisely and attach copy of item produced or distributed.	Total independent expenditures made by filer during this election campaign. Include expenditures shown in this report and previously submitted reports.	\$

Person responsible for making Independent Expenditure:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that this expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, the above mentioned candidate, the candidate's authorized committee, or an agent of the candidate. I further certify that the above information is true, complete, and correct to the best of my knowledge.

Signature	Printed name
Street address	
City/State/Zip	
Date Signed	Place signed (city and county)

*RCW 9A.72.040 provides that: "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."

PERMANENT

INSTRUCTIONS – C6 REPORT Rev. 6/02

WHO MUST REPORT:

- (1) Persons who make independent expenditures aggregating \$100 or more anytime during an election campaign in support of or opposition to a candidate or ballot proposition.
- (2) Persons sponsoring independent expenditure political ads valued at \$1,000 or more that are mailed or presented to the public within twenty-one days of a primary, general or special election.

DO NOT report monetary or in-kind contributions made directly to or in coordination with a candidate or political committee.

WHEN AND WHERE TO REPORT:

When aggregate amount reaches:

Less than \$100	—No report is required
\$100 or more (or value cannot be estimated)	—Postmark within 5 days of making the expenditure.
If additional expenditures are made:	—10 th of month preceding election in which other reports are not required* —21 days prior to election* —7 days prior to election* —10 th day of month after election*

**Required only when expenditures have been made since last report was submitted.*

Send original to Public Disclosure Commission. Send a copy to the County Auditor (county elections office) of the county of residence of the candidate supported or opposed. For ballot propositions, County Elections Officer of the county of residence of the person responsible for the independent expenditure. Persons making independent expenditures are advised to contact their City Clerk to learn if local filing is required by local ordinance.

\$1,000 or more and ads are presented to the public within 21 days of an election	— <u>Deliver (electronic^①, fax^②, or paper format) to PDC within 24 hours</u> of, or on the first working day after, the date the advertisement was first published, mailed, or otherwise presented to the public.
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Additional independent expenditures of any amount following the expenditure listed on the initial filing must be reported within 24 hours of, or on the first working day after, the date the new advertisement is first published, mailed, or otherwise presented to the public.

① Fill out and sign electronic filing signature card, fax a copy of the signature card to the PDC, complete and file the electronic C6 report. Mail the original signature card to PDC within 24 hours.

② Fax a copy of the signed C6 report to the PDC and mail the original within 24 hours.

Send original to Public Disclosure Commission. County filing is NOT required for reports due within 24 hours. Persons making independent expenditures are advised to contact their City Clerk to learn if local filing is required by local ordinance.

PERMANENT

AMENDATORY SECTION (Amending WSR 99-12-066, filed 5/27/99, effective 6/27/99)

WAC 390-17-030 Sample ballots and slate cards. (1)

Intent. The commission finds that, under certain conditions, expenditures for slate cards and other candidate listings fall within the scope of RCW 42.17.640 (14)(a) and are, therefore, exempt from contribution limits and eligible for payment with a bona fide political party's exempt funds. Slate cards and other candidate listings remain reportable under chapter 42.17 RCW and subject to the political advertising provisions of the law.

The purpose of this exemption from the contribution limits is to allow political parties and other sponsors to tell the general public which candidates they support. The exemption is not intended as a device to circumvent the contribution limits and full reporting requirements by undertaking any degree of significant campaigning on behalf of candidates.

(2) For purposes of RCW 42.17.640 (14)(a), "**sample ballots**" means slate cards, or other candidate listings, whether written or oral, that satisfy the qualifying criteria specified in subsection (10) of this section.

(3) Sample ballots constitute political advertising for a slate or list of candidates and must be properly identified and otherwise in compliance with the political advertising provisions, RCW 42.17.505 through 42.17.550.

(4)(a) **A bona fide political party** may use contributions it receives pursuant to RCW 42.17.640(14) to (~~design, print~~) produce and distribute sample ballots.

(b) Expenditures for sample ballots do not count against a bona fide political party's contribution limit to the candidates listed on the sample ballot. Further, when reporting sample ballot expenditures, a bona fide political party is not required to attribute a portion of the expenditure to each of the candidates listed on the sample ballot, but the names of the candidates must be reported along with the other information required by chapter 42.17 RCW and chapter 390-17 WAC.

(5) **Any person**, as defined by RCW 42.17.020, who makes an expenditure for sample ballots has made an expenditure that does not count against that person's contribution limit to the candidates listed.

(6) **An in-state political committee**, when disclosing expenditures for sample ballots as part of its C-4 report, is not required to attribute a portion of the expenditure to the candidates listed on the sample ballot, but the names of the candidates and their respective party affiliations must be reported along with other information required by chapter 42.17 RCW and chapter 390-17 WAC.

(7) **An out-of-state or federal committee**, when disclosing expenditures for sample ballots on a C-5 report, is not required to allocate a portion of the expenditure to the candidates listed on the sample ballot, but must report that an expenditure for sample ballots was made, the name and address of the person to whom the expenditure was made, the full amount of the expenditure, and the name, office sought and party affiliation of each candidate listed on the sample ballot. The report is due within ten days of the date the sample ballot is received by recipients.

(8) If a **lobbyist or lobbyist employer** makes expenditures for sample ballots, those expenditures are required to be reported in detail on the lobbyist's monthly L-2 report. Itemization of these expenditures must include the names and respective party affiliations of the candidates listed on the sample ballot, but no portion of the expenditure need be allocated to individual candidates listed on the sample ballot.

(9) **The candidates listed on a sample ballot** are not required to report any portion of the expenditure as an in-kind contribution to their campaigns.

(10) **Qualifying criteria for sample ballots, slate cards and other candidate listings.** In order not to count against a person's contribution limit to the candidates listed on a sample ballot and, in the case of a bona fide political party, in order to be eligible for payment with contributions received pursuant to RCW 42.17.640(14), a sample ballot must satisfy **all** of the criteria in (a) through (d) of this subsection.

(a) The sample ballot must list the names of at least three candidates for election to public office in Washington state(~~-That is, identify~~) and be distributed in a geographical area where voters are eligible to vote for at least three candidates listed. The candidate listing may include any combination of three or more candidates, whether the candidates are seeking federal, state or local office in Washington.

(b) The sample ballot must not be distributed through public political advertising; for example, through broadcast media, newspapers, magazines, billboards or the like. The sample ballot may be distributed through direct mail, telephone, electronic mail, Web sites, electronic bulletin boards, electronic billboards or personal delivery by volunteers.

(c) The content of a sample ballot is limited to:

- The identification of each candidate (pictures may be used);
- The office or position currently held;
- The office sought;
- Party affiliation; and
- Information about voting hours and locations.

Therefore, the sample ballot must exclude any additional biographical data on candidates and their positions on issues as well as statements about the sponsor's philosophy, goals or accomplishments. The list must also exclude any statements, check marks or other indications showing support of or opposition to ballot propositions.

(d) The sample ballot is a stand-alone political advertisement. It must not be a portion of a more comprehensive message or combined in the same mailing or packet with any other information, including get-out-the-vote material, candidate brochures, or statements about the sponsor's philosophy, goals or accomplishments. On Web sites, electronic bulletin boards or electronic billboards, the sample ballot must be a separate document.

AMENDATORY SECTION (Amending WSR 02-03-018, filed 1/4/02, effective 2/4/02)

WAC 390-17-060 Exempt activities—Definitions, reporting. (1)(a) "Exempt contributions" are contributions made to a political committee which are earmarked for exempt activities as described in RCW 42.17.640 (14)(a) and

(b). Such contributions are required to be reported under RCW 42.17.090, are subject to the restrictions in RCW 42.17.105(8), but are not subject to the contribution limits in RCW 42.17.640. Any written solicitation for exempt contributions must be so designated. Suggested designations are "not for individual candidates" or "for exempt activities."

(b) Contributions made to a caucus (~~(of the state legislature)~~) political committee, to a candidate or candidate's authorized committee which are earmarked for voter registration, absentee ballot information, get-out-the-vote campaigns, sample ballots are presumed to be for the purpose of promoting individual candidates and are subject to the contribution limits in RCW 42.17.640.

(c) Contributions made to a caucus (~~(of the state legislature)~~) political committee, to a candidate or candidate's authorized committee which are earmarked for internal organization expenditures or fundraising are presumed to be with direct association with individual candidates and are subject to the contribution limits in RCW 42.17.640.

(2) "Exempt contributions account" is the separate bank account into which only exempt contributions are deposited and out of which only expenditures for exempt activities shall be made.

(3) "Exempt activities" are those activities (~~((described))~~) referenced in RCW 42.17.640(14)((-expenditures for which are exempt from the contribution limits of RCW 42.17.640. However, only those activities described in RCW 42.17.640(14) as further defined in subsections (4) and (5) of this rule)) as further clarified by subsections (4), (5), (6), and (7) of this section and by the Washington state supreme court's decision regarding issue advocacy in Washington State Republican Party v. Washington State Public Disclosure Commission et al., 141 Wn.2d 245, 4 P.3d 808 (2000). Only exempt activities are eligible for payment with exempt contributions.

~~(4)(a) ((If activities described in RCW 42.17.640 (14)(a) promote clearly identified candidate(s), the activities are a contribution to those candidate(s). Expenditures for these activities may not be made with exempt contributions. If more than one clearly identified candidate is promoted, the amount expended shall be allocated proportionally among those candidates. The amount expended for such activities shall be reported as a contribution to that candidate(s). Candidate(s) shall be notified in writing of the contribution within five business days of the expenditure.)) Except as permitted by WAC 390-17-030, Sample ballots and slate cards, activities referenced in RCW 42.17.640 (14)(a) that promote or constitute political advertising for one or more clearly identified candidates do not qualify as exempt activities.~~

(b) A candidate is deemed to be clearly identified if ~~((:))~~ the name of the candidate is used ~~((:))~~, a photograph or ~~((drawing))~~ likeness of the candidate appears ~~((:))~~, or the identity of the candidate is apparent by unambiguous reference.

~~((e) An activity that benefits or opposes fewer than three individual candidates shall be presumed to be for the purpose of promoting individual candidates whether or not they are clearly identified. Such an activity does not constitute a contribution to any candidate who is not clearly identified, but the activity shall not be paid with exempt funds.))~~

(5) Activities referenced in RCW 42.17.640 (14)(a) that do not promote, or constitute political advertising for, one or more clearly identified candidates qualify as exempt activities. For example, get-out-the-vote telephone bank activity that only encourages persons called to "vote republican" or "vote democratic" in the upcoming election may be paid for with exempt contributions regardless of the number of candidates who are benefited by this message.

~~(6)(a) "Internal organization expenditures" ((described))~~ referenced in RCW 42.17.640 (14)(b) are expenditures for organization purposes, including legal and accounting services, rental and purchase of equipment and office space, utilities and telephones, postage and printing of newsletters for the organization's members or contributors or staff when engaged in organizational activities such as those previously listed, all without direct association with individual candidates.

(b) "Fundraising expenditures" (~~(described))~~ referenced in RCW 42.17.640 (14)(b) are expenditures for fundraising purposes, including facilities for fundraisers, consumables furnished at the event and the cost of holding social events and party conventions, all without direct association with individual candidates.

(c) If expenditures made pursuant to subsections (a) and (b) above are made in direct association with individual candidates, they shall not be paid with exempt contributions.

~~((6))~~ (7) For purposes of RCW 42.17.640 (14)(a) and this section, activities that oppose one or more clearly identified candidates are presumed to promote the opponent(s) of the candidate(s) opposed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 390-17-011

Caucus of the state legislature—Definition.

WSR 02-12-008
PERMANENT RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Filed May 23, 2002, 12:36 p.m.]

Date of Adoption: May 9, 2002.

Purpose: To establish a Puget Sound pilotage district annual tariff for pilotage services.

Citation of Existing Rules Affected by this Order: Amending WAC 363-116-300.

Statutory Authority for Adoption: RCW 88.16.035.

Adopted under notice filed as WSR 02-08-053 on April 1, 2002.

Changes Other than Editing from Proposed to Adopted Version: The proposed version reflected an increase of 15.24%. The adopted version reflects an increase of 13.19%. Therefore the adopted rule reflects an increase 2.05% less

than was proposed in all tariff categories except transportation.

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 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.

Effective Date of Rule: July 1, 2002.

May 22, 2002

Peggy Larson
Administrator

AMENDATORY SECTION (Amending WSR 01-18-050, filed 8/30/01, effective 9/30/01)

WAC 363-116-300 Pilotage rates for the Puget Sound pilotage district. Effective 0001 hours July 1, 2002, through 2400 hours June 30, (~~2002~~) 2003.

CLASSIFICATION	RATE
Ship length overall (LOA)	
Charges:	per LOA rate schedule in this section
Boarding fee:	((\$36.00)) <u>\$41.00</u>
Per each boarding/deboarding at the Port Angeles pilot station.	
Harbor shift - Live ship (Seattle Port)	LOA Zone I
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I
Harbor shift Dead ship	Double LOA Zone I
Dead ship towing charge:	Double LOA Zone
LOA of tug + LOA of tow + beam of tow	

Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

Waterway and bridge charges:

Ships up to 90' beam:

A charge of (~~(\$191.00)~~) \$216.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle, south of Eleventh Street in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of (~~(\$91.00)~~) \$103.00 per bridge.

Ships 90' beam and/or over:

A charge of (~~(\$258.00)~~) \$292.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle and south of Eleventh Street in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of (~~(\$181.00)~~) \$205.00 per bridge.

(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)

Two or three pilots required:

In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.

Compass adjustment	((\$257.00)) <u>\$291.00</u>
Radio direction finder calibration	((\$257.00)) <u>\$291.00</u>
Launching vessels	((\$387.00)) <u>\$438.00</u>
Trial trips, 6 hours or less (Minimum ((\$726.00)) <u>\$822.00</u>)	((\$121.00)) <u>\$137.00</u> per hr.
Trial trips, over 6 hours (two pilots)	((\$241.00)) <u>\$274.00</u> per hr.
Shilshole Bay – Salmon Bay	((\$151.00)) <u>\$171.00</u>
Salmon Bay – Lake Union	((\$118.00)) <u>\$134.00</u>
Lake Union – Lake Washington (plus LOA zone from Webster Point)	((\$151.00)) <u>\$171.00</u>
Cancellation charge	LOA Zone I
Cancellation charge—Port Angeles (when a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for pilot or when a pilot order is cancelled less than twelve hours prior to the original ETA.)	LOA Zone II
Docking delay after anchoring:	((\$121.00)) <u>\$137.00</u> per hr.

Applicable harbor shift rate to apply, plus (~~(\$121.00)~~) \$137.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is (~~(\$121.00)~~) \$137.00 for every hour or fraction thereof.

Sailing delay: ((~~\$121.00~~))
\$137.00
 per hour

No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ((~~\$121.00~~)) \$137.00 for every hour or fraction thereof. The assessment of the standby fee shall not exceed a period of twelve hours in any twenty-four hour period.

Slowdown: ((~~\$121.00~~))
\$137.00
 per hour

When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of ((~~\$121.00~~)) \$137.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

Tonnage charges:

0 to 20,000 gross tons:
 Additional charge to LOA zone mileage of ((~~\$0.0061~~)) \$0.0069 a gross ton for all gross tonnage up to 20,000 gross tons.

20,000 to 50,000 gross tons:
 Additional charge to LOA zone mileage of ((~~\$0.0624~~)) \$0.0706 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

50,000 gross tons and up:
 In excess of 50,000 gross tons, the charge shall be ((~~\$0.0747~~)) \$0.0846 per gross ton.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

Delayed arrival-Port Angeles: ((~~\$121.00~~))
\$137.00
 per hour

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of ((~~\$121.00~~)) \$137.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.

Transportation to vessels on Puget Sound:

March Point or Anacortes	\$ 144.00
Bangor	84.00
Bellingham	158.00

Bremerton	44.00
Cherry Point	175.00
Dupont	85.00
Edmonds	27.00
Everett	52.00
Ferndale	173.00
Manchester	66.00
Mukilteo	52.00
Olympia	108.00
Point Wells	27.00
Port Gamble	77.00
Port Townsend (Indian Island)	109.00
Seattle	15.00
Semiahmoo (Blaine)	196.00
Tacoma	56.00
Tacoma Smelter	66.00
Winslow	42.00

- (a) Intraharbor transportation for the Port Angeles port area -transportation between Port Angeles pilot station and Port Angeles harbor docks - \$15.00.
- (b) Interport shifts: Transportation paid to and from both points.
- (c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.
- (d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.
- (e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.80 per mile. Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA rate schedule

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

PERMANENT

((LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra-Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
Up to 449	189	291	498	743	1000	1297
450-459	195	297	501	754	1016	1303
460-469	198	301	509	766	1030	1309
470-479	205	309	516	781	1033	1312
480-489	210	315	518	796	1039	1318
490-499	213	319	525	810	1052	1323
500-509	224	324	533	820	1059	1332
510-519	226	330	538	832	1071	1336
520-529	229	341	546	836	1080	1349
530-539	236	346	553	845	1097	1363
540-549	239	351	565	854	1115	1375
550-559	244	363	569	867	1123	1389
560-569	253	377	579	874	1134	1402
570-579	258	381	583	878	1146	1411
580-589	269	388	596	885	1153	1425
590-599	282	395	600	889	1169	1442
600-609	291	406	607	892	1183	1449
610-619	308	411	619	897	1195	1461
620-629	320	416	625	907	1209	1479
630-639	335	423	632	909	1219	1491
640-649	348	434	639	912	1230	1503
650-659	373	441	649	919	1245	1519
660-669	380	445	655	923	1257	1530
670-679	393	457	662	939	1272	1539
680-689	399	466	671	949	1284	1555
690-699	411	473	680	965	1297	1586
700-719	429	488	693	976	1322	1604
720-739	455	501	710	990	1349	1632
740-759	473	525	724	1000	1375	1660
760-779	491	543	741	1016	1402	1683
780-799	516	566	754	1030	1425	1712
800-819	536	583	769	1035	1449	1738
820-839	553	603	787	1052	1479	1758
840-859	576	628	800	1063	1502	1788
860-879	598	649	816	1091	1530	1814
880-899	619	669	832	1117	1553	1840
900-919	637	689	846	1144	1586	1866
920-939	656	710	867	1169	1603	1891
940-959	680	729	879	1195	1632	1915
960-979	696	751	894	1219	1660	1943
980-999	720	769	910	1245	1683	1967
1000-1019	762	818	951	1310	1762	2052

((LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra-Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
1020-1039	784	842	980	1349	1815	2113
1040-1059	807	867	1009	1389	1868	2176
1060-1079	832	893	1038	1431	1925	2241
1080-1099	856	919	1070	1473	1982	2308
1100-1119	881	946	1101	1518	2041	2377
1120-1139	908	975	1135	1562	2102	2448
1140-1159	935	1004	1168	1609	2165	2522
1160-1179	962	1033	1203	1657	2230	2597
1180-1199	992	1065	1239	1707	2297	2675
1200-1219	1021	1096	1276	1758	2365	2755
1220-1239	1052	1129	1314	1810	2436	2837
1240-1259	1083	1162	1353	1864	2509	2922
1260-1279	1115	1196	1393	1920	2584	3009
1280-1299	1148	1233	1435	1978	2661	3099
1300-1319	1182	1269	1477	2036	2741	3191
1320-1339	1218	1307	1522	2097	2823	3288
1340-1359	1254	1346	1567	2160	2907	3386
1360-1379	1292	1386	1614	2225	2994	3487
1380-1399	1330	1427	1663	2291	3083	3592
1400-1419	1370	1470	1711	2360	3175	3699
1420-1439	1410	1514	1763	2430	3271	3810
1440-1459	1453	1559	1816	2502	3369	3924
1460-1479	1495	1606	1869	2577	3469	4042
1480-1499	1540	1653	1926	2654	3573	4162
1500 & Over	1587	1703	1983	2735	3680	4287))

<u>LOA</u>	<u>ZONE I</u>	<u>ZONE II</u>	<u>ZONE III</u>	<u>ZONE IV</u>	<u>ZONE V</u>	<u>ZONE VI</u>
	<u>Intra Harbor</u>	<u>0-30 Miles</u>	<u>31-50 Miles</u>	<u>51-75 Miles</u>	<u>76-100 Miles</u>	<u>101 Miles & Over</u>
<u>Up to 449</u>	<u>214</u>	<u>329</u>	<u>564</u>	<u>841</u>	<u>1,132</u>	<u>1,468</u>
<u>450 - 459</u>	<u>221</u>	<u>336</u>	<u>567</u>	<u>853</u>	<u>1,150</u>	<u>1,475</u>
<u>460 - 469</u>	<u>224</u>	<u>341</u>	<u>576</u>	<u>867</u>	<u>1,166</u>	<u>1,482</u>
<u>470 - 479</u>	<u>232</u>	<u>350</u>	<u>584</u>	<u>884</u>	<u>1,169</u>	<u>1,485</u>
<u>480 - 489</u>	<u>238</u>	<u>357</u>	<u>586</u>	<u>901</u>	<u>1,176</u>	<u>1,492</u>
<u>490 - 499</u>	<u>241</u>	<u>361</u>	<u>594</u>	<u>917</u>	<u>1,191</u>	<u>1,498</u>
<u>500 - 509</u>	<u>254</u>	<u>367</u>	<u>603</u>	<u>928</u>	<u>1,199</u>	<u>1,508</u>
<u>510 - 519</u>	<u>256</u>	<u>374</u>	<u>609</u>	<u>942</u>	<u>1,212</u>	<u>1,512</u>
<u>520 - 529</u>	<u>259</u>	<u>386</u>	<u>618</u>	<u>946</u>	<u>1,222</u>	<u>1,527</u>
<u>530 - 539</u>	<u>267</u>	<u>392</u>	<u>626</u>	<u>956</u>	<u>1,242</u>	<u>1,543</u>
<u>540 - 549</u>	<u>271</u>	<u>397</u>	<u>640</u>	<u>967</u>	<u>1,262</u>	<u>1,556</u>

PERMANENT

LOA	ZONE	ZONE	ZONE	ZONE	ZONE	ZONE
	I Intra Harbor	II 0-30 Miles	III 31-50 Miles	IV 51-75 Miles	V 76-100 Miles	VI 101 Miles & Over
<u>550 - 559</u>	<u>276</u>	<u>411</u>	<u>644</u>	<u>981</u>	<u>1,271</u>	<u>1,572</u>
<u>560 - 569</u>	<u>286</u>	<u>427</u>	<u>657</u>	<u>989</u>	<u>1,284</u>	<u>1,587</u>
<u>570 - 579</u>	<u>292</u>	<u>431</u>	<u>660</u>	<u>994</u>	<u>1,297</u>	<u>1,597</u>
<u>580 - 589</u>	<u>304</u>	<u>439</u>	<u>675</u>	<u>1,002</u>	<u>1,305</u>	<u>1,613</u>
<u>590 - 599</u>	<u>319</u>	<u>447</u>	<u>679</u>	<u>1,006</u>	<u>1,323</u>	<u>1,632</u>
<u>600 - 609</u>	<u>329</u>	<u>460</u>	<u>687</u>	<u>1,010</u>	<u>1,339</u>	<u>1,640</u>
<u>610 - 619</u>	<u>349</u>	<u>465</u>	<u>701</u>	<u>1,015</u>	<u>1,353</u>	<u>1,654</u>
<u>620 - 629</u>	<u>362</u>	<u>471</u>	<u>707</u>	<u>1,027</u>	<u>1,368</u>	<u>1,674</u>
<u>630 - 639</u>	<u>379</u>	<u>479</u>	<u>715</u>	<u>1,029</u>	<u>1,380</u>	<u>1,688</u>
<u>640 - 649</u>	<u>394</u>	<u>491</u>	<u>723</u>	<u>1,032</u>	<u>1,392</u>	<u>1,701</u>
<u>650 - 659</u>	<u>422</u>	<u>499</u>	<u>735</u>	<u>1,040</u>	<u>1,409</u>	<u>1,719</u>
<u>660 - 669</u>	<u>430</u>	<u>504</u>	<u>741</u>	<u>1,045</u>	<u>1,423</u>	<u>1,732</u>
<u>670 - 679</u>	<u>445</u>	<u>517</u>	<u>749</u>	<u>1,063</u>	<u>1,440</u>	<u>1,742</u>
<u>680 - 689</u>	<u>452</u>	<u>527</u>	<u>760</u>	<u>1,074</u>	<u>1,453</u>	<u>1,760</u>
<u>690 - 699</u>	<u>465</u>	<u>535</u>	<u>770</u>	<u>1,092</u>	<u>1,468</u>	<u>1,795</u>
<u>700 - 719</u>	<u>486</u>	<u>552</u>	<u>784</u>	<u>1,105</u>	<u>1,496</u>	<u>1,816</u>
<u>720 - 739</u>	<u>515</u>	<u>567</u>	<u>804</u>	<u>1,121</u>	<u>1,527</u>	<u>1,847</u>
<u>740 - 759</u>	<u>535</u>	<u>594</u>	<u>819</u>	<u>1,132</u>	<u>1,556</u>	<u>1,879</u>
<u>760 - 779</u>	<u>556</u>	<u>615</u>	<u>839</u>	<u>1,150</u>	<u>1,587</u>	<u>1,905</u>
<u>780 - 799</u>	<u>584</u>	<u>641</u>	<u>853</u>	<u>1,166</u>	<u>1,613</u>	<u>1,938</u>
<u>800 - 819</u>	<u>607</u>	<u>660</u>	<u>870</u>	<u>1,172</u>	<u>1,640</u>	<u>1,967</u>
<u>820 - 839</u>	<u>626</u>	<u>683</u>	<u>891</u>	<u>1,191</u>	<u>1,674</u>	<u>1,990</u>
<u>840 - 859</u>	<u>652</u>	<u>711</u>	<u>906</u>	<u>1,203</u>	<u>1,700</u>	<u>2,024</u>
<u>860 - 879</u>	<u>677</u>	<u>735</u>	<u>924</u>	<u>1,235</u>	<u>1,732</u>	<u>2,053</u>
<u>880 - 899</u>	<u>701</u>	<u>757</u>	<u>942</u>	<u>1,264</u>	<u>1,760</u>	<u>2,083</u>
<u>900 - 919</u>	<u>721</u>	<u>780</u>	<u>958</u>	<u>1,295</u>	<u>1,795</u>	<u>2,112</u>
<u>920 - 939</u>	<u>743</u>	<u>804</u>	<u>981</u>	<u>1,323</u>	<u>1,814</u>	<u>2,140</u>
<u>940 - 959</u>	<u>770</u>	<u>825</u>	<u>995</u>	<u>1,353</u>	<u>1,847</u>	<u>2,168</u>
<u>960 - 979</u>	<u>788</u>	<u>850</u>	<u>1,012</u>	<u>1,380</u>	<u>1,879</u>	<u>2,199</u>
<u>980 - 999</u>	<u>815</u>	<u>870</u>	<u>1,030</u>	<u>1,409</u>	<u>1,905</u>	<u>2,226</u>
<u>1000 - 1019</u>	<u>863</u>	<u>926</u>	<u>1,076</u>	<u>1,483</u>	<u>1,994</u>	<u>2,323</u>
<u>1020 - 1039</u>	<u>887</u>	<u>953</u>	<u>1,109</u>	<u>1,527</u>	<u>2,054</u>	<u>2,392</u>
<u>1040 - 1059</u>	<u>913</u>	<u>976</u>	<u>1,142</u>	<u>1,572</u>	<u>2,114</u>	<u>2,463</u>
<u>1060 - 1079</u>	<u>942</u>	<u>1,011</u>	<u>1,175</u>	<u>1,620</u>	<u>2,179</u>	<u>2,537</u>
<u>1080 - 1099</u>	<u>969</u>	<u>1,040</u>	<u>1,211</u>	<u>1,667</u>	<u>2,243</u>	<u>2,612</u>
<u>1100 - 1119</u>	<u>997</u>	<u>1,071</u>	<u>1,246</u>	<u>1,718</u>	<u>2,310</u>	<u>2,691</u>
<u>1120 - 1139</u>	<u>1,028</u>	<u>1,104</u>	<u>1,285</u>	<u>1,768</u>	<u>2,379</u>	<u>2,771</u>
<u>1140 - 1159</u>	<u>1,058</u>	<u>1,136</u>	<u>1,322</u>	<u>1,821</u>	<u>2,451</u>	<u>2,855</u>
<u>1160 - 1179</u>	<u>1,089</u>	<u>1,169</u>	<u>1,362</u>	<u>1,876</u>	<u>2,524</u>	<u>2,940</u>
<u>1180 - 1199</u>	<u>1,123</u>	<u>1,205</u>	<u>1,402</u>	<u>1,932</u>	<u>2,600</u>	<u>3,028</u>
<u>1200 - 1219</u>	<u>1,156</u>	<u>1,241</u>	<u>1,444</u>	<u>1,990</u>	<u>2,677</u>	<u>3,118</u>
<u>1220 - 1239</u>	<u>1,191</u>	<u>1,278</u>	<u>1,487</u>	<u>2,049</u>	<u>2,757</u>	<u>3,211</u>

LOA	ZONE	ZONE	ZONE	ZONE	ZONE	ZONE
	I Intra Harbor	II 0-30 Miles	III 31-50 Miles	IV 51-75 Miles	V 76-100 Miles	VI 101 Miles & Over
<u>1240 - 1259</u>	<u>1,226</u>	<u>1,315</u>	<u>1,531</u>	<u>2,110</u>	<u>2,840</u>	<u>3,307</u>
<u>1260 - 1279</u>	<u>1,262</u>	<u>1,354</u>	<u>1,577</u>	<u>2,173</u>	<u>2,925</u>	<u>3,406</u>
<u>1280 - 1299</u>	<u>1,299</u>	<u>1,396</u>	<u>1,624</u>	<u>2,239</u>	<u>3,012</u>	<u>3,508</u>
<u>1300 - 1319</u>	<u>1,338</u>	<u>1,436</u>	<u>1,672</u>	<u>2,305</u>	<u>3,103</u>	<u>3,612</u>
<u>1320 - 1339</u>	<u>1,379</u>	<u>1,479</u>	<u>1,723</u>	<u>2,374</u>	<u>3,195</u>	<u>3,722</u>
<u>1340 - 1359</u>	<u>1,419</u>	<u>1,524</u>	<u>1,774</u>	<u>2,445</u>	<u>3,290</u>	<u>3,833</u>
<u>1360 - 1379</u>	<u>1,462</u>	<u>1,569</u>	<u>1,827</u>	<u>2,518</u>	<u>3,389</u>	<u>3,947</u>
<u>1380 - 1399</u>	<u>1,505</u>	<u>1,615</u>	<u>1,882</u>	<u>2,593</u>	<u>3,490</u>	<u>4,066</u>
<u>1400 - 1419</u>	<u>1,551</u>	<u>1,664</u>	<u>1,937</u>	<u>2,671</u>	<u>3,594</u>	<u>4,187</u>
<u>1420 - 1439</u>	<u>1,596</u>	<u>1,714</u>	<u>1,996</u>	<u>2,751</u>	<u>3,702</u>	<u>4,313</u>
<u>1440 - 1459</u>	<u>1,645</u>	<u>1,765</u>	<u>2,056</u>	<u>2,832</u>	<u>3,813</u>	<u>4,442</u>
<u>1460 - 1479</u>	<u>1,692</u>	<u>1,818</u>	<u>2,116</u>	<u>2,917</u>	<u>3,927</u>	<u>4,575</u>
<u>1480 - 1499</u>	<u>1,743</u>	<u>1,871</u>	<u>2,180</u>	<u>3,004</u>	<u>4,044</u>	<u>4,711</u>
<u>1500 & Over</u>	<u>1,796</u>	<u>1,928</u>	<u>2,245</u>	<u>3,096</u>	<u>4,165</u>	<u>4,852</u>

WSR 02-12-009

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 23, 2002, 2:55 p.m.]

Date of Adoption: May 23, 2002.

Purpose: To amend existing rules, enabling Washington to participate in the USA/Canada PVYⁿ Management Plan, particularly by prohibiting importation of seed potatoes from nonparticipating states. Other modifications were necessary to acknowledge developments in industry practices and international requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 16-484-210, 16-484-220, 16-484-230, 16-484-240, 16-484-250, and 16-484-260.

Statutory Authority for Adoption: Chapter 17.24 RCW.

Adopted under notice filed as WSR 02-08-086 on April 3, 2002.

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 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 6, Repealed 0.

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

May 23, 2002

William E. Brookreson
Acting Director

AMENDATORY SECTION (Amending Order 2087, filed 6/11/91, effective 6/12/91)

WAC 16-484-210 Quarantine—~~((Potato virus Y necrotic strain))~~ PVY^a. A quarantine is established under this chapter against the ~~((disease known as potato virus Y necrotic strain (PVY-N)))~~ PVY^a. ~~((PVY-N))~~ PVY^a is a serious viral disease of certain species of the family Solanaceae, and is ~~((not known to occur in the United States))~~ designated as a regulated pest in the North American Plant Protection Organization (NAPPO) standards for phytosanitary measures.

AMENDATORY SECTION (Amending Order 2087, filed 6/11/91, effective 6/12/91)

WAC 16-484-220 Area under quarantine. The following areas are declared to be under quarantine for ~~((PVY-N))~~ PVY^a:

- (1) Exterior quarantine. All states and districts of the United States; and
- (2) Interior quarantine. All counties in the state of Washington.

AMENDATORY SECTION (Amending Order 2087, filed 6/11/91, effective 6/12/91)

WAC 16-484-230 Regulated articles. ~~((1))~~ The following are hereby declared to be hosts or possible carriers of PVY-N and are prohibited entry into the state from any area under exterior quarantine either directly, indirectly, diverted, or reconsigned except as provided in WAC 16-484-240:

- ~~(a) All seed potatoes originating in the Province of Prince Edward Island, Canada, potato inspection districts 1 through 4; and~~
- ~~(b) All seed potatoes of the Atlantic variety originating in the Province of Prince Edward Island, Canada, potato inspection districts 5 and 6; and~~
- ~~(c) All seed potatoes originating in the Province of New Brunswick, Canada, that are progeny of potatoes of the Atlantic variety that originated in Prince Edward Island in 1989 or 1990; and~~
- ~~(d) All other seed potatoes grown on farms where potatoes identified in (b) and (c) of this subsection have been grown; and~~
- ~~(e) All seed potatoes originating in any other location within Canada, except the Province of Newfoundland and the Land District of South Saanich of Vancouver Island of British Columbia that are the progeny of potatoes of the Atlantic variety that originated in Prince Edward Island in 1989 or 1990.~~

~~(2) It is prohibited to cut for seed, plant, move, sell, or transport any regulated article identified in subsection (1)(a)~~

~~through (e) of this section which arrived in the state of Washington prior to the effective date of this quarantine until inspected and released by the department.))~~ Regulated articles include all seed potatoes to be used for commercial planting or for seed potato production.

AMENDATORY SECTION (Amending Order 2087, filed 6/11/91, effective 6/12/91)

WAC 16-484-240 Conditions governing the movement of regulated articles into Washington state. (1) ~~((Each shipment of a regulated article shall be accompanied by a certificate issued by the state of origin that clearly identifies each seed lot and shall contain an additional declaration stating that the seed potatoes were tested and found free of PVY-N utilizing a method prescribed by the director.~~

~~(2) Persons shipping regulated articles into this state from areas under exterior quarantine shall notify the department's plant protection branch prior to arrival of the nature and quantity of each shipment, its expected date of arrival at destination, the name of the intended receiver, and the destination. The person to whom the regulated articles are shipped shall hold the same until they are inspected and released by the department.))~~ Except as provided in WAC 16-484-250, all seed potatoes planted for commercial or seed potato production within the state of Washington must:

- (a) Originate from a state or district that participates in the Canada/USA PVY^a Management Plan; or
- (b) Be tested by and found free of PVY^a by the plant protection organization in the state of origin.
- (2) The department may sample and test any lot of seed potatoes or conduct field inspections of commercial potatoes for the purpose of testing and verifying compliance with this chapter.

(3) All growers of commercial potatoes or seed potatoes must obtain documents certifying compliance with the Canada/USA PVY^a Management Plan and must provide those documents to the director upon request.

AMENDATORY SECTION (Amending Order 2087, filed 6/11/91, effective 6/12/91)

WAC 16-484-250 Special permits and compliance agreements. The director may issue special permits or enter into compliance agreements allowing the movement of regulated articles covered in WAC 16-484-230 not otherwise eligible for movement from the area under quarantine, subject to conditions and provisions which the director may prescribe to prevent the escape or spread of ~~((PVY-N))~~ PVY^a.

AMENDATORY SECTION (Amending Order 2087, filed 6/11/91, effective 6/12/91)

WAC 16-484-260 Disposition of regulated articles entering in violation or found infected with ((PVY-N)) PVY^a. Any regulated article (1) entering the state in violation of this quarantine; or (2) entering the state prior to the effective date of this quarantine which is or may be infected with ~~((PVY-N))~~ PVY^a; shall be disposed of in a manner prescribed

by the director, returned out-of-state, or destroyed at the option and expense of the owner or the owner's agent.

WSR 02-12-010
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed May 23, 2002, 2:57 p.m.]

Date of Adoption: May 23, 2002.

Purpose: To bring Washington's seed potato certification program into compliance with North American Plant Protection Organization standards and terminology, as agreed upon in NAFTA and GATT, to reflect industry practices and program efficiencies, and to raise testing fees by an amount not to exceed the fiscal growth factor.

Citation of Existing Rules Affected by this Order: Amending WAC 16-324-361, 16-324-375, 16-324-398, 16-324-401, 16-324-431, 16-324-720, 16-324-730, 16-324-740, and 16-324-750.

Statutory Authority for Adoption: Chapter 15.14 RCW.

Adopted under notice filed as WSR 02-08-087 on April 3, 2002.

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 9, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 9, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: These fee increases are within the appropriate fiscal growth factor.

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

May 23, 2002

William E. Brookreson
Acting Director

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

WAC 16-324-361 Definitions. (1) "Certification" means that the lot of seed potatoes was inspected and meets the requirements of this chapter.

(2) "Cull" means any lot of potatoes rejected for certification for any reason.

(3) "Department" means the department of agriculture of the state of Washington.

(4) "Director" means the director of the department of agriculture or his/her duly appointed representative.

(5) "Disease tested" means tested for and found free of all of the following diseases: Potato virus A (PVA), potato virus M (PVM), potato virus S (PVS), potato virus X (PVX), potato virus Y (PVY), potato leafroll virus (PLRV), potato spindle tuber viroid (spindle tuber), *Erwinia carotovora* ssp. *carotovora* (soft rot), *Erwinia carotovora* ssp. *atroseptica* (black leg) and *Clavibacter michiganense* ssp. *sependonicum* (ring rot).

(6) "Micropropagated" means potato stock propagated using aseptic laboratory techniques and culture media to promote plant tissue growth.

(7) "Microtubers" means tubers produced in vitro by a micropropagated plant or plantlet.

(8) "Minitubers" means tubers produced under controlled greenhouse conditions.

(9) "Nematode" means plant parasitic nematodes capable of infesting potatoes, including but not limited to the genus *Meloidogyne*.

(10) "Nuclear stock" means plantlets, microtubers, minitubers, or seed potatoes produced from prenuclear stock, and grown in the field for the first time.

(11) "Plot" means a seed potato planting that is 0.25 acre or less in size.

(12) "Powdery scab" means the disease caused by the fungus *Spongospora subterranea*.

(13) "Prenuclear" means micropropagated plants or tubers and plants or minitubers produced in a greenhouse.

(14) "Quarantine pest" means a pest of potential economic importance and not yet present in the state, or present but not widely distributed and being officially controlled.

(15) "Recertification" means the process of certifying a seed lot that was certified the previous year.

~~((15))~~ (16) "Rogue" means removing diseased or undesirable plants, including all associated plant parts from a seed potato field.

~~((16))~~ (17) "Seed lot" means a field, in whole or in part, or a group of fields producing seed potatoes, or the potato tubers harvested from a seed potato field.

~~((17))~~ (18) "Seed potatoes" means vegetatively propagated tubers used for potato production.

~~((18))~~ (19) "Seed source" means seed potatoes produced by an individual grower within a particular seed production area.

~~((19))~~ (20) "Trace" means a barely perceivable indication of plant disease that amounts to less than 0.001 percent of sample.

~~((20))~~ (21) "Tolerance" means the maximum acceptable percentage of potato plants or tubers that is diseased, infected by plant pests, defective or off-type based on visual inspection or laboratory testing by the director or other authorized person.

~~((21))~~ (22) "Unit method" means a method of planting in which cut seed pieces from one tuber are dropped consecutively in a row, or in which all tubers from one plant are dropped consecutively in a row.

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

WAC 16-324-375 Application and withdrawal. (1) To apply for certification, applicants must use the form provided by the department and furnish all information requested, including the date, name, signature and address of the applicant, lot number, seed source identification number, variety, class planted, acres, date planted, seed spacing at planting, average length of rows, year the field was last cropped to potatoes, along with their variety and lot number, and a map of the field location. Applications for certification must reach the department on or before June 15 of each year, accompanied by the appropriate fee, field location maps and evidence of eligibility such as tags or certificates. A North American Certified Seed Potato Health Certificate is required for evidence of eligibility for seed lots originating in other states or Canada, and must be submitted with the application. Unless prior approval has been granted, late applications will be

assessed a late fee of twenty dollars per application. The department will not accept applications after July 10.

(2) Separate applications are required for each variety, seed source, and seed lot.

(3) Separate applications are required for each field location that is separated by more than one hundred feet.

(4) Growers may withdraw a seed potato lot from certification for any reason by notifying the department in writing.

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

WAC 16-324-398 Field inspection disease tolerance.

(1) Compliance with a 0.0% tolerance is not intended, nor should it be construed, to mean that the lot inspected is free from the disease. It means that the disease was not detected during visual inspections of the seed lot.

(2) First and second field inspection tolerances, expressed as percentages.

Factor	Nuclear		G 1		G 2		G 3		G 4		G 5	
	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd
Varietal mixture	0.00	0.00	0.00	0.00	0.02	0.01	((0.05)) <u>0.25</u>	((0.04)) <u>0.25</u>	((0.08)) <u>0.25</u>	((0.05)) <u>0.25</u>	((0.20)) <u>0.25</u>	((0.10)) <u>0.25</u>
Mosaic	0.00	0.00	((0.00)) <u>0.10</u>	((0.00)) <u>0.10</u>	((0.04)) <u>0.20</u>	((TR*)) <u>0.20</u>	0.50	((0.25)) <u>0.50</u>	((0.50)) <u>1.00</u>	((0.25)) <u>1.00</u>	2.00	1.00
Leafroll	0.00	0.00	((0.00)) <u>0.05</u>	((0.00)) <u>0.05</u>	((0.04)) <u>0.10</u>	((TR*)) <u>0.10</u>	((0.03)) <u>0.25</u>	((0.04)) <u>0.25</u>	((0.08)) <u>0.25</u>	((0.05)) <u>0.25</u>	0.40	((0.20)) <u>0.25</u>
Total visible virus	0.00	0.00	0.10	0.00	0.50	0.50	((2.00)) <u>0.75</u>	((1.00)) <u>0.75</u>	((2.00)) <u>1.25</u>	((1.00)) <u>1.25</u>	((2.00)) <u>2.40</u>	((2.00)) <u>1.25</u>
Phytoplasmas	0.00	0.00	0.00	0.00	0.10	0.10	0.20	0.20	0.50	0.50	1.00	1.00
Black leg	0.00	0.00	0.10	0.10	0.50	0.50	1.00	1.00	2.00	2.00	4.00	2.00
Ring rot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Nematode	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Spindle tuber viroid	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

and other quarantined pests
((~~*TR=Trace~~))

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

WAC 16-324-401 Latent virus testing requirements.

(1) PVX testing is required for nuclear and generation 1 (~~and generation 2~~) class seed potatoes. PVX testing is optional for all other classes.

(2) Growers must submit petiole samples for latent virus testing to a laboratory approved by the department. The applicant is responsible for laboratory testing fees.

(3) The minimum number of plants per seed lot to be sampled for PVX testing is one hundred. For nuclear class, a minimum of ~~((ten))~~ one percent of the total number of plants per lot must be sampled. For generation 1, a minimum of two ~~((percent of the total number of plants per lot))~~ hundred leaves per acre must be sampled. For generation 2, a minimum of fifty leaves per acre must be sampled. Generation 3,

4 and 5 seed lots should be sampled at a rate of twenty leaves per acre. The department may require additional testing.

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

WAC 16-324-431 Digging, storage and premarketing.

(1) Each seed lot must be stored with its identity maintained. All tubers from a unit planting method must be numbered and stored as an identifiable unit for the next year's planting.

(2) Each storage or room containing more than one seed lot must have a solid barrier between each lot.

(a) The department will reject any seed lot in which ring rot or nematode ~~((by a solid barrier))~~ is found.

(b) Noncertified potatoes must not be stored in the same facility as certified seed potatoes.

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(3) The applicant must notify in writing receivers of any seed lot found to be infected with ring rot. The applicant must provide the department with a copy of this notification when it is sent to the receiver.

(4) All seed classes must be graded according to the United States Standards for Grades of Seed Potatoes.

(5) Each container or sack must be identified with an official Washington seed potato tag listing the grower's name, address, seed lot number, net weight, variety and classification unless such information is printed on the sacks or containers.

(6) The department issues tags to the grower. The grower is required to comply with all of the following:

- (a) Tag the sack or container as the potatoes are sorted;
- (b) Allow inspection of graded seed potatoes at any time;
- (c) Remove the tags from out-of-grade potatoes under the supervision of the department; and
- (d) Return all unused tags to the department.

(7) The department may issue a compliance agreement authorizing the grower to tag seed potatoes.

(8) Bulk shipments must be identified with the information required in subsection (5) of this section.

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

WAC 16-324-720 Laboratory testing—Fees. (1) ELISA testing to determine the presence of potato viruses:

# Viruses	# Samples	Price/leaf sample	Price/tuber sample
1	1 to 10	\$((1-00)) <u>1.02</u>	\$((1-10)) <u>1.13</u>
	11 to 25	\$((0-90)) <u>0.92</u>	\$((1-00)) <u>1.02</u>
	over 25	\$((0-80)) <u>0.82</u>	\$((0-90)) <u>0.92</u>
2	1 to 10	\$((1-50)) <u>1.54</u>	\$((1-60)) <u>1.64</u>
	11 to 25	\$((1-30)) <u>1.33</u>	\$((1-40)) <u>1.43</u>
	over 25	\$((1-10)) <u>1.13</u>	\$((1-20)) <u>1.23</u>
3	1 to 10	\$((2-00)) <u>2.05</u>	\$((2-10)) <u>2.15</u>
	11 to 25	\$((1-70)) <u>1.74</u>	\$((1-80)) <u>1.85</u>
	over 25	\$((1-40)) <u>1.43</u>	\$((1-50)) <u>1.54</u>
4	1 to 10	\$((2-50)) <u>2.56</u>	\$((2-60)) <u>2.67</u>
	11 to 25	\$((2-10)) <u>2.15</u>	\$((2-20)) <u>2.26</u>
	over 25	\$((1-70)) <u>1.74</u>	\$((1-80)) <u>1.85</u>
5	1 to 10	\$((3-00)) <u>3.08</u>	\$((3-10)) <u>3.18</u>
	11 to 25	\$((2-50)) <u>2.56</u>	\$((2-60)) <u>2.67</u>
	over 25	\$((2-00)) <u>2.05</u>	\$((2-10)) <u>2.15</u>
6	1 to 10	\$((3-50)) <u>3.59</u>	\$((3-60)) <u>3.70</u>
	11 to 25	\$((2-90)) <u>2.98</u>	\$((3-00)) <u>3.08</u>
	over 25	\$((2-30)) <u>2.36</u>	\$((2-40)) <u>2.46</u>

(2) Spindle tuber viroid testing is provided at the actual cost to the department.

AMENDATORY SECTION (Amending Order 4014, filed 10/22/92, effective 11/22/92)

WAC 16-324-730 ELISA testing for the presence of bacteria—Fees. The fee for ELISA testing for the presence of bacterial ringrot (*Clavibacter michiganensis* subsp. *sepe-donicum*) and *Erwinia c. subsp. atroseptica*, per sample \$((1-20)) 1.23

AMENDATORY SECTION (Amending Order 4014, filed 10/22/92, effective 11/22/92)

WAC 16-324-740 Entry level primary test—Fees.

- (1) Crystal violet pectate test for *Erwinia* sp., per sample \$((2-50)) 2.56
- (2) Nutrient - Yeast extract broth for bacteria, per sample \$((2-50)) 2.56

AMENDATORY SECTION (Amending Order 4014, filed 10/22/92, effective 11/22/92)

WAC 16-324-750 Tests for bacterial ringrot—Fees.

- (1) Gram stain test for bacterial ringrot, per sample \$((3-75)) 3.85
- (2) Bioassay (host plant indexing) to confirm bacterial ringrot, per sample \$((5-00)) 5.13

WSR 02-12-011

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 23, 2002, 4:05 p.m., effective August 1, 2002]

Date of Adoption: May 23, 2002.

Purpose: Chapter 16-403 WAC, Standards for apples marketed within the state of Washington, is amended as follows: WAC 16-403-141 Red Delicious, Delicious, Golden Delicious—Minimum soluble solids, increases soluble solids for Red Delicious and Delicious varieties of apples from 10% to 11%; WAC 16-403-142 Red Delicious, Delicious, Golden Delicious—Minimum firmness, establishes firmness standards of eleven pounds for Jonagold and Gala apple varieties; WAC 16-403-190 Tolerances, establishes a 10% firmness tolerance for Jonagold and Gala apple varieties; and WAC 16-403-280 Adoption of United States standards as state standards, adds a reference to Gala and Jonagold apples made necessary by the amendments to WAC 16-403-141, 16-403-142, and 16-403-190.

Citation of Existing Rules Affected by this Order: Amending WAC 16-403-141, 16-403-142, 16-403-280, and 16-403-190.

Statutory Authority for Adoption: Chapters 15.17 and 34.05 RCW.

Adopted under notice filed as WSR 02-07-118 on March 20, 2002.

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 4, 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 4, Repealed 0.

Effective Date of Rule: August 1, 2002.

May 13, 2002

William E. Brookreson

Acting Director

AMENDATORY SECTION (Amending WSR 92-15-056, filed 7/13/92, effective 8/13/92)

WAC 16-403-190 Tolerances. In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) Defects: Washington extra fancy, Washington fancy and Washington C grade.

Ten percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged, including therein not more than one percent for apples affected by decay or internal breakdown.

(2) When applying the foregoing tolerances to combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the percent of apples of the higher grade required in the combination.

Combinations requiring 80 percent of the higher grade for the lot shall have not less than 65 percent of the higher grade in individual samples.

Combinations requiring 50 percent of the higher grade for the lot shall have not less than 40 percent of the higher grade in individual samples.

(3) Size. When size is designated by the numerical count for a container, not more than 5 percent of the apples in the lot may vary more than 1/4 inch in diameter. When size is designated by minimum or maximum diameter or weight, not more than 5 percent of the apples in any lot may be smaller than the designated minimum and not more than 10 percent may be larger than the designated maximum.

(4) Firmness. Not more than ten percent of the apples in any lot of Red Delicious, Delicious, ~~((and))~~ Golden Delicious, Jonagold, and Gala varieties shall fail to meet the firmness requirements as defined in WAC 16-403-142.

AMENDATORY SECTION (Amending WSR 01-12-079, filed 6/5/01, effective 7/6/01)

WAC 16-403-141 Red Delicious, Delicious, Golden Delicious—Minimum soluble solids. For harvest of the crop of the current growing season, apples of the Red Delicious and Delicious varieties cannot be shipped prior to October 1, unless they have at least ~~((ten))~~ eleven percent soluble solids as determined by refractometer. Apples of the Golden Delicious varieties, cannot be shipped prior to September 20 unless they have at least ten and one-half percent soluble solids as determined by refractometer.

AMENDATORY SECTION (Amending Order 2032, filed 4/11/90, effective 5/12/90)

WAC 16-403-142 Red Delicious, Delicious, ~~((and))~~ Golden Delicious, Gala, and Jonagold—Minimum firmness. At the time of shipment, Red Delicious, and Delicious varieties shall pressure test not less than twelve pounds: Provided, That those apples failing to pressure test twelve pounds may be considered as meeting the requirements of this section when the individual apple exhibits edible qualities and texture of flesh comparable to other apples of the same variety which pressure test twelve pounds or more.

At the time of shipment, Golden Delicious variety shall pressure test not less than ten pounds: Provided, That those apples failing to pressure test ten pounds may be considered as meeting the requirements of this section when the individual apple exhibits edible qualities and texture of flesh comparable to other apples of the same variety which pressure test ten pounds or more.

At time of shipment, Gala and Jonagold varieties of apples shall pressure test not less than eleven pounds.

AMENDATORY SECTION (Amending Order 2012, filed 6/28/89, effective 9/1/89)

WAC 16-403-280 Adoption of United States standards as state standards. In addition to the standards for apples prescribed in WAC 16-403-140 through 16-403-275, there are hereby adopted, as additional standards of the state of Washington for apples, the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966, July 25, 1972, and March 25, 1976, adopted by the United States Department of Agriculture, as they apply to U.S. extra fancy, U.S. fancy, U.S. No. 1 and U.S. No. 1 hail, provided, the color requirements specified for U.S. No. 1 and U.S. No. 1 hail must be good shade of red color and the percentage of color required for U.S. No. 1 and U.S. No. 1 hail for Delicious shall be 25 percent good shade of red color and provided further, that all the United States grades as applied to Red Delicious, Delicious, ~~((and))~~ Golden Delicious, Gala, and Jonagold varieties shall meet the firmness requirements of WAC 16-403-142.

WSR 02-12-017
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed May 28, 2002, 10:03 a.m.]

Date of Adoption: May 28, 2002.

Purpose: To restrict some uses of pesticides containing the active ingredient clopyralid. The restrictions are intended to prevent clopyralid residues in compost at levels that may be damaging to plants grown in or around compost.

Statutory Authority for Adoption: Chapters 15.58, 17.21, and 34.05 RCW.

Adopted under notice filed as WSR 02-11-070 on May 13, 2002.

Changes Other than Editing from Proposed to Adopted Version: New section WAC 16-228-1238, which allowed for use on nonresidential lawns with permission from the Department of Agriculture, will not be adopted as part of the permanent rule. Additional modifications to this rule may be required as regulatory effectiveness is evaluated through collection and sharing of information with the Clopyralid Technical Advisory Committee.

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 5, Amended 0, Repealed 0.

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

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

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

May 28, 2002

William E. Brookreson
 Acting Director

NEW SECTION

WAC 16-228-1235 When are pesticides containing the active ingredient clopyralid state restricted use pesticides? Pesticides containing the active ingredient clopyralid are declared to be state restricted use pesticides when labeled for use on cereal grains, grass used for hay, lawns and turf including golf courses.

NEW SECTION

WAC 16-228-12351 Who can distribute pesticides containing the active ingredient clopyralid? Only licensed pesticide dealers can distribute pesticides containing the active ingredient clopyralid.

NEW SECTION

WAC 16-228-12352 Who can sell pesticides containing the active ingredient clopyralid? (1) Pesticides containing the active ingredient clopyralid that are labeled for use on cereal grains, grass used for hay, lawns and turf including golf courses can only be sold by licensed dealers to certified applicators or their duly authorized agents. In order to purchase such pesticides, certified applicators or their agents must have a valid certification, license or permit allowing them to use or purchase such pesticides.

(2) Pesticides containing clopyralid and labeled for uses on sites/crops in addition to cereal grains, grass used for hay, lawns and turf including golf courses may be sold by licensed dealers to noncertified applicators if the noncertified applicator signs the sales invoice or sales slip indicating that the pesticide will not be applied to cereal grains, grass used for hay, lawns and turf including golf courses.

NEW SECTION

WAC 16-228-1237 What are the restrictions on the use of pesticides containing the active ingredient clopyralid when labeled for use on lawns and turf including golf courses? In addition to the restrictions placed on the product label, pesticides containing the active ingredient clopyralid cannot be applied to lawns and turf including golf courses without complying with the requirements in WAC 16-228-12371.

NEW SECTION

WAC 16-228-12371 What requirements affect the use of pesticides containing the active ingredient clopyralid on golf courses? (1) When labeled for use on lawns and turf including golf courses, pesticides containing the active ingredient clopyralid may be applied on golf courses if no grass clippings, leaves or other vegetation are removed from the site and placed in composting facilities that provide product to the public.

(2) Before applying pesticides containing the active ingredient clopyralid on a golf course, the commercial applicator must give written notification to the appropriate grounds keeping personnel that no grass clippings, leaves or other vegetation may be removed from the site and placed in composting facilities that provide product to the public.

WSR 02-12-021
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

(Board of Boiler Rules)

[Filed May 28, 2002, 3:00 p.m.]

Date of Adoption: May 28, 2002.

Purpose: General fee increase to the Board of Boiler Rules - substantive (chapter 296-104 WAC).

The Board of Boiler Rules is adopting a 2.79% (rounded down to the nearest tenth of a dollar) general fee increase. The 2.79% rate is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 2002. The general fee increase is necessary to help offset inflation and to maintain the financial health and operational effectiveness of the program.

Citation of Existing Rules Affected by this Order: Amending WAC 296-104-055, 296-104-060, and 296-104-700.

Statutory Authority for Adoption: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350.

Other Authority: Chapter 70.79 RCW.

Adopted under notice filed as WSR 02-09-094 on April 17, 2002.

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 3, 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.

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

May 28, 2002

Craig Hopkins, Chair
Board of Boiler Rules

AMENDATORY SECTION (Amending WSR 01-12-034, filed 5/29/01, effective 6/29/01)

WAC 296-104-055 Administration—What are the examination fees? A fee of \$~~((61-70))~~ 63.40 will be charged for each applicant sitting for an inspection examination(s). If an applicant fails to pass the examination this fee shall be good for one year during which a reexamination may be taken. Checks for examination fees shall be made payable to the state treasurer.

AMENDATORY SECTION (Amending WSR 01-24-061, filed 11/30/01, effective 12/31/01)

WAC 296-104-060 Administration—When shall inspectors' commissions be issued, suspended, or revoked? The chief inspector shall issue a commission as a deputy or special inspector in accordance with RCW 70.79.120 and 70.79.130.

The fee for the special inspector commission is ~~((twenty-five dollars))~~ \$25.60. The special inspector commission shall be held at the home office of the employing company and shall be valid for one year and may be renewed annually at

the request of the employing company for a fee of ~~((ten dollars))~~ \$10.20. The deputy inspector commission shall be held by the chief inspector. The deputy inspector commission shall be valid for one year and may be renewed annually at the request of the chief inspector. Inspectors shall carry identifying commission cards while they are inspecting. The state or employing company shall return the commission and the identifying commission card at once to the chief inspector when the inspector to whom the commission was issued is no longer in its employ, or at the request of the chief inspector.

The chief inspector may suspend or revoke a certificate of competency and commission issued to an inspector upon written notice to the inspector and to the inspector's employer for:

- Incompetency or untrustworthiness;
- Willful falsification of any matter or statement contained in the application, or in the report of any inspection; or
- For other sufficient reason.

The holder of a certificate of competency is entitled to a hearing before the board prior to the revocation or suspension of the certificate of competency. A person whose commission has been suspended, except for untrustworthiness, may apply to the board for reinstatement. A person whose commission has been revoked, except for untrustworthiness, may apply to the board to take a new examination for a commission after ninety days from the date of the revocation.

AMENDATORY SECTION (Amending WSR 01-24-061, filed 11/30/01, effective 12/31/01)

WAC 296-104-700 What are the inspection fees—Certificate fees—Expenses? The following fees shall be paid by, or on behalf of, the owner or user upon the completion of the inspection. The inspection fees apply to inspections made by inspectors employed by the state.

	Internal	External
Heating boilers:		
Cast iron—All sizes	((27-80)) <u>28.50</u>	((22-20)) <u>22.80</u>
All other boilers less than 500 sq. ft.	((33-40)) <u>34.30</u>	((22-20)) <u>22.80</u>
500 sq. ft. to 2500 sq. ft.	((55-70)) <u>57.20</u>	((27-80)) <u>28.50</u>
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	((22-20)) <u>22.80</u>	((11-10)) <u>11.40</u>
Power boilers:		
Less than 100 sq. ft.	((27-80)) <u>28.50</u>	((22-20)) <u>22.80</u>
100 sq. ft. to less than 500 sq. ft.	((33-40)) <u>34.30</u>	((22-20)) <u>22.80</u>
500 sq. ft. to 2500 sq. ft.	((55-70)) <u>57.20</u>	((27-80)) <u>28.50</u>
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	((22-20)) <u>22.80</u>	((11-10)) <u>11.40</u>

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Pressure vessels:

Automatic utility hot water supply heaters per RCW 70.79.090 ~~((5.50))~~ 5.60

All other pressure vessels:

Square feet shall be determined by multiplying the length of the shell by its diameter.

	Internal	External
Less than 15 sq. ft.	((22.20)) <u>22.80</u>	((16.70)) <u>17.10</u>
15 sq. ft. to less than 50 sq. ft.	((33.40)) <u>34.30</u>	((16.70)) <u>17.10</u>
50 sq. ft. to 100 sq. ft.	((38.90)) <u>39.90</u>	((22.20)) <u>22.80</u>
For each additional 100 sq. ft. or any portion thereof	((38.90)) <u>39.90</u>	((11.10)) <u>11.40</u>

Certificate of inspection fees: For objects inspected, the certificate of inspection fee is ~~\$(16.70))~~ 17.10 per object.

Boiler and pressure vessel installation/reinstallation permit (excludes inspection) \$50.00

Nonnuclear shop inspections, field construction inspections, and special inspection services:

For each hour or part of an hour up to 8 hours ~~((33.40))~~ 34.30
 For each hour or part of an hour in excess of 8 hours ~~((50.10))~~ 51.40

Nuclear shop inspections, nuclear field construction inspections, and nuclear triennial shop survey and audit:

For each hour or part of an hour up to 8 hours ~~((50.10))~~ 51.40
 For each hour or part of an hour in excess of 8 hours ~~((77.90))~~ 80.00

Nonnuclear triennial shop survey and audit:

When state is authorized inspection agency:
 For each hour or part of an hour up to 8 hours ~~((33.40))~~ 34.30
 For each hour or part of an hour in excess of 8 hours ~~((50.10))~~ 51.40
 When insurance company is authorized inspection agency:
 For each hour or part of an hour up to 8 hours ~~((50.10))~~ 51.40
 For each hour or part of an hour in excess of 8 hours ~~((77.90))~~ 80.00

Expenses shall include:

Travel time and mileage: The department shall charge for its inspectors' travel time from their offices to the inspection sites and return. The travel time shall be charged for at the same rate as that for the inspection, audit, or survey. The department shall also charge the current Washington office of financial management accepted mileage cost fees or the actual cost of purchased transportation. Hotel and meals: Actual cost not to exceed the office of financial management approved rate.

Reinspection fee: Same as the fee for the previous inspection during which discrepancies were reported. The fee will be charged only if the discrepancies are not corrected before the reinspection. The fee shall not exceed ~~\$(26.70))~~ 27.40. Washington state specials: For each vessel to be considered by the board for a Washington state special certificate, a fee of ~~\$(308.60))~~ 317.20 must be paid to the department before the board meets to consider the vessel. The board may, at its discretion, prorate the fee when a number of vessels that are essentially the same are to be considered.

WSR 02-12-022
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 28, 2002, 3:01 p.m.]

Date of Adoption: May 28, 2002.

Purpose: Fees and other related changes for electrical (chapters 296-46A and 296-401B WAC), contractor registration (chapter 296-200A WAC), elevator (chapters 296-96 and 296-86A WAC) and factory assembled structures (chapters 296-150C, 296-150P, 296-150R, 296-150T, and 296-150V WAC).

The purpose of these rules is to adopt a 2.79% (rounded down to the nearest tenth of a dollar) general increase in fees for factory assembled structures (FAS), contractor registration, and electrical licensing and certification. The 2.79% rate is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 2002. The general fee increases are necessary to help offset inflation and maintain the financial health and operational effectiveness of the programs.

In addition, elevator inspection fees have been added/restructured and several of the fees have been increased in excess of the fiscal growth factor in response to the passage of the 2001 Operating Budget (chapter 7, Laws of 2001 - ESSB 6153) to ensure the fees fully fund the cost of the elevator program. Section 217(3) of ESSB 6153 authorized these fee changes:

"It is the intent of the legislature that elevator inspection fees shall fully cover the cost of the elevator inspection program. Pursuant to RCW 43.135.055, during the 2001-03 fiscal biennium the department may increase fees in excess of

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the fiscal growth factor, if the increases are necessary to fully fund the cost of the elevator inspection program."

The department is also adopting minor clarification changes to chapters 296-150C, 296-150T, 296-150V, and 296-200A WAC; chapter 296-86A WAC is being repealed. The changes to chapters 296-150C and 296-150V WAC are necessary because the Washington State Building Code Council adopted more recent versions of the Uniform Plumbing and Washington Energy Codes, which take effect on July 1, 2002. A change to chapter 296-150T WAC is necessary to eliminate the "Notification to Local Enforcement Agency (NLEA)" fee as this fee is unnecessary because the department only notifies the Department of Health and not all local jurisdictions - no cost is associated with this notification. The changes to the fees in chapter 296-200A WAC are necessary to eliminate the one-year renewal cycle to correct the \$10.00 fee and other clarification changes in WAC 296-200A-080 (see RCW 18.27.040 and 18.27.075). The repeal of chapter 296-86A WAC is necessary because it was inadvertently not repealed with the recent adoption of the comprehensive changes to the rules relating to elevators and other conveyances (chapter 296-96 WAC).

Lastly, the department is adopting changes to the renewal cycles and fees in WAC 296-46A-915 (2)(e) and (f) and 296-401B-700 (5) and (6) as a result of the passage of chapter 249, Laws of 2002 (SSB 6630) that was enacted in 2002.

Citation of Existing Rules Affected by this Order: Repealing chapter 296-86A WAC and WAC 296-96-01015; and amending WAC 296-46A-910, 296-46A-915, 296-96-01010, 296-96-01025, 296-96-01027, 296-96-01030, 296-96-01035, 296-96-01040, 296-96-01045, 296-96-01050, 296-96-01055, 296-96-01060, 296-96-01065, 296-150C-0800, 296-150C-3000, 296-150P-3000, 296-150R-3000, 296-150T-3000, 296-150V-0800, 296-150V-3000, 296-200A-080, 296-200A-900, and 296-401B-700.

Statutory Authority for Adoption: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, chapter 7, Laws of 2001 (ESSB 6153), and chapter 249, Laws of 2002 (SSB 6630).

Other Authority: Chapters 19.28, 43.22, 18.27, and 70.87 RCW.

Adopted under notice filed as WSR 02-09-095 on April 17, 2002.

Changes Other than Editing from Proposed to Adopted Version: **WAC 296-46A-910 Inspection fees.** The proposed fee in subsection (1)(b)(i) was changed from \$76.37 to \$76.30 in order to correct a rounding error.

WAC 296-46A-915 Electrical/telecommunications contractor license, administrator certificate and examination, and copy fees. Subsection (e) and (f) were changed to reflect changes to the renewal cycles (from two years to three years) for administrators. These changes are a result of chapter 249, Laws of 2002 (SSB 6630) that was enacted in 2002, and include adjustments to the fees as a result of the increased renewal cycle.

WAC 296-401B-700 Fees for certificates of competency, examination and reciprocity. Subsection (5) and (6) were changed to reflect changes to the renewal cycles (from one year to two years) for trainees. These changes are a result of chapter 249, Laws of 2002 (SSB 6630) that was enacted in 2002, and include adjustments to the fees as a result of the increase renewal cycle.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 11, Repealed 1.

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 23, Repealed 14.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 23, Repealed 14.

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 23, Repealed 14.

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

May 28, 2002

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01, effective 6/29/01)

WAC 296-46A-910 Inspection fees. To calculate inspection fees, the amperage is based on the conductor ampacity or the overcurrent device rating. The total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) PROGRESS INSPECTIONS below.

- (1) RESIDENTIAL.
- (a) Single and two-family residential (new construction).

Notes: • Square footage is the area included within the surrounding exterior walls of a building exclusive of any interior courts. (This includes any floor area in an attached garage, basement, or unfinished living space.)

• "Inspected with the service" means that a separate service inspection fee is included on the same electrical work permit and "inspected at the same time" means all wiring is to be ready for inspection during the initial inspection trip.

• An "outbuilding" is a structure that serves a direct accessory function to the residence, such as a pump house or storage building. Outbuilding does not include buildings used for commercial type occupancies or additional dwelling occupancies.

(i)	First 1300 sq. ft.	\$ ((68.90)) <u>70.80</u>
	Each additional 500 sq. ft. or portion of	\$ ((22.10)) <u>22.70</u>
(ii)	Each outbuilding or detached garage inspected at the same time as a dwelling unit on the property	\$ ((28.80)) <u>29.60</u>
(iii)	Each outbuilding or detached garage inspected separately	\$ ((45.50)) <u>46.70</u>

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- (iv) Each swimming pool - inspected with the service \$ ~~((45-50))~~ 46.70
- (v) Each swimming pool - inspected separately \$ ~~((68-90))~~ 70.80
- (vi) Each hot tub, spa, or sauna - inspected with the service \$ ~~((28-80))~~ 29.60
- (vii) Each hot tub, spa, or sauna - inspected separately \$ ~~((45-50))~~ 46.70
- (viii) Each septic pumping system - inspected with the service \$ ~~((28-80))~~ 29.60
- (ix) Each septic pumping system - inspected separately \$ ~~((45-50))~~ 46.70

(b) Multifamily residential and miscellaneous residential structures, services and feeders (new construction).

(i) Each service and/or feeder

Ampacity	Service/Feeder	Additional Feeder
0 to 200	\$ ((74-30)) <u>76.30</u>	\$ ((22-10)) <u>22.70</u>
201 to 400	\$ ((92-30)) <u>94.80</u>	\$ ((45-50)) <u>46.70</u>
401 to 600	\$ ((126-70)) <u>130.20</u>	\$ ((63-20)) <u>64.90</u>
601 to 800	\$ ((162-50)) <u>167.00</u>	\$ ((86-60)) <u>89.00</u>
801 and over	\$ ((231-70)) <u>238.10</u>	\$ ((173-80)) <u>178.60</u>

(c) Single-family or multi-family altered services including circuits.

(i) Each altered service and/or altered feeder

Ampacity	Service or Feeder
0 to 200	\$ ((63-20)) <u>64.90</u>
201 to 600	\$ ((92-30)) <u>94.80</u>
601 and over	\$ ((139-10)) <u>142.90</u>

(ii) Maintenance or repair of meter or mast (no alterations to service or feeder) \$ ~~((34-30))~~ 35.20

(d) Single or multi-family residential circuits only (no service inspection).

Note: Altered or added circuit fees are calculated per panelboard. Total cost of the alterations in an individual panel should not exceed the cost of a complete altered service or feeder of the same rating, as shown in subsection (1) RESIDENTIAL (c) (table) above.

(i) 1 to 4 circuits (see note) \$ ~~((45-50))~~ 46.70

• Except: Water heater load control devices installed in residences as part of an energy conservation program \$ ~~((27-70))~~ 28.40

Note: The \$ 27.70 permit fee for water heater load control devices will expire on December 31, 2001.

(ii) Each additional circuit (see note) \$ ~~((5-10))~~ 5.20

(e) Mobile homes, modular homes, mobile home parks, and RV parks.

(i) Mobile home or modular home service or feeder only \$ ~~((45-50))~~ 46.70

(ii) Mobile home service and feeder \$ ~~((74-30))~~ 76.30

(f) Mobile home park sites and RV park sites.

Note: For master service installations, see subsection (2).

- (i) First site service or site feeder \$ ~~((45-50))~~ 46.70
- (ii) Each additional site service; or additional site feeder inspected at the same time as the first service or feeder \$ ~~((28-80))~~ 29.60

(2) COMMERCIAL/INDUSTRIAL.

(a) New service or feeder and additional new feeders inspected at the same time (includes circuits).

Note: For large COMMERCIAL/INDUSTRIAL projects that include multiple feeders, "inspected at the same time" can be interpreted to include additional inspection trips for a single project. The additional inspections must be for electrical work specified on the permit at the time of purchase. The permit fee for such projects must be calculated from (2) (a) (i) (table) above. However, the total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) PROGRESS INSPECTIONS below.

Ampacity	Service/Feeder	Additional Feeder
0 to 100	\$ ((74-30)) <u>76.30</u>	\$ ((45-50)) <u>46.70</u>
101 to 200	\$ ((92-30)) <u>94.80</u>	\$ ((57-80)) <u>59.40</u>
201 to 400	\$ ((173-80)) <u>178.60</u>	\$ ((68-90)) <u>70.80</u>
401 to 600	\$ ((202-60)) <u>208.20</u>	\$ ((81-00)) <u>83.20</u>
601 to 800	\$ ((261-80)) <u>269.10</u>	\$ ((110-30)) <u>113.30</u>
801 to 1000	\$ ((319-60)) <u>328.50</u>	\$ ((133-40)) <u>137.10</u>
1000 and over	\$ ((348-70)) <u>358.40</u>	\$ ((186-10)) <u>191.20</u>

(b) Altered services or feeders (no circuits).

(i) Service/feeders

Ampacity	Service or Feeder
0 to 200	\$ ((74-30)) <u>76.30</u>
201 to 600	\$ ((173-80)) <u>178.60</u>
601 to 1000	\$ ((261-80)) <u>269.10</u>
1000 and over	\$ ((290-80)) <u>298.90</u>

(ii) Maintenance or repair of meter or mast (no alteration to the service or feeder) \$ ~~((63-20))~~ 64.90

(c) Circuits only.

Note: Altered/added circuit fees are calculated per panelboard. Total cost of the alterations in a panel (or panels) should not exceed the cost of a new feeder (or feeders) of the same rating, as shown in subsection (2) COMMERCIAL/INDUSTRIAL (a)(i)(table) above.

(i) First five circuits per branch circuit panel \$ ~~((57-80))~~ 59.40

(ii) Each additional circuit per branch circuit panel \$ ~~((5-10))~~ 5.20

(d) Over 600 volts surcharge per permit. \$ ~~((57-80))~~ 59.40

(3) TEMPORARY SERVICE(S).

Notes: • Temporary electrical power and lighting installations must be used during the period of construction, remodeling, maintenance, repair, or demolition of buildings, structures, equipment, or similar activities.

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• Temporary electrical power and lighting installations are allowed during emergencies and for tests, experiments, and developmental work. Temporary electrical power and lighting installations are allowed for a period not to exceed 90 days for Christmas decorative lighting and similar purposes. Temporary wiring shall be removed immediately upon completion of construction or purpose for which the wiring was installed.

• Temporary stage or concert inspections requested outside of normal business hours will be subject to the portal-to-portal hourly fees in subsection (11) OTHER INSPECTIONS. The fee for such after hours inspections shall be the greater of the fee from (3) TEMPORARY SERVICES (a) or the portal-to-portal fee.

(a) Temporary services, temporary stage or concert productions.

Ampacity	Service/Feeder	Additional Feeder
0 to 60	\$ ((39.80)) <u>40.90</u>	\$ ((20.50)) <u>21.00</u>
0 to 100	\$ ((45.50)) <u>46.70</u>	\$ ((22.40)) <u>22.70</u>
101 to 200	\$ ((57.80)) <u>59.40</u>	\$ ((28.80)) <u>29.60</u>
201 to 400	\$ ((68.90)) <u>70.80</u>	\$ ((34.40)) <u>35.30</u>
401 to 600	\$ ((92.30)) <u>94.80</u>	\$ ((45.50)) <u>46.70</u>
601 and over	\$ ((104.60)) <u>107.50</u>	\$ ((52.20)) <u>53.60</u>

(4) IRRIGATION MACHINES, PUMPS AND EQUIPMENT.

(a) Irrigation machines.

- (i) Each tower when inspected at the same time as a service and feeder from (2) COMMERCIAL/INDUSTRIAL \$ ~~((5.10))~~ 5.20
- (ii) Towers - when not inspected at the same time as a service and feeders - one to six towers \$ ~~((68.90))~~ 70.80
- (iii) Each additional tower \$ ~~((5.10))~~ 5.20

(5) MISCELLANEOUS - commercial/industrial and residential.

(a) Low-voltage thermostats.

- (i) First thermostat \$ ~~((34.40))~~ 35.30
- (ii) Each additional thermostat inspected at the same time as the first \$ ~~((10.80))~~ 11.10

(b) Low-voltage systems and telecommunications systems. Includes all telecommunications installations, fire alarm and burglar alarm nurse call, intercom, security systems, energy management control systems, HVAC/refrigeration control systems (other than thermostats above), industrial and automation control systems, lighting control systems, stand-alone sound systems, public address, and similar low-energy circuits and equipment.

- (i) First 2500 sq. ft. or less \$ ~~((39.80))~~ 40.90
- (ii) Each additional 2500 sq. ft. or portion of \$ ~~((10.80))~~ 11.10
- (c) Signs and outline lighting.
 - (i) First sign (no service included) \$ ~~((34.40))~~ 35.30
 - (ii) Each additional sign inspected at the same time on the same building or structure \$ ~~((16.40))~~ 16.80

(d) Berth at a marina or dock.

Note: Five berths or more shall be permitted to have the inspection fees based on appropriate service and feeder fees from section (2) COMMERCIAL/INDUSTRIAL (a)(i) above.

- (i) Berth at a marina or dock \$ ~~((45.50))~~ 46.70
- (ii) Each additional berth inspected at the same time \$ ~~((28.80))~~ 29.60

(e) Yard pole, pedestal, or other meter loops only

- (i) Yard pole, pedestal, or other meter loops only \$ ~~((45.50))~~ 46.70
- (ii) Meters installed remote from service equipment:
 - Inspected at same time as service, temporary service or other installations \$ ~~((10.80))~~ 11.10
- (f) Emergency inspections requested outside normal work hours. Regular fee plus surcharge of: \$ ~~((86.60))~~ 89.00
- (g) Generators.
 - (i) Portable generators: Permanently installed transfer equipment for portable generators \$ ~~((63.20))~~ 64.90
 - (ii) Permanently installed generators: Refer to appropriate residential or commercial new service or feeder section
- (h) Annual permit fee for plant location employing regular electrical maintenance staff - each inspection two-hour maximum.

	Inspections	Fee
1 to 3 plant electricians	12	\$ ((1,664.40)) <u>1,710.80</u>
4 to 6 plant electricians	24	\$ ((3,330.40)) <u>3,423.30</u>
7 to 12 plant electricians	36	\$ ((4,995.30)) <u>5,134.60</u>
13 to 25 plant electricians	52	\$ ((6,661.30)) <u>6,847.10</u>
more than 25 plant electricians	52	\$ ((8,327.30)) <u>8,559.60</u>

(i) Telecommunications annual permit fee.

(i) For commercial/industrial location employing full-time telecommunications maintenance staff or having a yearly maintenance contract with a licensed electrical/telecommunications contractor. Annual inspection time required may be estimated by the purchaser at the rate for "Other inspections" in this section, charged portal-to-portal per hour - two-hour minimum. \$ ~~((137.80))~~ 141.60

Each additional hour, or portion thereof, of portal-to-portal inspection time \$ ~~((68.90))~~ 70.80

(6) CARNIVAL INSPECTIONS.

(a) First carnival field inspection each year.

- (i) Each ride and generator truck \$ ~~((16.40))~~ 16.80
- (ii) Each remote distribution equipment, concession or gaming show \$ ~~((5.10))~~ 5.20
- (iii) If the calculated fee for first field inspection of (a) and (b) above is less, the minimum inspection fee shall be: \$ ~~((86.60))~~ 89.00

(b) Subsequent carnival inspections.

- (i) First 10 rides, concessions, generators, remote distribution equipment or gaming show \$ ~~((86.60))~~ 89.00
- (ii) Each additional ride, concession, generator, remote distribution equipment or gaming show \$ ~~((5.10))~~ 5.20

(c) Concession(s) or ride(s) not part of a carnival.

- (i) First field inspection each year of a single concession or ride, not part of a carnival \$ ~~((68.90))~~ 70.80
- (ii) Subsequent inspection of a single concession or ride, not part of a carnival \$ ~~((45.50))~~ 46.70

(7) TRIP FEES.

- (a) Requests by property owners to inspect existing installations. \$ ~~((68.90))~~ 70.80
- (b) Submitter notifies the department that work is ready for inspection when it is not ready. \$ ~~((34.40))~~ 35.30
- (c) Additional inspection required because submitter has provided the wrong address. \$ ~~((34.40))~~ 35.30
- (d) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work. \$ ~~((34.40))~~ 35.30

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- (e) Each trip necessary to remove a noncompliance notice. \$ ~~((34.40))~~
35.30
- (f) Corrections have not been made in the prescribed time, unless an exception has been requested and granted. \$ ~~((34.40))~~
35.30
- (g) Installations that are covered or concealed before inspection. \$ ~~((34.40))~~
35.30
- (8) **PROGRESS INSPECTIONS.**
- Note: The fees calculated in subsections (1) through (6) must apply to all electrical work. This section must be applied to a permit where the permit holder has requested additional inspections beyond the number supported by the permit fee calculated at the rate in (1) through (6).
- (a) On partial or progress inspections, each one-half hour. \$ ~~((34.40))~~
35.30
- (9) **PLAN REVIEW FEE.**
- (a) Fee is thirty-five percent of the electrical work permit fee as determined by WAC 296-46A-910, plus a plan review submission fee of: \$ ~~((57.80))~~
59.40
- (b) Supplemental submissions of plans per hour or fraction of an hour. \$ ~~((68.90))~~
70.80
- (c) Plan review shipping and handling fee. \$ ~~((16.40))~~
16.80
- (10) **OUT-OF-STATE INSPECTIONS.**
- (a) Permit fees will be charged according to the fees listed in this section.
- (b) Travel expenses:
- (i) All travel expenses and per diem for out-of-state inspections are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in subsection (11) of this section
- (11) **OTHER INSPECTIONS.**
- (a) Inspections not covered by above inspection fees must be charged portal-to-portal per hour: \$ ~~((68.90))~~
70.80
- (12) **REFUND PROCESSING FEE.**
- (a) All requests for permit fee refunds will be assessed a processing fee. \$ ~~((10.80))~~
11.10
- (13) **VARIANCE REQUEST PROCESSING FEE.**
- (a) Variance request processing fee. This fee is nonrefundable once the transaction has been made. \$ ~~((68.90))~~
70.80

- (d) Administrator original certificate (request for certificate submitted with application) \$ ~~((66.30))~~
68.10
- (e) Administrator certificate renewal (per ~~((twenty-four))~~ thirty-six month period) \$ ~~((83.80))~~
129.10
- (f) Late renewal of administrator certificate (per ~~((twenty-four))~~ thirty-six month period) \$ ~~((166.90))~~
258.20
- (g) Transfer of administrator designation \$ ~~((33.10))~~
34.00
- (h) Certified copy of each document (maximum per file): \$ ~~((47.00))~~
48.30
 - First document: \$ ~~((21.30))~~
21.80
 - Each additional document: \$ 2.00
- (i) Reinstatement of an administrator's certificate after a suspension \$ ~~((44.70))~~
45.90
- (3) **REFUND PROCESSING FEE** \$ ~~((10.80))~~
11.10

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 296-86A-010 Do I need a permit to construct, alter or relocate a conveyance?
- WAC 296-86A-020 When I apply for my construction, alteration or relocation permit, what permit fees will I have to pay?
- WAC 296-86A-025 When I apply for my material lift installation, alteration or relocation permit, what permit fees will I have to pay?
- WAC 296-86A-028 Are the construction and alteration permit fees that I pay refundable?
- WAC 296-86A-030 What installation permit fees will I have to pay for personnel and material hoists?
- WAC 296-86A-040 Do I need to submit my plans for new installations and alterations to the department for approval?
- WAC 296-86A-060 What annual operating permit fees will I have to pay?
- WAC 296-86A-065 Can I replace annual operating permits that have been damaged, lost or stolen?
- WAC 296-86A-070 Can I obtain a supplemental inspection from the department?
- WAC 296-86A-073 Can I obtain technical services from the department's elevator section?

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01, effective 6/29/01)

WAC 296-46A-915 Electrical/telecommunications contractor license, administrator certificate and examination, and copy fees.

- (1) **GENERAL OR SPECIALTY CONTRACTOR LICENSE** (per twenty-four month period) \$ ~~((222.40))~~
228.60
- (a) Reinstatement of a general or specialty contractor's license after a suspension \$ ~~((44.70))~~
45.90
- (2) **ADMINISTRATOR CERTIFICATE**
- Note: Failure to appear for an examination results in forfeiture of the examination fee.
- (a) Administrator certificate examination application (nonrefundable) \$ ~~((27.70))~~
28.40
- (b) Administrator first-time examination fee \$ ~~((66.60))~~
68.40
- (c) Administrator retest examination fee \$ ~~((77.90))~~
80.00

- WAC 296-86A-074 Can I request an inspection outside of the department's normal work hours?
- WAC 296-86A-075 Do I pay a fee when my conveyance is inspected?
- WAC 296-86A-080 Is there a fee for inspecting regular elevators used as temporary personnel elevators?

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01025 What is the permit fee for personnel and material hoists? The fee for each personnel hoist or material hoist installation is ~~\$(101.75))~~ 200.00

Note: An operating permit is also required for these types of conveyances.

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01, effective 6/29/01)

WAC 296-96-01027 Are initial installation permit fees refundable? Your initial installation permit fees are refundable minus a processing fee unless your permits have expired. No refunds will be issued for expired permits. All requests for refunds must be submitted in writing to the elevator section and must identify the specific permits for which the refunds are requested.

The processing fee for a refund is ~~\$(26.70))~~ 30.00

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01, effective 6/29/01)

WAC 296-96-01030 What is the process for installation and alteration plan approval? Prior to the start of construction, you must submit to the department for approval two copies of plans for new installations or major alterations. To be approved, the plan must comply with the latest adopted edition of the American Society of Mechanical Engineers (ASME) A17.1, the National Electrical Code (NEC) and applicable Washington Administrative Codes (WAC). In addition, the plans must include all information necessary in determining whether each installation/alteration complies with all applicable codes. You must keep a copy of the approved plan on the job site until the department has witnessed all acceptance tests. Any alterations to the approved plan must be submitted to the department for approval before a final inspection will be conducted. The nonrefundable fees for reviewing your plans are:

For each installation/major alteration ~~\$(22.80))~~ 25.00
 If more than two sets of plans are submitted, the fee for each additional set ~~\$(22.80))~~ 10.00

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01, effective 6/29/01)

WAC 296-96-01035 Are there inspection fees? Yes. The initial inspection of a conveyance or for the initial inspection of construction, alteration or relocation of a conveyance is included with your permit fee. Once the department has approved the conveyance you will be issued a permit that is valid for 30-days. Prior to the expiration of the 30-day permit the application for an annual operating permit and the appropriate fees must be paid to the department. Once the department has received the appropriate fees and application you will be issued your first annual operating permit. You are required to renew your annual operating permit yearly.

The following exceptions do require a fee:

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01, effective 6/29/01)

WAC 296-96-01010 What are the permit fees for conveyances (~~other than~~), material lifts, and hoists and how are they calculated? Permit fees are based on the total cost of the conveyance and labor to install. The following permit fees apply to the construction(~~, alteration,~~) or relocation of all conveyances (~~except for~~) and material lifts:

TOTAL COST OF CONVEYANCE	FEE
\$(250) 0 to and including \$1,000	\$(31.30)) <u>50.00</u>
(\$1,001 to and including \$15,000	
For the first \$1,001	44.20
Each additional \$1,000 or fraction thereof	8.70
\$15,001 to and including \$100,000	
For first \$15,001	169.90
For each additional \$1,000 or fraction thereof	5.60
OVER \$100,001	
For the first \$100,001	714.40
For each additional \$1,000 or fraction thereof	4.60))
\$1,001 to and including \$5,000	75.00
\$5,001 to and including \$7,000	125.00
\$7,001 to and including \$10,000	150.00
\$10,001 to and including \$15,000	200.00
OVER \$15,000	280.00
Each additional \$1,000 or fraction thereof	7.00

NEW SECTION

WAC 296-96-01012 What are the permit fees for alterations to conveyances, material lifts, and hoists and how are they calculated? Permit fees are based on the total cost of the equipment, materials and labor to perform the alteration. The following permit fees apply to the alteration of all conveyances and material lifts:

TOTAL COST OF ALTERATION	FEE
\$0 to and including \$1,000	\$50.00
\$1,001 to and including \$5,000	75.00
\$5,001 to and including \$7,000	125.00
\$7,001 to and including \$10,000	150.00
\$10,001 to and including \$15,000	200.00
OVER \$15,000	200.00
Each additional \$1,000 or fraction thereof	\$7.00

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(1) **Reinspection.** If a conveyance does not pass an initial inspection and an additional inspection is required, the fee for each reinspection of a conveyance is \$100.00 per conveyance plus \$50.00 per hour for each hour in addition to the first hour.

((REINSPECTION	FEE
If a conveyance does not pass an initial inspection and a second inspection is required, the fee for each conveyance reinspected is	\$81.00
If any additional reinspections are required, the fee for each conveyance reinspected	\$104.60))

The department may waive reinspection fees.

(2) Inspecting increases in the height (jumping) of personnel and material hoists.

The fee for inspecting an increase in the height (jumping) of each personnel hoist or material hoist is \$100.00 plus \$50.00 per hour for each hour in addition to 2 hours. This fee is for inspections occurring during regular working hours.

(3) Variance inspections.

(a) The fee for an on-site variance inspection is \$150.00 per conveyance plus \$50.00 per hour for each hour in addition to 2 hours. This fee is for inspections occurring during regular working hours.

(b) The fee for a variance approval that does not require an on-site inspection is \$50.00 per conveyance. The individual requesting the variance approval must provide the department with pictures, documentation, or other information necessary for the department to review the variance. The department may conduct an on-site variance inspection to verify the information provided or if it determines that an inspection is necessary. If an on-site variance inspection is performed, the fees in (a) of this subsection will apply.

(4) **"Red tag" inspection.** The fee for performing an annual inspection to conveyances that are in "Red tag" status is \$25.00.

(5) **Decommission inspection.** The fee for performing a decommission inspection is \$50.00. Once the decommission inspection has been performed and approved, the conveyance will no longer require annual inspections until such time that the conveyance is brought back into service. Prior to operating the conveyance, a new inspection and annual operating permit must be obtained.

(6) **Voluntary inspections by request.** The owner or potential purchaser of a building within the department's jurisdiction may request a voluntary inspection of a conveyance. The fee for this inspection will be \$100.00 per conveyance and \$50.00 per hour for each hour in addition to 2 hours plus the standard per diem and mileage allowance granted to department inspectors. The owner/potential purchaser requesting the voluntary inspection will not be subject to any penalties based on the inspector's findings.

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01, effective 6/29/01)

WAC 296-96-01040 What is the fee for testing and inspecting regular elevators used as temporary ((personnel)) elevators to provide transportation for construction personnel, tools, and materials only? (1) The fee for the

inspecting and testing of regular elevators used as temporary ((personnel)) elevators is \$((69.40)) 80.00, in addition to any other fees required in this chapter. This fee purchases a 30-day temporary use permit that may be renewed at the department's discretion.

(2) When this temporary use permit is purchased, a notice declaring that the equipment has not received final approval from the department must be conspicuously posted ((on)) in the elevator.

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01, effective 6/29/01)

WAC 296-96-01045 What are the inspection requirements and fees for conveyances in private residences? (1) Chapter 70.87 RCW requires the department to inspect all new, altered or relocated conveyances operated exclusively for single-family use in private residences. Prior to inspection, you must complete a permit application as described in WAC 296-96-01005 and pay the appropriate fee listed in WAC 296-96-01010.

(2) Chapter 70.87 RCW allows the department to inspect conveyances operated exclusively for single-family use in private residences when the department is investigating an accident or an alleged or apparent violation of the statute or these rules.

(3) No annual inspection and operating permit is required for a private residence conveyance operated exclusively for single-family use unless the owner requests it. When an owner requests an inspection and an annual operating permit, the following fee must be paid prior to an inspection:

TYPE OF CONVEYANCE	FEE
Each inclined stairway chair lift in private residence	\$((16.90)) 23.40
Each inclined wheel chair lift in a private residence	((22.80)) 23.40
Each vertical wheel chair lift in a private residence	((28.80)) 29.60
Each dumbwaiter in a private residence.	((22.80)) 23.40
Each inclined elevator at a private residence	((81.00)) 83.20
Each private residence elevator	((52.20)) 53.60
Duplication of a lost, damaged or stolen operating permit	((5.10)) 10.00

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01, effective 6/29/01)

WAC 296-96-01050 How do I get a supplemental inspection? Any person, firm, corporation or governmental agency can request a supplemental inspection from the department by paying a fee of ((\$299.80 per day plus)) \$150.00 per conveyance plus \$50.00 per hour in travel time

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and the standard per diem and mileage allowance granted to department inspectors. This fee is for inspections occurring during regular working hours.

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01, effective 6/29/01)

WAC 296-96-01055 Are technical services available and what is the fee? You may request elevator field technical services from the department by paying a fee of ~~\$(57-89)~~ 60.00 per hour plus the standard per diem and mileage allowance granted to department inspectors. These field technical services may include code evaluation, code consultation, plan examination, code interpretation and clarification of technical data relating to the application of the department's conveyance rules. Field technical services do not include inspections.

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01, effective 6/29/01)

WAC 296-96-01060 Can I request an after hours inspection and what is the fee? You may request an inspection outside of normal business hours, which are 7:00 a.m. to 5:00 p.m., if an inspector is available and the inspection is authorized by the department. The minimum fee for an after-hours inspection is ~~\$(72-79)~~ 75.00 and \$75.00 per hour for each hour in addition to the first hour plus the standard per diem and mileage allowance granted to department inspectors. This fee is in addition to any other fees required for your project.

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01, effective 6/29/01)

WAC 296-96-01065 What are the annual operating permits fees? An annual operating permit will be issued to you upon payment of the appropriate fee:

TYPE OF CONVEYANCE	FEE
Each hydraulic elevator	\$(80-90) <u>100.00</u>
Each roped-hydraulic elevator	((104-60)) <u>125.00</u>
plus for each hoistway opening in excess of two	((7-90)) <u>10.00</u>
Each cable elevator	((104-60)) <u>125.00</u>
plus for each hoistway opening in excess of two	((7-90)) <u>10.00</u>
Each cable elevator traveling more than 25 feet without an opening—for each 25 foot traveled	((11-00)) <u>10.00</u>
Each limited-use/limited-application (—LULA) elevator	((80-90)) <u>100.00</u>
Each escalator	((80-90)) <u>83.10</u>

Each dumbwaiter in other than a private residence	((52-20)) <u>53.60</u>
Each material lift	((69-40)) <u>100.00</u>
Each incline elevator in other than a private residence	((104-60)) <u>107.50</u>
Each belt manlift	((80-90)) <u>100.00</u>
Each stair lift in other than a private residence	((52-20)) <u>53.60</u>
Each wheel chair lift in other than a private residence	((52-20)) <u>53.60</u>
Each personnel hoist	((80-90)) <u>100.00</u>
Each grain elevator personnel lift	((80-90)) <u>83.10</u>
Each material hoist	((80-90)) <u>100.00</u>
Each special purpose elevator	((80-90)) <u>100.00</u>
Each private residence elevator installed in other than a private residence	((80-90)) <u>100.00</u>
Each casket lift	((80-90)) <u>83.10</u>
Each sidewalk freight elevator	((80-90)) <u>83.10</u>
Each hand-powered manlift or freight elevator	((52-20)) <u>56.30</u>
Each boat launching elevator	((80-90)) <u>83.10</u>
Each auto parking elevator	((80-90)) <u>83.10</u>
Each moving walk	((80-90)) <u>83.10</u>
Duplication of a damaged, lost or stolen operating permit	((5-10)) <u>10.00</u>

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-96-01015 What are the permit fees for material lifts and how are they calculated?

AMENDATORY SECTION (Amending WSR 98-14-078, filed 6/30/98, effective 7/31/98)

WAC 296-150C-0800 What manufacturing codes apply to commercial coaches? (1) All design, construction, and installations of commercial coaches must conform with the following codes and the requirements of this chapter:

PERMANENT

(a) The latest adopted version of the Washington State Ventilation and Indoor Air Quality Code, as adopted by chapter 51-13 WAC;

(b) The structural and other requirements of this chapter;

(c) Occupancy classification only from chapter 3 of The Uniform Building Code, 1997 edition as adopted and amended by chapter 51-40 WAC, except commercial coaches must not be group H or R-3 occupancy;

(d) Accessibility requirements of chapter 11 of The Uniform Building Code, 1997 edition as adopted and amended by chapter 51-40 WAC;

(e) Table 16-A Uniform and concentrated floor loads and footnotes of The Uniform Building Code, 1997 edition as adopted and amended by chapter 51-40 WAC;

(f) The Uniform Mechanical Code, 1997 edition as adopted and amended by chapter 51-42 WAC except when conflicting with the provisions of this chapter, this chapter controls;

(g) The National Electrical Code as referenced in chapter 19.28 RCW and chapter ((296-46)) 296-46A WAC;

(h) The latest adopted version of the Washington State Energy Code, as adopted ((by chapter 51-11 WAC)) according to chapter 19.27A RCW;

(i) The Uniform Plumbing Code, ((1997 edition)) as adopted and amended ((by chapters 51-46 and 51-47 WAC)) according to chapter 19.27 RCW;

(j) Where there is a conflict between codes, an earlier named code takes precedent over a later named code. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive governs. Where there is a conflict between a general requirement and a special requirement, the specific requirement must be applicable.

(2) All construction methods and installations must use accepted engineering practices, provide minimum health and safety to the occupants of commercial coaches and the public, and demonstrate journeyman quality of work of the various trades.

(3) Requirements for any size, weight, or quality of material modified by the terms "minimum," "not less than," "at least," and similar expressions are minimum standards. The manufacturer may exceed these rules provided the deviation does not result in inferior installation or defeat the purpose and intent of this chapter.

Note: The codes, RCW's and WAC's referenced in this rule are available to view at the Washington State Library, the Washington State Law Library, and may also be available at your local library.

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01, effective 6/29/01)

WAC 296-150C-3000 Commercial coach fees.

WAC 296-150C-3000 COMMERCIAL COACH FEES	
INITIAL FILING FEE	\$((28-80)) <u>29.60</u>
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN	\$((197-50)) <u>203.00</u>
INITIAL FEE - ONE YEAR DESIGN	\$((81-00)) <u>83.20</u>
RENEWAL FEE	\$((34-40)) <u>35.30</u>
RESUBMIT FEE	\$((57-80)) <u>59.40</u>
ADDENDUM (Approval expires on same date as original plan)	\$((57-80)) <u>59.40</u>
ELECTRONIC PLAN SUBMITTAL FEE \$((4-50)) <u>4.60</u> per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
ELECTRICAL PLAN REVIEW (When required by WAC 296-46A-140. Plan review for educational, institutional or health care facilities and other buildings)	
Electrical Plan submission fee	\$((57-80)) <u>59.40</u>
Service/feeder Ampacity:	
0 - 100	\$((25-70)) <u>26.40</u>
101 - 200	\$((32-10)) <u>32.90</u>
201 - 400	\$((59-90)) <u>61.50</u>
401 - 600	\$((70-70)) <u>72.60</u>
601 - 800	\$((91-00)) <u>93.50</u>
801 - 1000	\$((111-30)) <u>114.40</u>
Over 1000	\$((120-80)) <u>124.10</u>
Over 600 volts surcharge	\$((19-20)) <u>19.70</u>

PERMANENT

WAC 296-150C-3000 COMMERCIAL COACH FEES	
Thermostats:	
First	\$((11.50)) <u>11.80</u>
Each additional	\$3.00
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	\$((10.50)) <u>10.70</u>
Each additional circuit or zone	\$2.00
Generators, refer to appropriate service/feeder ampacity fees	
<i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	
	\$((68.40)) <u>70.30</u>
MEDICAL GAS PLAN REVIEW:	
SUBMISSION FEE	\$((55.50)) <u>57.00</u>
FIRST STATION	\$((55.50)) <u>57.00</u>
EACH ADDITIONAL STATION	\$((20.50)) <u>21.00</u>
RECIPROCAL PLAN REVIEW:	
INITIAL FEE - MASTER DESIGN	\$((88.20)) <u>90.60</u>
INITIAL FEE - ONE YEAR DESIGN	\$((53.40)) <u>54.80</u>
RENEWAL FEE	\$((53.40)) <u>54.80</u>
ADDENDUM	\$((53.40)) <u>54.80</u>
PLANS APPROVED BY PROFESSIONALS	
	\$((40.30)) <u>41.40</u>
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	
	\$((11.00)) <u>11.30</u>
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$((57.80)) <u>59.40</u>
TRAVEL (Per hour)	\$((57.80)) <u>59.40</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$((57.80)) <u>59.40</u>
TRAVEL (Per hour*)	\$((57.80)) <u>59.40</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$((16.90)) <u>18.20</u>
EACH ADDITIONAL SECTION	\$((11.00)) <u>11.30</u>
ALTERATION	\$((28.80)) <u>29.60</u>
REISSUED-LOST/DAMAGED	\$((11.00)) <u>11.30</u>

PERMANENT

WAC 296-150C-3000 COMMERCIAL COACH FEES	
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$((57.80)) <u>59.40</u>
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	\$((11.00)) <u>11.30</u>
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines	
*** Actual charges incurred	

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01, effective 6/29/01)

WAC 296-150P-3000 Recreational park trailer fees.

WAC 296-150P-3000 RECREATIONAL PARK TRAILER FEES	
INITIAL FILING FEE	\$((28.80)) <u>29.60</u>
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE WITHOUT STRUCTURAL REQUIREMENTS	\$((81.00)) <u>83.20</u>
NEW PLAN REVIEW FEE WITH STRUCTURAL REQUIREMENTS	\$((106.90)) <u>109.80</u>
RESUBMITTAL FEE	\$((57.80)) <u>59.40</u>
ADDENDUM (Approval expires on same date as original plan.)	\$((57.80)) <u>59.40</u>
ELECTRONIC PLAN SUBMITTAL FEE \$((4.50)) <u>4.60</u> per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
QUALITY CONTROL/MANUAL FEES:	
INITIAL APPROVAL	\$((11.00)) <u>11.30</u>
RESUBMITTAL FEE	\$((57.80)) <u>59.40</u>
ADDENDUM	\$((57.80)) <u>59.40</u>
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$((57.80)) <u>59.40</u>
TRAVEL (per hour)*	\$((57.80)) <u>59.40</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$((57.80)) <u>59.40</u>
TRAVEL (per hour)*	\$((57.80)) <u>59.40</u>
PER DIEM**	
HOTEL***	
MILEAGE**	

PERMANENT

WAC 296-150P-3000 RECREATIONAL PARK TRAILER FEES	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
STATE CERTIFIED	\$(10.80) 11.10
ALTERATION	\$(28.80) 29.60
REISSUED-LOST/DAMAGED	\$(10.80) 11.10
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$(57.80) 59.40
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)	\$(11.00) 11.30
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01, effective 6/29/01)

WAC 296-150R-3000 Recreational vehicle fees.

WAC 296-150R-3000 RECREATIONAL VEHICLE FEES	
STATE PLAN	
INITIAL FILING FEE	\$(28.80) 29.60
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE	\$(81.00) 83.20
RESUBMITTAL FEE	\$(57.80) 59.40
ADDENDUM (Approval expires on same date as original plan.)	\$(57.80) 59.40
QUALITY CONTROL/MANUAL FEES:	
INITIAL APPROVAL	\$(11.00) 11.30
RESUBMITTAL FEE	\$(57.80) 59.40
ADDENDUM	\$(57.80) 59.40
ELECTRONIC PLAN SUBMITTAL FEE \$(4.50) 4.60 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$(57.80) 59.40
TRAVEL (per hour)*	\$(57.80) 59.40
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$(57.80) 59.40
TRAVEL (per hour)*	\$(57.80) 59.40
PER DIEM**	
HOTEL***	

PERMANENT

WAC 296-150R-3000 RECREATIONAL VEHICLE FEES	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
STATE CERTIFIED	\$((10.50)) 10.70
ALTERATION	\$((28.80)) 29.60
REISSUED-LOST/DAMAGED	\$((10.50)) 10.70
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$((57.80)) 59.40
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	\$((11.00)) 11.30
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
***Actual charges incurred.	

WAC 296-150R-3000 RECREATIONAL VEHICLE FEES	
SELF CERTIFICATION	
INITIAL FILING FEE	\$((28.80)) 29.60
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE (one time fee)	\$((81.00)) 83.20
RESUBMITTAL FEE	\$((57.80)) 59.40
ADDENDUM (Approval expires on same date as original plan.)	\$((57.80)) 59.40
ELECTRONIC PLAN SUBMITTAL FEE \$((4.50)) 4.60 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
SELF CERTIFICATION/MANUAL FEES:	
INITIAL APPROVAL	\$((11.00)) 11.30
RESUBMITTAL FEE	\$((57.80)) 59.40
ADDENDUM	\$((57.80)) 59.40
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$((57.80)) 59.40
TRAVEL (per hour)*	\$((57.80)) 59.40
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$((57.80)) 59.40
TRAVEL (per hour)*	\$((57.80)) 59.40
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	

PERMANENT

WAC 296-150R-3000 RECREATIONAL VEHICLE FEES	
INSIGNIA FEES:	
SELF CERTIFIED	\$(10.50) <u>10.70</u>
ALTERATION	\$(28.80) <u>29.60</u>
REISSUED-LOST/DAMAGED	\$(10.50) <u>10.70</u>
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$(57.80) <u>59.40</u>
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	\$(11.00) <u>11.30</u>
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
***Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01, effective 6/29/01)

WAC 296-150T-3000 Factory-built temporary worker housing fees.

WAC 296-150T-3000 TEMPORARY WORKER HOUSING FEES	
INITIAL FILING FEE	
	\$(40.30) <u>41.40</u>
DESIGN PLAN FEES:	
INITIAL ONE YEAR DESIGN	\$(115.90) <u>119.10</u>
RENEWAL FEE	\$(40.30) <u>41.40</u>
RESUBMIT FEE	\$(57.80) <u>59.40</u>
ADDENDUM (Approval expires on same date as original plan)	\$(57.80) <u>59.40</u>
ELECTRONIC PLAN SUBMITTAL FEE \$(4.50) <u>4.60</u> per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	
	\$(68.40) <u>70.30</u>
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	
	\$(11.00) <u>11.30</u>
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$(57.80) <u>59.40</u>
TRAVEL (Per hour)*	\$(57.80) <u>59.40</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$(57.80) <u>59.40</u>
TRAVEL (Per hour*)	\$(57.80) <u>59.40</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$(162.50) <u>167.00</u>

PERMANENT

EACH ADDITIONAL SECTION	\$(15.90) 16.30
REISSUED-LOST/DAMAGED	\$(40.30) 41.40
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$(57.80) 59.40
((NOTIFICATION TO LOCAL ENFORCEMENT AGENCY (NLEA))	\$23.90)
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free per year)	\$(11.00) 11.30
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines	
*** Actual charges incurred	

AMENDATORY SECTION (Amending WSR 99-18-069, filed 8/31/99, effective 10/1/99)

WAC 296-150V-0800 What manufacturing codes apply to conversion vendor units or medical units? (1) A conversion vendor unit or medical unit must comply with the following codes where applicable:

- (a) The Uniform Mechanical Code, with the amendments made by the Washington State Building Code Council, chapter 51-42 WAC;
- (b) The National Electrical Code as referenced in chapter 19.28 RCW and chapter ((296-46)) 296-46A WAC, installing electric wires and equipment;
- (c) The Uniform Plumbing Code ((1997 edition with the amendments under)) as adopted and amended according to chapter 19.27 RCW;
- (d) The Washington State Building Code Council, chapter 51-40 WAC, Uniform Building Code, Chapter 11, Acces-

sibility as applies to the exterior of the unit relating to customer service facilities in section 1105.4.7; and

(e) The Washington State Energy Code, ((chapter 51-11 WAC)) as adopted according to chapter 19.27A RCW, and the Washington State Ventilation and Indoor Air Quality Code, chapter 51-13 WAC, when heating and/or air conditioning is installed.

(2) Provide minimum health and safety to the occupants of conversion vendor units and medical units and the public, and demonstrate journeyman quality of work of the various trades.

(3) Requirements for any size, weight, or quality of material modified by the terms "minimum," "not less than," "at least," and similar expressions are minimum standards. The conversion vendor unit or medical unit may exceed these rules provided the deviation does not result in inferior installation or defeat the purpose and intent of this chapter.

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01, effective 6/29/01)

WAC 296-150V-3000 Conversion vendor units and medical units—Fees.

WAC 296-150V-3000 CONVERSION VENDOR UNITS AND MEDICAL UNITS	
INITIAL FILING FEE	\$(28.80) 29.60
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN	\$(197.50) 203.00
INITIAL FEE - ONE YEAR DESIGN	\$(81.00) 83.20
RENEWAL FEE	\$(34.70) 35.60
RESUBMIT FEE	\$(57.80) 59.40
ADDENDUM (Approval expires on same date as original plan)	\$(57.80) 59.40
ELECTRONIC PLAN SUBMITTAL FEE \$(4.50) 4.60 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
RECIPROCAL PLAN REVIEW: (Pending)	
INITIAL FEE - MASTER DESIGN	\$(88.20) 90.60
INITIAL FEE - ONE YEAR DESIGN	\$(53.40) 54.80

PERMANENT

WAC 296-150V-3000 CONVERSION VENDOR UNITS AND MEDICAL UNITS	
RENEWAL FEE	\$((53.40)) <u>54.80</u>
ADDENDUM	\$((53.40)) <u>54.80</u>
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	
	\$((11.00)) <u>11.30</u>
DEPARTMENT INSPECTION FEES:	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$((57.80)) <u>59.40</u>
TRAVEL (Per hour)*	\$((57.80)) <u>59.40</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$((57.80)) <u>59.40</u>
TRAVEL (Per hour*)	\$((57.80)) <u>59.40</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$((16.90)) <u>17.30</u>
ALTERATION	\$((28.80)) <u>29.60</u>
REISSUED-LOST/DAMAGED	\$((11.00)) <u>11.30</u>
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$((57.80)) <u>59.40</u>
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	\$((11.00)) <u>11.30</u>
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

PERMANENT

AMENDATORY SECTION (Amending WSR 97-24-071, filed 12/2/97, effective 1/5/98)

WAC 296-200A-080 How is a suit filed against a contractor? (1) A civil suit against a contractor must be filed in superior court. Unless the suit is filed in a superior court, the department will not be able to ((pay)) direct payment on an unsatisfied final judgment against a secured contractor.

(2) Notice that a suit has been filed (a summons and complaint) against a contractor, the contractor's bond, and/or the contractor's deposit must be exclusively delivered to the department by ((registered or certified mail. ~~The department does not accept personal service of a summons and complaint~~)) any delivery requiring notice of receipt. The notice must be addressed to the department and must include

three copies of the summons and complaint filed against the contractor, the contractor's bond and/or the contractor's deposit. The person filing the suit must pay a ~~((ten-dollar))~~ twenty-dollar service fee to the department. See RCW 18.27.040(3).

(3) The summons and complaint against a contractor should include the following information:

- (a) The name of the contractor exactly as it appears in the contractor's registration file;
- (b) The contractor's business address;
- (c) The names of the owners, partners or officers of the contractor; and
- (d) The contractor's registration number.

(4) If the suit joins a bonding company, the summons and complaint should also include:

- (a) The name of the bonding company that issued the contractor's bond;
 - (b) The bond number; and
 - (c) The effective date of the bond.
- (5) Service is not complete until the department receives the ~~((ten-dollar))~~ twenty-dollar fee and three copies of the summons and complaint.

(6) Within ~~((forty-eight hours))~~ two days of receiving a summons and complaint, the department must transmit a copy of the summons and complaint to the registrant at their last known address and to the registrant's surety.

(7) The department will return a summons and complaint without it being served, if the department cannot identify either the contractor or bonding company being sued.

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01, effective 6/29/01)

WAC 296-200A-900 What fees does the department charge contractors for issuance, renewal and reinstatement of certificates of registration? (1) For the purposes of this chapter:

- (a) A contractor's registration is **renewed** before or after it expires.
- (b) A contractor's registration is **reinstated** after the registration:
 - (i) ~~((Has expired; or~~ Has been suspended because the contractor's insurance has expired or been canceled; or
 - ~~((iii))~~ (ii) Has been suspended because the contractor's bond or assignment of account has been canceled or impaired.
- (c) A contractor **reregisters** when his or her business structure changes.
 - (2) The department charges the following fees:
 - (a) ~~((Before August 1, 2001:~~
 - (i) ~~\$45.00 for each issuance, renewal or reregistration of a certificate of registration.~~
 - (ii) ~~\$46.20 for the reinstatement of a certificate of registration.~~
 - (b) On or after August 1, 2001:
 - (i) ~~\$50.00 for each issuance, renewal or reregistration of a certificate of registration for contractors with an even numbered Unified Business Identifier number. This registration is~~

~~valid for one year from date of issuance, renewal or reregistration or until it is suspended or revoked.~~

~~((ii))~~ \$100.00 for each issuance, renewal or reregistration of a certificate of registration for contractors ~~((with an odd numbered Unified Business Identifier number or those who are not required to have a Unified Business Identifier by the department of revenue)).~~ This registration is valid for two years from date of issuance, renewal or reregistration or until it is suspended or revoked.

~~((iii))~~ ~~\$46.20)~~ (b) \$47.40 for the reinstatement of a certificate of registration.

~~((iv))~~ ~~After the issuance, renewal or reregistration of a certificate of registration granted under (b)(i) and (ii) of this subsection all contractors (regardless of Unified Business Identifier number) must comply with the two-year registration provisions established under (b)(ii) of this subsection.)~~

(c) ~~\$(11.00))~~ 11.30 for providing a duplicate certificate of registration.

(d) ~~\$(22.10))~~ 22.70 for each requested certified letter prepared by the department.

(e) \$2.00 per copy for documents copied from a contractor's file. The maximum copy charge for copies from one contractor's file will be ~~\$(25.70))~~ 26.40.

(f) ~~((On or after July 22, 2001, a fee of))~~ \$20.00 is required to cover the costs for the service of process in an action against the contractor, the contractor's bond, or the deposit under RCW 18.27.040.

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01, effective 6/29/01)

WAC 296-401B-700 Fees for certificates of competency, examination and reciprocity. When an individual applies to take a competency examination or to obtain a certificate of competency, the individual must pay the appropriate fee(s) listed below.

	Type of Certificate	Fee
(1)	Journeyman or specialty electrician certificate renewal (per 36-month period)	\$(66.30)) <u>68.10</u>
(2)	Late renewal of journeyman or specialty electrician certificate (per 36-month period)	\$(133.70)) <u>136.20</u>
(3)	Journeyman or specialty electrician examination application (non-refundable)	\$(27.70)) <u>28.40</u>
(4)	Journeyman or specialty electrician original certificate	\$(43.70)) <u>44.90</u>
(5)	Training certificate (expires ((one)) <u>two years</u> after purchase)	\$(21.30)) <u>43.60</u>
(6)	Training certificate renewal or update of hours	\$(21.30)) <u>43.60</u>
(7)	Unsupervised electrical training certificate	\$(21.30)) <u>21.80</u>
(8)	Journeyman or specialty electrician test or retest	\$(50.10)) <u>51.40</u>

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Type of Certificate	Fee
(9) Reciprocal journeyman or specialty certificate	\$(71.40) <u>73.30</u>
(10) Reinstatement of journeyman or specialty certificate	\$(21.30) <u>21.80</u>
(11) Continuing education course submittal and approval, per course	\$(42.60) <u>43.70</u>
(12) Continuing education course renewal, per course	\$(21.30) <u>21.80</u>
(13) Refund processing fee. All requests for refunds will be assessed a processing fee	\$(10.80) <u>11.10</u>

Note: Failure to appear for an examination results in forfeiture of the examination fee.

Effective Date of Rule: Thirty-one days after filing.
 May 28, 2002
 Patria Robinson-Martin
 Chief of Staff
 for Joseph D. Lehman
 Secretary

AMENDATORY SECTION (Amending WSR 00-10-079, filed 5/2/00, effective 6/2/00)

WAC 137-28-160 Definitions. For the purposes of this chapter, the following words have the following meanings:

Adult correctional institution and institution - a facility identified in RCW 72.01.050(2) and any similar facility hereinafter established.

Aggravated assault - an assault resulting in physical injury and requiring medical care (see definition of medical care).

Assault - a physical attack upon the body of another person. The attack may be made with any instrument including, but not limited to weapons, body parts, food products or bodily secretions.

Attempt - putting forth an effort to commit any infraction shall be considered the same as commission of the infraction. However, attempted aggravated assault shall be considered an attempted assault.

Bodily harm - physical pain or injury, illness, or impairment of physical condition.

Cell tag - if contraband or other violation is discovered in an area under control of the inmate (such as within the confines or contents of a cell), the contraband or other violation shall be constructively attributed to the inmate(s) assigned to that area, unless the inmate(s) can establish a lack of involvement in the infraction at the disciplinary hearing.

Conspiracy - an agreement between two or more persons to commit an infraction. Conspiracy to commit an infraction shall be considered the same as commission of the infraction.

Deputy secretary - the deputy secretary of the office of correctional operations of the Washington state department of corrections, or the deputy secretary's designee.

Discovery - when a staff member discovers that an infraction has occurred or when an investigation into the incident is concluded.

Earned time - means that portion of time an offender is eligible to earn for program participation approved by the classification process and consistent with his/her case management plan.

Earned release time - means the combined earned time and good conduct time credit an offender is eligible to earn off the minimum term established by the indeterminate sentence review board or the sentencing court.

Good conduct time credits - that portion of an inmate's potential reduction to minimum term which is authorized by RCW 9.95.070 and 72.09.130 and which may be lost by receiving serious infractions.

Hearing officer - Staff member(s) designated by the superintendent to conduct disciplinary hearings.

Infraction - commission of, attempt to commit, or conspiracy with another to commit any violation of prison rules

WSR 02-12-023

PERMANENT RULES

DEPARTMENT OF CORRECTIONS

[Filed May 28, 2002, 4:02 p.m.]

Date of Adoption: May 28, 2002.

Purpose: The amendments refine the definitions for general and serious infractions, reclassify a serious infraction as a general infraction, add new infractions, eliminate a stay of sanctions pending appeal to the superintendent and make corrections to preserve internal cross references. Refine the definitions of general and serious infractions for the purposes of prison discipline.

Citation of Existing Rules Affected by this Order: Amending WAC 137-28-160, 137-28-220, 137-28-240, 137-28-260, 137-28-310, 137-28-350, and 137-28-380.

Statutory Authority for Adoption: RCW 72.01.090, 72.09.130, and 9.94.070.

Adopted under notice filed as WSR 02-09-002 on April 3, 2002.

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 7, 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 7, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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as enumerated in this code. Aiding or abetting another to commit an infraction will be considered the same as commission of the infraction.

Infraction review officer - staff member(s) designated by the superintendent to review a serious infraction.

Lesser included offense - any infraction that must necessarily have been committed in order to commit another infraction.

Medical care - any care conducted in a medical facility/treatment center by medical staff to treat a documented, physical injury, including, but not limited to bandaging, suturing, surgery, etc. An examination conducted by medical staff to determine whether an injury has been sustained shall not be considered medical care.

Mitigating factors - factors to be considered by the infracting officer in deciding whether to charge a ~~728(a))~~ 328 general infraction rather than a ~~728((b))~~ serious infraction. Also, factors to be considered by the infraction review officer, hearings officer, and superintendent for the purpose of deciding whether a ~~728((b))~~ serious infraction should be reduced to a ~~728(a))~~ 328 general infraction. Mitigating factors may include the seriousness of the sexually explicit material involved, whether the inmate has been convicted of a sexually motivated crime, the treatment needs of the inmate, the prior history of similar behavior, and the source of the material.

Possession - established when an item(s) is found on a person or in an area which is under the control of the individual(s) charged.

Promptly - to act as soon as reasonably possible, consistent with institutional goals of safety, security, and rehabilitation.

Secretary - the secretary of the Washington state department of corrections, or the secretary's designee.

Sexual harassment - any word, action, gesture or other behavior that is sexual in nature and that would be offensive to a reasonable person.

Sexually explicit - means a depiction of one of the following:

- One of the participants in the sexual act is, or appears to be, nonconsenting;
- One of the participants in the sexual act appears to be forceful, threatening, or violent;
- One of the partners in the sexual act is dominating one of the other participants and one of the individuals is obviously in a submissive role or one of the participants is degraded, humiliated, or willingly engages in behavior that is degrading or humiliating;
- One of the participants in the sexual act is a minor, or appears to be a minor, or a minor alone is depicted in a sexually suggestive way;
- Actual penetration, be it penile/vaginal-oral, penile-anal, or penile-vaginal; digital-anal; digital-vaginal; or insertion of any inanimate object in the vaginal or anal cavity, and the depiction in the context presented is deemed to be a threat to legitimate penological objectives;
- Any bodily excretory function which is sexual in nature;
- Bestiality, sadomasochistic behavior, bondage; or

- Material reasonably deemed to be a threat to legitimate penological objectives.

Staff member - for purposes of this chapter includes employees of the department of corrections, contract employees, and volunteers.

Superintendent - superintendent of an adult correctional institution or the superintendent's designee.

Working days - Monday through Friday, excluding weekends and holidays.

AMENDATORY SECTION (Amending WSR 01-22-094, filed 11/6/01, effective 12/6/01)

WAC 137-28-220 General infractions. (1) Any of the following types of behavior may constitute a general infraction:

Unauthorized possession/theft

- 051 - Unauthorized possession of money, stamps or negotiable instruments the total value of which is less than five dollars.
- 053 - Possession of anything not authorized for retention or receipt by an inmate and/or not issued to an inmate by regular institutional channels.
- 255 - Misuse or waste of issued supplies, goods, services or property, the replacement value of which is less than ten dollars.
- 310 - Pretending or failing to take prescribed medication that the inmate has accepted by concealing or retaining a single or daily dose.
- 354 - Theft of food, the value of which is five dollars or less.
- 356 - Possession of unauthorized amount of otherwise authorized clothing, bedding, or issued supplies.

Loaning/trading

- 052 - Loaning of property for profit.
- 351 - Giving, selling, borrowing, lending, or trading money or anything of value to, or accepting or purchasing money or anything of value from, another inmate or that inmate's friend(s) or family the value of which is less than ten dollars.

Altering/destroying property

- 055 - Mutilating, altering, defacing or destroying any item valued at less than ten dollars and that is not the personal property of the inmate.

Disruptive behavior/lying

- 202 - Abusive language, harassment or other offensive behavior directed to or in the presence of staff, visitors, inmates, or other persons or groups.

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- 203 - Lying to a staff member.
- 244 - Unauthorized displays of sexual affection with another inmate.
- 353 - Disruptive behavior.
- 355 - Horseplay, roughhousing or any other unauthorized physical contact between inmates.
- ~~((520 - Unauthorized demonstration, practice or use of martial arts.))~~
- 357 - Unauthorized demonstration, practice or use of martial arts.

Failure to follow rules and orders

- 102 - Failure to follow any written rules or policies adopted by the institution and not specified within this chapter or in local disciplinary rules.
- 103 - Refusing or failing to obey an order, oral or written, of any staff member.
- 210 - Out of bounds; being in an area where the presence of the inmate is unauthorized.
- 214 - Interfering or failing to comply with count procedures.
- 251 - Smoking and possession of tobacco products where prohibited.
- 301 - Failure to keep your person or your quarters in accordance with institution rules or policies.
- ~~((661 - Performing or taking part in an unauthorized marriage.))~~
- 307 - Performing or taking part in an unauthorized marriage.

Unauthorized communication/visitor contact

- 303 - Unauthorized use of mail or telephone.
- 304 - Unwanted written and telephonic communications to any person.
- 305 - Correspondence or conduct with a visitor in violation of published or posted rules and policies.
- 309 - Unauthorized display of affection with a visitor.

Inappropriate use of equipment

- 212 - Using any equipment or machinery when not specifically authorized.
- 213 - Using any equipment or machinery contrary to instructions or safety standards.

Unexcused absence/feigning illness

- 104 - Unexcused absence from work or any assignment, scheduled meeting, appointment, or call out.

- 352 - Pretending to be ill or injured contrary to medical/mental health screening results.

Inappropriate sexual behavior

- ~~((728(a)))~~ 328 - Possession of any written, photographic or hand-drawn material that depicts a sexually explicit act as defined in WAC 137-28-160.

(2) In determining whether a ~~((728(a)))~~ 328 infraction or a #728~~((b))~~ infraction pursuant to WAC 137-28-260 should be charged, the infracting officer shall consider mitigating factors as defined in WAC 137-28-160.

AMENDATORY SECTION (Amending WSR 01-22-094, filed 11/6/01, effective 12/6/01)

WAC 137-28-240 General infractions~~((Sanctions))~~—Sanctions. ~~((Sanctions.))~~

For being found guilty of any general infraction, one or more of the following sanctions may be imposed:

- (1) Reprimand or warning;
- (2) Issuance of a written order to cease a problematic behavior. The order will include a warning that if the behavior is repeated within a specified period (not to exceed one hundred eighty days) the inmate will be charged with violation of serious violation (WAC 137-28-260) #658.
- (3) Loss of a privilege or privileges as specified by the supervisor or unit team for not more than ten days on a first offense, twenty days on a second offense, and thirty days on a third offense within a six-month period;
- (4) Confinement to room or cell except for attendance at work or school assignment, religious service, or meals, or law library if a documented court deadline has been imposed, not to exceed ten days;
- (5) Up to one hundred twenty hours of extra work duty.

AMENDATORY SECTION (Amending WSR 01-22-094, filed 11/6/01, effective 12/6/01)

WAC 137-28-260 Serious infractions.

(1) Assault/threatening actions/causing injury to another person

- 501 - Committing homicide.
- 502 - Aggravated assault on another offender.
- 503 - Extortion, blackmail, or demanding or receiving money or anything of value in return for protection against others, or under threat of informing.
- 505 - Fighting with any person.
- 506 - Threatening another with bodily harm or with any offense against another person, property or family.
- 508 - Throwing objects, materials, substances or spitting at staff, visitors, or other inmates.
- 511 - Aggravated assault on a visitor.

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- ~~((520 - Unauthorized demonstration, practice or use of martial arts.))~~
- 521 - Taking or holding any person hostage.
- 588 - Causing a valid and documented threat of transmission of a contagious disease to any person due to intentional, negligent or reckless action.
- ~~((599 - Careless behavior that causes injury to another offender.))~~
- 604 - Aggravated assault on a staff member.
- 611 - Sexual assault on a staff member.
- 633 - Assault on another offender.
- 635 - Sexual assault on another offender.
- 663 - Using physical force, intimidation or coercion against any person.
- ~~((699 - Careless behavior that causes injury to a staff member.))~~
- 704 - Assault on a staff member.
- 711 - Assault on a visitor.
- 717 - Causing a threat of injury to another person by ~~((disregard of orders, careless behavior} {resisting orders}))~~ resisting orders, resisting assisted movement or physical efforts to restrain.
- 777 - Causing injury to ~~((a staff member} {another person}))~~ another person by resisting orders, resisting assisted movement or physical efforts to restrain.
- ~~((799 - Careless behavior that causes injury to a visitor.))~~
- Unauthorized possession**
- 559 - Gambling; possession of gambling paraphernalia.
- 601 - Possession, manufacture or introduction of an explosive device or any ammunition, or any components of an explosive device or ammunition.
- 602 - Possession, manufacture or introduction of any gun, firearm, weapon, sharpened instrument, knife, or poison or any components thereof.
- 620 - Receipt or possession of contraband during participation in off-grounds or outer perimeter activity or work detail.
- 660 - Unauthorized possession of money, stamps, or negotiable instruments, the value of which is five dollars or more.
- 702 - Possession, manufacture or introduction of an unauthorized tool.
- 736 - Possession, manufacture or introduction of unauthorized keys.

- 738 - Possession of the clothing of a staff member.
- ~~((739 - Possession of personal information about currently employed staff, contractors or volunteers, or their immediate family members, including, but not limited to: Social Security numbers, home addresses or telephone numbers, drivers license numbers, medical, personnel, financial or real estate records; bank or credit card numbers, or other like information not authorized by the court or the superintendent.))~~
- 739 - Possession of personal information about currently employed staff, contractors or volunteers, or their immediate family members, not voluntarily given to the offender by the individual involved, including, but not limited to: Social Security numbers, unpublished home addresses or telephone numbers, drivers license numbers, medical, personnel, financial or real estate records, bank or credit card numbers, or other like information not authorized by the court or the superintendent.

Tattooing

- 710 - Being tattooed while incarcerated, tattooing another, or possessing tattoo paraphernalia.

Theft/possession of stolen property

- 555 - Theft of property or possession of stolen property.
- 741 - Theft of food, the value of which is more than five dollars.
- 755 - Misuse or waste of issued supplies, goods, services or property, the replacement value of which is ten dollars or more.

Forgery

- 654 - Counterfeiting, forging, altering or unauthorized reproduction of any document, article of identification, money, security, or official paper.

Setting fire, damaging or destroying property

- 553 - Setting a fire.
- 554 - Mutilating, altering, defacing or destroying any item, the value of which is ten dollars or more and that is not the personal property of the inmate.
- 563 - Making a false fire alarm or tampering with, damaging, blocking or interfering with fire alarms, fire extinguishers, fire hoses, fire exits, or other fire fighting equipment or devices.
- 600 - Tampering with, damaging, blocking, or interfering with any locking or security device.
- 720 - Flooding a cell or other area of the institution.

Inciting others/participation in unacceptable group behavior

- 650 - Rioting.
- 651 - Inciting others to riot.
- 652 - Engaging in or inciting a group demonstration.
- ~~((661 - Performing or taking part in an unauthorized marriage.))~~
- 682 - Engaging in ~~((or inciting))~~ or inciting an organized work stoppage.
- 708 - Organizing or participating in an unauthorized group activity or meeting.
- 734 - Participating or engaging in the activities of any unauthorized club, organization, gang or security threat group; or wearing or possessing the symbols of an unauthorized club, organization, gang or security threat group.
- 746 - ~~((Participating) [Engaging])~~ Engaging in or inciting ~~((others to go on a) [an organized])~~ an organized hunger strike.

Inappropriate sexual behavior

- 504 - Engaging in sexual acts with others with the exception of spouses during approved extended family visits.
- 659 - Sexual harassment; any word, action, gesture or other behavior that is sexual in nature and that would be offensive to a reasonable person.
- 728~~((b))~~ - Possession of any written, photographic or hand-drawn material that depicts a sexually explicit act as defined in WAC 137-28-160.
- 750 - Indecent exposure.

Providing false statements

- 551 - ~~((Lying) [Providing false information])~~ Providing false information to ~~((the) [a])~~ a disciplinary hearing officer or ~~((lying))~~ on a disciplinary appeal.
- 552 - Causing an innocent person to be penalized or proceeded against by ~~((lying) [providing false information])~~ providing false information.
- 706 - ~~((Lying or) [Giving])~~ Giving false information about proposed community residence when proposing a release plan, community placement, etc.

Interfering with staff/impersonating

- 558 - Interfering with staff members, medical personnel, fire fighters, or law enforcement personnel in the performance of their duties.
- 605 - Impersonating any staff member, other inmate or visitor.

Failure to follow orders and rules

- 509 - Refusing a direct order by any staff member to proceed to or disperse from a particular area.

- 556 - Refusing to submit to or cooperate in a search when ordered to do so by a staff member.
- 557 - Refusing to participate in an available education or work program or other mandatory programming assignment.
- 609 - Refusing or failing to submit to testing required by policy, statute, or court order, such as DNA blood tests, when ordered to do so by a staff member.
- 658 - Failing to comply with any administrative or posthearing sanction imposed for committing any general or serious infraction.
- 724 - Refusing a cell or housing assignment.
- 745 - Refusing a transfer to another facility.

Counts/unauthorized absence

- 653 - Causing an inaccurate count by means of unauthorized absence, hiding, concealing ones self or other form of deception or distraction.

Escape/attempted escape

- 525 - Violating conditions of furlough.
- 550 - Escape or attempted escape.
- 560 - Unauthorized possession of items or materials likely to be used in an escape attempt.

Committing crimes/excess infractions

- 507 - Committing any act that is a felony under state or federal law that is not otherwise included in these rules.
- 517 - Committing any act that is a misdemeanor under local, state, or federal law that is not otherwise included in these rules.
- 657 - Being found guilty of four or more general infractions which have been reported in writing arising out of separate incidents, all of which occur within a six-month period.

Unacceptable communication

- 718 - Use of mail or telephone in violation of court order or local, state or federal law.
- 726 - Telephoning or sending written communication or otherwise initiating communication with a minor without the approval of that minor's parent or guardian.
- 727 - Telephoning or sending written communications to any person contrary to previous written warnings and/or documented disciplinary actions.

Misuse of controlled substances, drugs, alcohol and related programs

- 603 - Possession, introduction, or transfer of any narcotic, controlled substance, illegal drug, unauthorized drug or drug paraphernalia.

- 606 - Possession of tobacco products and/or matches in close/maximum housing units where strictly prohibited.
- 607 - Refusing to submit to a urinalysis and/or failure to provide a urine sample when ordered to do so by a staff member.
- 608 - Refusing or failing to submit to a breathalyzer or other standard sobriety test when ordered to do so by a staff member.
- 610 - Unauthorized accumulation of prescribed medication greater than a single or daily dose.
- 655 - Making intoxicants, alcohol, controlled substances, narcotics, or the possession of ingredients, equipment, items, formulas or instructions that are used in making intoxicants, alcohol, controlled substances, or narcotics.
- 707 - Possession, introduction, or transfer of any alcoholic or intoxicating beverage.
- 716 - Unauthorized use of drugs, alcohol or other intoxicants.
- 752 - Receiving a positive test for use of unauthorized drugs, alcohol, or other intoxicants.

Soliciting/fraud

- 656 - Giving, offering or receiving from any person a bribe or anything of value for an unauthorized favor or service.
- 662 - Soliciting goods or services for which the provider would expect payment when the inmate knows or should know that no funds are available to pay for those goods or services.
- 714 - Giving, selling, borrowing, lending, or trading money or anything of value to, or accepting or purchasing money or anything of value from, another inmate or that inmate's friend(s) or family, the value of which is ten dollars or more.
- 740 - Fraud, embezzlement, or obtaining goods, services, money, or anything of value under false pretense.

Creating an emergency situation

- 712 - Attempted suicide or self-mutilation.
- 742 - Creating a false emergency by feigning illness when contrary to medical/mental health screening results.
- 744 - Making a bomb threat.

(2) In determining whether a # 728((b)) infraction or a # ((728(a))) 328 infraction pursuant to WAC 137-28-220 should be charged, the infracting officer shall consider mitigating factors as defined in WAC 137-28-160.

AMENDATORY SECTION (Amending WSR 00-10-079, filed 5/2/00, effective 6/2/00)

WAC 137-28-310 Decision of hearing officer. (1) A report of the hearing shall be made.

(a) The report shall include:

(i) The charge;

(ii) Names of witnesses;

(iii) Inmate plea(s);

(iv) Summary of the testimony and cross-examination;

(v) A description of the physical evidence used;

(vi) Reasons for denying witnesses or the fact that written witness statements were not returned to the hearing officer; and

(vii) The decisions and reasons.

(b) The written report shall be placed in the inmate's institutional file if he/she is found guilty.

(c) All reports and attachments shall be maintained by the clerk as part of the hearing officer's permanent records. A complete taped record of the hearing shall be taken but the tape shall not become a part of the inmate's file, and may be destroyed one hundred twenty days after the date of the hearing unless the hearing officer becomes aware that an appeal or court proceeding is pending.

(2) In reaching a decision on the guilt or innocence of the inmate, the hearing officer must rely solely on evidence considered at the hearing. However, during the dispositional stage of the hearing, other factors, such as the inmate's institutional file, prior conduct, mental status, and overall institution adjustment, may be considered.

(3) The hearing officer may not find an inmate guilty of committing a #((728(a))) 328 or #728((b)) infraction if the inmate possesses sexually explicit materials depicting **only** actual penetration and such sexually explicit material was screened and approved by a mail room staff member prior to delivery to the inmate. Nothing herein shall be construed to limit the ability to remove such material from the inmate's possession and cell.

(4) The hearing officer shall consider mitigating factors in determining whether to reduce a #728((b)) serious infraction to a #((728(a))) 328 general infraction.

(5) The hearing officer is authorized to find an inmate guilty of a lesser included offense without issuing a new infraction report or conducting a new hearing.

(6) Where the evidence suggests an inmate is guilty of an offense not charged and which is not a lesser included offense to a charged offense, the hearing officer may recommend that new charges be filed to address such offenses. The inmate may waive the right to a separate hearing on the new charges and may allow the hearing officer to enter a finding of guilty or not guilty and impose sanctions.

(7) The inmate shall be informed of the decision of the hearing officer in writing within three working days of the hearing, unless extended by the superintendent.

(8) The inmate shall be informed of his/her right to appeal the decision of the hearing officer to the superintendent.

AMENDATORY SECTION (Amending WSR 00-10-079, filed 5/2/00, effective 6/2/00)

WAC 137-28-350 Sanctions—Authority to impose.

(1) If the hearing officer determines that an inmate is guilty of a serious infraction, he/she may impose one or more of the following sanctions:

- (a) Any of the sanctions available for general infractions;
- (b) Any of the sanctions available under DOC 320.150;
- (c) Loss of a privilege or privileges as specified by the hearing officer not to exceed: Thirty days on a first offense, ninety days on a second offense, and one hundred eighty days on a third offense, within a one-year period;
- (d) Evening lockup or confinement to quarters for ten days;
- (e) Weekend and/or holiday lockup or confinement to quarters for a period of one or more weekends but not to exceed twelve consecutive weekends per incident. For purposes of this rule, a "weekend" shall begin at the end of the Friday workday and terminate at the beginning of the Monday workday;
- (f) Confinement to quarters except for meals, or with meals in cell, with or without curtailment of job assignment for a period not to exceed thirty days;
- (g) Recommendation to the unit team/classification committee/assignment officer for reconsideration of custody classification or program change;
- (h) Recommendations to the classification committee/classification officer for transfer to another institution when, as a result of the infraction committed, the inmate is unable to function in the institution of present confinement, or if other disciplinary methods have been attempted and failed;
- (i) Confinement on segregation status for a period not to exceed thirty consecutive days;
- (j) Confinement on isolation status for a period not to exceed ten consecutive days; however, where a serious infraction occurs during a period of isolation imposed under this rule, additional periods of isolation not to exceed ten days may be imposed. In situations where an inmate is in isolation for more than ten consecutive days, the director's prior approval is required unless the inmate is released from isolation for at least seventy-two consecutive hours between the end of one isolation sanction and the beginning of another;
- (k) Restitution;
- (l) Recommendation to the superintendent that he/she not certify good conduct time credit for an inmate subject to the jurisdiction of the indeterminate sentence review board, pursuant to RCW 9.95.070 or that he/she approve the denial of good conduct time credit for those inmates not under the jurisdiction of the board.
 - (i) The recommendation will be consistent with guidelines established by the secretary of the department of corrections.
 - (ii) Any sanctions for loss of good conduct credits in excess of the guidelines established by the secretary of the department of corrections must have final approval by the deputy secretary.
 - (iii) For inmates not under the board's jurisdiction, all awards of good conduct time shall be considered tentative

and therefore all good conduct time credits earned or to be earned may be addressed under this rule;

(m) Recommendation to the indeterminate sentence review board for a disciplinary hearing or reconsideration of minimum term should occur only with infractions providing for actual time loss of twelve months or more and consistent with guidelines established by the department;

(n) Interruption of visitation between the offender and a specified individual(s) for a period of up to one hundred eighty consecutive days when there has been an infraction for visit related behavior or behavior that presents a security or safety threat. In cases of multiple or very serious offenses, recommendations may be made to the superintendent for extended or permanent loss of the privilege of visitation with a specified individual(s);

(o) Restrictions, interruption or termination of correspondence, and/or telephone privileges with specified individuals. Sanctions for offense(s) within any one-year period may not exceed: Up to ninety consecutive days for the first offense, one hundred eighty consecutive days for the second offense and permanent loss for the third offense. Termination of correspondence and/or telephone privileges may be permanent for the first offense if:

- (i) The recipient so requests; or
 - (ii) A parent or guardian of the recipient, if a minor or an incompetent person, so requests; or
 - (iii) A felony was involved in the incident; or
 - (iv) If the contact violates a court order;
- (p) The sanction for infraction #557 shall be the loss of available earned release credits and other privileges as outlined in division directives. Progressively more severe sanctions will be utilized for subsequent infractions #557.

(2) If the hearing officer determines that more than one infraction occurred as a result of the same incident, he/she shall not impose consecutive sanctions for the separate infractions but shall consider them together and impose penalties for the group of infractions.

(3) The hearing officer may suspend the execution of a disciplinary sanction for a fixed period of time, not to exceed three hundred sixty-five consecutive days, subject to the good behavior of the inmate or to meeting other conditions as specified by the hearing officer. If the subsequent behavior of the inmate is appropriate, the hearing officer may, at or before the end of the fixed period, cancel the sanction. A suspended sanction may be imposed if the inmate has been found guilty of a general or serious infraction or of violating the conditions attached to the original suspension. A suspended sanction may be imposed by the hearing officer following notice to, and an in-person meeting with, the inmate.

(4) The hearing officer may review any decision he/she previously made and may modify downward any sanction previously imposed.

(5) ~~((Sanctions shall not be imposed while an appeal from the hearing officer's decision is under consideration by the superintendent.~~

(6)) In all cases, regardless whether an appeal is taken, the superintendent may review a sanction imposed and may reduce its severity.

~~((7))~~ (6) Nothing in this section limits the superintendent's discretion to grant, deny, suspend, or revoke any privilege.

AMENDATORY SECTION (Amending WSR 00-10-079, filed 5/2/00, effective 6/2/00)

WAC 137-28-380 Appeal to superintendent. (1) An inmate or the inmate's staff advisor may appeal the decision of the hearing officer to the superintendent by filing a written request for review with his/her reasons with the clerk within fifteen days, exclusive of weekends and holidays, after receiving notice of the decision of the hearing officer. The superintendent may consider appeals filed beyond the fifteen-day period.

(2) The clerk shall promptly transmit the appeal and the hearing record to the superintendent.

(3) The superintendent shall act on the appeal within ten working days of its receipt. The superintendent may affirm the decision of the hearing officer; reduce the charge to a lesser included offense; reduce a #728~~((b))~~ serious infraction to a #~~((728(a)))~~ 328 general infraction based upon mitigating factors; reduce the severity of the sanctions imposed; vacate the judgment of the hearing officer; or remand the matter for a new hearing. Any new hearing may not result in an increase in the severity of the sanctions originally imposed unless the inmate is charged with related or additional offenses.

~~(4) ((Pending the decision of the superintendent, disciplinary sanctions shall not be imposed on the inmate.~~

(5)) The inmate shall be notified promptly of the decision of the superintendent.

WSR 02-12-029

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 29, 2002, 12:34 p.m.]

Date of Adoption: May 29, 2002.

Purpose: To amend existing weights and measures rules governing method of sale, packaging, labeling and device tolerances and specifications, and testing the net contents of packaged goods, to bring them into compliance with requirements of statute, with practices of other states, and with current practice by adopting annually revised national standards.

Citation of Existing Rules Affected by this Order: Amending WAC 16-662-105.

Statutory Authority for Adoption: Chapter 19.94 RCW.

Adopted under notice filed as WSR 02-07-121 on March 20, 2002.

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 1, Repealed 0.

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

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

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

May 29, 2002

William E. Brookreson

Acting Director

AMENDATORY SECTION (Amending WSR 01-16-005, filed 7/19/01, effective 8/19/01)

WAC 16-662-105 Adoption—Weighing and measuring equipment requirements—Package checking—Packaging and labeling—Method of sale—Price verification.

(1) The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment shall be those contained in the ~~((2001))~~ 2002 Edition of the National Institute of Standards and Technology (NIST) Handbook 44, published by the U.S. Department of Commerce, entitled the *National Institute of Standards and Technology Handbook 44 - Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices*.

(2) The procedures for checking the accuracy of the net contents of packaged goods shall be those contained in the ~~((Third))~~ Fourth Edition of ~~((National Bureau of Standards (NBS)))~~ National Institute of Standards and Technology (NIST) Handbook 133 published by the United States Department of Commerce, entitled ~~((the National Bureau of Standards))~~ NIST Handbook 133 - ~~((Third))~~ Fourth Edition - *Checking the Net Contents of Packaged Goods* ~~((as modified by NIST Handbook 133 Supplements 1, 2, 3, and 4, issued in 1990, 1991, 1992, and 1994 respectively))~~ - *Fourth Edition, 2002 Edition*.

(3) The requirements for packaging and labeling, method of sale of commodities, and the examination procedures for price verification shall be those contained in the ~~((2001))~~ 2002 Edition of National Institute of Standards and Technology Handbook 130, entitled the *NIST Handbook 130 - Uniform Laws And Regulations in the areas of legal metrology and motor fuel quality*, specifically:

(a) Weights and measures requirements for all food and nonfood commodities in package form shall be the *Uniform Packaging and Labeling Regulation* requirements as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ~~((2001))~~ 2002 Edition.

(b) Weights and measures requirements for the method of sale of food and nonfood commodities shall be those found in the *Uniform Regulation for the Method of Sale of Commodities* as adopted by the National Conference on Weights

and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((2004)) 2002 Edition.

(c) Weights and measures requirements for price verification shall be the *Examination Procedures for Price Verification* as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((2004)) 2002 Edition.

WSR 02-12-030

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 29, 2002, 12:34 p.m.]

Date of Adoption: May 29, 2002.

Purpose: Amendment of existing rule to add a single species of nonnative, highly invasive plant (kudzu) to the quarantine list of species forbidden from sale or distribution in the state.

Citation of Existing Rules Affected by this Order: Amending WAC 16-752-610.

Statutory Authority for Adoption: Chapters 17.24, 17.10, 15.13 RCW.

Adopted under notice filed as WSR 02-09-098 on April 17, 2002.

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 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.

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

May 29, 2002

William E. Brookreson

Acting Director

AMENDATORY SECTION (Amending WSR 00-24-021, filed 11/28/00, effective 12/29/00)

WAC 16-752-610 Noxious weed seed and plant quarantine—Regulated articles. All plants, plant parts, and seeds in packets, blends, and "wildflower mixes" of the following listed species are regulated under the terms of this noxious weed seed and plant quarantine:

Scientific Name	Common Names
Abutilon theophrasti	velvetleaf
Alliaria petiolata	garlic mustard
Amorpha fruticosa	indigobush, lead plant
Anchusa officinalis	common bugloss, alkanet, anchusa
Anthriscus sylvestris	wild chervil
Carduus acanthoides	plumeless thistle
Carduus nutans	musk thistle, nodding thistle
Carduus pycnocephalus	Italian thistle
Carduus tenuiflorus	slenderflower thistle
Centaurea calcitrapa	purple starthistle
Centaurea diffusa	diffuse knapweed
Centaurea jacea	brown knapweed, rayed knapweed, brown centauri horse-knobs, hardheads
Centaurea jacea x nigra	meadow knapweed
Centaurea biebersteinii	spotted knapweed
Centaurea macrocephala	bighead knapweed
Centaurea nigra	black knapweed
Centaurea nigrescens	Vochin knapweed
Chaenorrhinum minus	dwarf snapdragon
Crupina vulgaris	common crupina
Cytisus scoparius	Scotch broom
Daucus carota	wild carrot, Queen Anne's lace
Echium vulgare	blueweed, blue thistle, blue devil, viper's bugloss, snake flower
Euphorbia esula	leafy spurge
Euphorbia oblongata	eggleaf spurge
Galega officinalis	goatsrue
Helianthus ciliaris	Texas blueweed
Heracleum mantegazzianum	giant hogweed, giant cow parsnip
Hibiscus trionum	Venice mallow, flower-of-an-hour, bladder ketmia, modesty, shoo-fly
Hieracium aurantiacum	orange hawkweed, orange paintbrush, red daisy flameweed, devil's weed, grim-the-collier
Hieracium caespitosum	yellow hawkweed, yellow paintbrush, devil's paintbrush, yellow devil, field hawkweed, king devil
Hieracium floribundum	yellow devil hawkweed
Hieracium pilosella	mouseear hawkweed
Impatiens glandulifera	policeman's helmet
Isatis tinctoria	dyers' woad
Kochia scoparia	kochia, summer-cyprus, burning-bush, fireball, Mexican fireweed
Lepidium latifolium	perennial pepperweed
Leucanthemum vulgare	oxeye daisy, white daisy, whiteweed, field daisy, marguerite, poorland flower
Linaria dalmatica spp.dalmatica	Dalmatian toadflax
Mirabilis nyctaginea	wild four o'clock, umbrella-wort
Onopordum acanthium	Scotch thistle
Proboscidea louisianica	unicorn-plant
<u>Pueraria montana var. lobata</u>	<u>kudzu</u>
Salvia aethiopsis	Mediterranean sage
Salvia pratensis	meadow clary
Salvia sclarea	clary sage
Senecio jacobaea	tansy ragwort
Silybum marianum	milk thistle

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Scientific Name	Common Names
Solanum elaeagnifolium	silverleaf nightshade
Solanum rostratum	buffaloburr
Soliva sessilis	lawnweed
Sorghum halepense	johnsongrass
Spartium junceum	Spanish broom
Tamarix ramosissima	saltcedar
Thymelaea passerina	spurge flax
Torilis arvensis	hedgearsley
Ulex europaeus	gorse, furze
Zygophyllum fabago	Syrian bean-caper

WSR 02-12-031

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 29, 2002, 12:34 p.m.]

Date of Adoption: May 29, 2002.

Purpose: These rules regulate the sales and export of domestically cultivated ginseng in compliance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The purpose of this proposal is to increase, within the fiscal growth factor for fiscal year 2002, the fees related to the sale and export of ginseng. This includes a certificate fee and an inspection fee.

Citation of Existing Rules Affected by this Order: Amending WAC 16-695-070.

Statutory Authority for Adoption: Chapter 15.19 RCW.

Adopted under notice filed as WSR 02-07-122 on March 20, 2002.

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 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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: These fee increases are within the appropriate fiscal growth factor.

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

May 29, 2002

William E. Brookreson
Acting Director

AMENDATORY SECTION (Amending WSR 97-23-059, filed 11/18/97, effective 12/19/97)

WAC 16-695-070 Schedule of fees and charges. The following schedule for ginseng certification activities shall apply:

- (1) Certificate of origin form, each . . . (~~(\$25.00)~~) \$25.65
- (2) Hourly rate as established in chapter 16-401
WAC(.....) ~~(\$28.00)~~
- (3) Overtime rate as established in chapter 16-401
WAC(.....) ~~(\$42.00)~~
- (4) Travel time at the appropriate hourly or overtime rate shall be assessed.
- (5) Mileage and per diem shall be charged at the rate established by the state office of financial management.
- (6) Postage and other miscellaneous costs shall be charged back at actual cost.
- (7) Certification activities shall include auditing records of the production, sales and storage of ginseng, and issuing certificates.

WSR 02-12-053

PERMANENT RULES

MILITARY DEPARTMENT

[Filed May 29, 2002, 3:58 p.m.]

Date of Adoption: May 29, 2002.

Purpose: RCW 38.52.540 establishes the enhanced 9-1-1 account in the state treasury and specifies that moneys in the account shall be used only to help implement and operate enhanced 9-1-1 statewide. The purpose of chapter 118-65 WAC is to specify by rule the purposes for which moneys may be expended from the enhanced 9-1-1 account.

Citation of Existing Rules Affected by this Order: Amending chapter 118-65 WAC.

Statutory Authority for Adoption: RCW 38.52.540.

Adopted under notice filed as WSR 02-09-072 on April 16, 2002.

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.

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

May 29, 2002

Robert G. Oenning
State Enhanced 911 Coordinator

PERMANENT

AMENDATORY SECTION (Amending WSR 98-01-064, filed 12/11/97, effective 1/1/98)

WAC 118-65-020 Purpose. RCW 38.52.540 (~~establishes the~~) authorizes the establishment of an enhanced (9-1-1) 911 account in the state treasury and specifies that ((moneys in the account)) the funds shall be used only to ((help implement and operate enhanced 9-1-1 statewide)) support the statewide coordination and management of the enhanced 911 system. The state enhanced 911 coordinator, with the advice and assistance of the enhanced 911 advisory committee, is authorized to enter into statewide agreements to improve the efficiency of enhanced 911 services for all counties and to specify by rule the operational purposes for which funds, if available, may be expended from the enhanced 911 account. The purpose of ((this chapter)) these rules is to ((specify by rule)) define the ((purposes for which moneys may be expended)) criteria and eligibility of counties to receive assistance from the state enhanced ((9-1-1)) 911 account.

AMENDATORY SECTION (Amending WSR 98-01-064, filed 12/11/97, effective 1/1/98)

WAC 118-65-030 Definitions. (1) "~~((9-1-1)) 911~~ voice network" ~~((means all switches))~~ switching systems and circuits which provide the connection between the caller's ~~((central))~~ switching office and the public safety answering point (PSAP).

(2) "Address" ~~((means an))~~ the identification of a unique physical location by street name, number, and postal community((-If applicable it also includes)), latitude, longitude and, when available, altitude. When applicable, the address may contain the identification of separately-occupied subunits, such as apartment or suite numbers, and where appropriate, other information such as building name or floor number which defines a unique physical location.

(3) "Advisory committee" ~~((means the E9-1-1))~~ the 911 advisory committee as established by RCW 38.52.530.

(4) "Automatic location identification/data management system" (ALI/DMS) ~~((data management system))~~ means a system of manual procedures and computer programs used to create, store, and update the data required for ~~((ALI))~~ automatic location identification((?)) in support of enhanced ~~((9-1-1))~~ 911.

(5) "Alternate routing" ~~((means))~~ a method ((by which 9-1-1 calls are routed)) of routing 911 calls to a designated alternate PSAP location ((if)) when all ((E9-1-1)) 911 lines ((to a PSAP)) are busy at the primary PSAP location.

(6) "Automatic location identification (ALI)" ~~((means))~~ a feature of the enhanced 911 system by which the name and address associated with the calling party's telephone number (identified by ANI feature) is forwarded to the PSAP for display.

(7) "Automatic number identification (ANI)" ~~((means))~~ a feature of the enhanced 911 system that allows for the automatic display of the ((seven digit)) telephone number used to place a ((9-1-1)) 911 call.

(8) "~~((Central))~~ Switching office" ~~((means a telephone company))~~ a telecommunications provider facility that

houses the switching and trunking equipment serving telephones in a defined area.

(9) "~~((Central))~~ Switching office enabling" ~~((means))~~ the technology that allows the public network telephone ((switch(s))) switching office to recognize and accept the digits ((9-1-1)) 911.

(10) "Department" ~~((means))~~ the military department ((of community development)).

(11) "Route diversity" ~~((means))~~ a method of assuring continuity of service by using multiple transmission routes to deliver a particular service between two points on a network.

(12) "Master street address guide (MSAG)" ~~((means))~~ a data base of street names and address ranges within their associated postal communities defining emergency service zones for ((9-1-1)) 911 purposes.

(13) ("~~Network performance level monitoring~~" ~~means steps taken by a telephone company to determine that the network is operating properly.~~) "Language line service" interpreter services of languages for enhanced 9-1-1 calls.

(14) "Night service" ~~((means))~~ a feature that ((automatically)) forwards all 9-1-1 calls routed to a designated PSAP to an alternate directory number ((assigned)) preassigned for that PSAP. The alternate directory number may be associated with ((a secondary)) another PSAP or ((another)) other alternate destination.

(15) "Public safety answering point (PSAP)" ~~((means an))~~ the public safety answering location for 9-1-1 calls originating in a given area. PSAPs are designated as primary or secondary, which refers to the order in which calls are directed for answering.

(16) "Reverse ALI search ~~((capability))~~" ~~((means))~~ the ability to electronically query the ALI data base to ((electronically)) obtain ((the ALI data)) an address associated with a known telephone number ((for purposes of handling an emergency)).

(17) "Selective routing" ~~((means))~~ a feature that permits a 9-1-1 call to be routed to a predesignated ((public safety answering point)) PSAP((?)) based upon the ((identified telephone number of the calling party and an)) address and/or location associated with ((that)) the originating telephone number.

(18) ("~~TDD (telecommunications device for the deaf)~~" ~~means~~) "TTY" a telecommunications device that permits typed telephone conversations with or between deaf, hard of hearing, or speech impaired people with a machine at their location.

(19) ("~~Telephone system management information system (TSMIS)~~" ~~means the equipment that records call volume and usage data that is helpful to a PSAP in their staffing and coverage decisions.~~)

(20) "Traffic studies" ~~((means))~~ 9-1-1 call studies performed by a ((telephone company or others that measure the volume of calls made over the 9-1-1 network)) telecommunications provider.

(20) "911 management information system" equipment that collects, stores and collates 9-1-1 call data into reports and statistics.

(21) "Uninterruptible power supply (UPS)" ~~((means))~~ a system designed to provide power, without delay or transients, during a period when the normal power supply is inca-

pable of performing acceptably. (~~UPS must allow operation for at least thirty minutes after loss of commercial power.~~)

(22) "Emergency service number (ESN)" a number representing an emergency service zone, used to facilitate the selective routing and selective transfer of 9-1-1 calls to the appropriate PSAP.

(23) "Emergency service zone (ESZ)" a geographical area with a combination of designated police, fire, and emergency medical service providers.

(24) "Regional PSAP" a single facility answering 9-1-1 calls for multiple counties (two or more) on a twenty-four hours a day, seven days a week basis and operated under a single management and fiscal structure.

(25) "B.01/P.01 grade of service" a level of service where the probability that one call out of one hundred (one percent) will be blocked during the average busy hour.

(26) "Location" has the same definition as "address" in this section.

(27) "ANI/ALI display equipment" the equipment at the PSAP call answering position necessary for the display of automatic number identification and/or automatic location identification.

(28) "Telecommunications provider" a telecommunications company or radio communication service company as defined in RCW 80.04.010, and commercial mobile radio service providers as defined in 47 CFR, section 20.3.

(29) "Multicounty region" two or more counties served by a regional PSAP.

(30) "Electronic mail" a means of delivering text, data, graphics and other electronic media via a private computer network or the internet.

(31) "Call detail recorder" equipment used to store, record and/or print ANI/ALI information for 9-1-1 calls.

(32) "Instant call check" equipment which records 9-1-1 call conversations for immediate playback on demand.

(33) "Logging recorder" a device that is capable of time stamping, recording and replaying 9-1-1 call conversations.

(34) "Mapping display" equipment capable of displaying 9-1-1 call locations on a map.

(35) "Computer aided dispatch (CAD)" equipment capable of receiving and disseminating detailed information related to emergency services call taking and dispatching.

AMENDATORY SECTION (Amending WSR 98-01-064, filed 12/11/97, effective 1/1/98)

WAC 118-65-040 Eligible jurisdictions. (~~The counties of the state of Washington shall be eligible to receive funds from the enhanced 9-1-1 account.~~) The county shall provide funding for the enhanced 911 communication system in the county or district in an amount equal to the amount the maximum tax under RCW 82.14B.030(1) would generate in the county or district or the amount necessary to provide full funding of the system in the county or district, whichever is less. The counties of the state of Washington shall be eligible to receive funds from the enhanced 911 account. Funds shall not be distributed to any county that has not imposed the maximum county enhanced 911 taxes allowed under RCW 82.14B.030 (1) and (2).

AMENDATORY SECTION (Amending WSR 98-01-064, filed 12/11/97, effective 1/1/98)

WAC 118-65-050 Fundable items. Enhanced (~~9-1-1~~) 911 systems are (~~made up of four main~~) comprised of multiple components (~~Network, data base, customer premise equipment (CPE), and operational items. Both~~). The implementation, operation, and maintenance costs of these components will be eligible for funding. The following (~~subcomponents within each of these major~~) components will be eligible for funding from the enhanced (~~9-1-1~~) 911 account in accordance with priorities established in WAC 118-65-070.

- (1) (~~NETWORK~~) **Statewide dialing items:**
 - (a) (~~Central~~) Switching office enabling;
 - (b) Automatic number identification (ANI) (~~provisioning~~);
 - (c) Selective routing (~~hardware, software, data base~~);
 - (d) (~~9-1-1~~) 911 voice network (B.01/P.01 service level required);
 - (e) Automatic location identification (ALI) data link;
 - (f) (~~Noncompatible central office switch upgrades~~);
 - (g) Diversity;
 - (h) Network performance level monitoring;
 - (i) Traffic studies;
 - (j) Alternate routing or night service.
- (2) ~~DATA BASE~~:
 - (a) County or regional provided:
 - (i) Addressing (house number, street, postal community) exclusive of house numbering and street signs;
 - (ii) MSAG development and maintenance.
 - (b) Telephone company provided:
 - (i) ALI data base: MSAG development and maintenance; Subscriber record purification;
 - (ii) ALI DMS equipment (for the storage and retrieval of ALI) may be provided by several vendors but the equipment must conform to the interfacing telephone companies standards.
- (3) ~~CUSTOMER PREMISE EQUIPMENT~~:
 - (a) ANI/ALI display equipment for both primary and secondary PSAPs;
 - (b) Telephone system if existing is incompatible with enhanced 9-1-1;
 - (c) ALI controller;
 - (d) ANI controller;
 - (e) ALI/DMS equipment (must conform to interfacing telephone company's standards);
 - (f) Call detail interface and printer;
 - (g) Telephone system management information system;
 - (h) Radio communications equipment (if necessary as part of a regional or consolidated 9-1-1 system);
 - (i) Uninterruptible power supply (UPS) for telephone system and 9-1-1 equipment;
 - (j) Auxiliary generator to support 9-1-1 emergency telephone service for backup;
 - (k) TDD if existing is incompatible with enhanced 9-1-1;
 - (l) Recording equipment if existing is incompatible with enhanced 9-1-1;
 - (m) Reverse ALI search capability.
- (4) ~~OPERATIONAL ITEMS~~:

~~(a) Funding necessary to develop the detailed E9-1-1 implementation and budget plan required by the state E9-1-1 office;~~

~~(b) Call receiver training;~~

~~(5) **ADDITIONAL ITEMS:**~~

~~Additional equipment and local requirements will be considered for funding if they are an element in a regional or consolidated E9-1-1 system, including increased PSAP staffing needs directly attributable and documentable as being required for E9-1-1 implementation.)~~ Traffic studies;

(g) MSAG coordination and maintenance;

(h) ALI/DMS service;

(i) ANI/ALI controllers and necessary interfaces to send data to other PSAP equipment;

(j) ANI/ALI display equipment for primary and secondary PSAPs;

(k) Telephone system compatible with enhanced 911, only the portion used to answer 9-1-1 calls;

(l) TTY required for compliance with the American Disabilities Act (ADA);

(m) Reverse ALI search capability.

(2) Basic service items:

(a) Call detail recorder and/or printer;

(b) Instant call checks (one per 9-1-1 call answering position);

(c) Uninterruptible power supply (UPS) for PSAP enhanced 911 equipment;

(d) 911 management information system;

(e) Mapping display for call answering positions that are ANI/ALI equipped;

(f) Headsets for 911 call takers;

(g) 911 call receiver salaries and benefits;

(h) County enhanced 911 coordinator duties;

(i) Language line charges;

(j) Call receiver training;

(k) Enhanced 911 document retention and destruction;

(l) 911 mapping administration;

(m) 911 coordinator electronic mail;

(n) Route diversity;

(o) Alternate routing and/or night service;

(3) Capital:

(a) Auxiliary generator to support 911 emergency telephone service for backup;

(b) Logging recorder for 9-1-1 calls;

(c) Computer aided dispatch (CAD) system hardware and software.

AMENDATORY SECTION (Amending WSR 98-01-064, filed 12/11/97, effective 1/1/98)

WAC 118-65-060 Local plan requirements. Prior to the allocation of funds ~~((to a local jurisdiction, other than the allocation of funds to develop local implementation plans and budgets, the local jurisdiction must develop an approved implementation plan and budget. The plans shall detail how each jurisdiction(s) will implement enhanced 9-1-1 in the most efficient and effective manner and shall include a proposed implementation schedule and estimate of required state and local resources. Such)),~~ the requesting entity must submit plans and budget information justifying its request for state

funds. Applications and documents shall be submitted on forms developed by the ((department and shall be subject to review and approval by the)) state enhanced 9-1-1 coordinator ((with the advice of the advisory committee)).

AMENDATORY SECTION (Amending WSR 98-01-064, filed 12/11/97, effective 1/1/98)

WAC 118-65-070 Funding priorities. Within available revenues, funds (subject to RCW 38.52.510) will be allocated in the manner best calculated, at the discretion of the state enhanced ~~((9-1-1))~~ 911 coordinator, with the advice and assistance of the state enhanced ~~((9-1-1))~~ 911 advisory committee, to facilitate the statewide ~~((implementation and))~~ operation of enhanced ~~((9-1-1))~~ 911. This discretion shall be guided by the following prioritized factors:

~~((1) The nature of existing and planned services in the local jurisdiction. Funds will generally be allocated first to those counties without 9-1-1, then to those counties which have some 9-1-1 capability, and then to counties which have fully enhanced 9-1-1;~~

~~(2) Priority will be given to those counties proposing to develop consolidated or regional enhanced 9-1-1 systems;~~

~~(3) The difference between locally generated revenue and revenue needed to fund services in accordance with the approved local plan and budget;~~

~~(4) Funding required in a particular time period for planning purposes;~~

~~(5) The differential impacts on local jurisdictions due to the costs and services of enhanced 9-1-1 as provided in tariffs approved by the Washington utilities and transportation commission; and~~

~~(6) Such additional factors directly related to implementation and operation of enhanced 9-1-1 statewide as may be identified within the local jurisdiction's application for funding and are otherwise consistent with these rules.)~~ (1) To assure that 911 dialing is operational statewide;

(2) Funds will be used to assist counties as necessary to assure that they can achieve a basic service level for 911 operations;

(3) Funds will be used to assist counties as practicable to acquire items of a capital nature appropriate to increasing 911 effectiveness.

AMENDATORY SECTION (Amending WSR 98-01-064, filed 12/11/97, effective 1/1/98)

WAC 118-65-081 Application procedures. The ~~((department))~~ state E911 office shall develop an application format including an annual schedule of eligible items and funding levels ((and)). Applications shall be made in accordance with this format. The ~~((department))~~ state E911 office shall further establish a schedule of annual application dates. ~~((Funding awards will be made by the department with the advice and assistance of the advisory committee.))~~

AMENDATORY SECTION (Amending WSR 98-01-064, filed 12/11/97, effective 1/1/98)

WAC 118-65-090 Other rules. Through other state agencies, including the Washington utilities and transportation commission, rules have and will be adopted which will ~~((direct))~~ impact the statewide ~~((implementation and))~~ operation of enhanced 9-1-1. By this reference, this rule is intended to be consistent with and complementary to these other rules.

WSR 02-12-059
PERMANENT RULES
DEPARTMENT OF ECOLOGY

[Filed May 30, 2002, 11:25 a.m.]

Date of Adoption: May 30, 2002.

Purpose: To increase fees for FY 2003 and 2004 up to the fiscal growth factor limit established by the Office of Financial Management. Establish first time fees for aquatic pest control permits. Redefine how animal units are calculated.

Citation of Existing Rules Affected by this Order: Amending chapter 173-224 WAC, Wastewater discharge permit fees.

Statutory Authority for Adoption: Chapter 90.48 RCW, Water pollution control.

Adopted under notice filed as WSR 02-06-091 on March 1, 2002.

Changes Other than Editing from Proposed to Adopted Version: Governor Locke signed a bill which sets fees for aquatic pest control at \$300 per permit. Ecology put this limit as the proposed fee for this class of permits.

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 1, 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 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

May 30, 2002
Linda Hoffman
Deputy Director
for Tom Fitzsimmons
Director

AMENDATORY SECTION (Amending Order 99-03, filed 12/28/99, effective 1/28/00)

WAC 173-224-030 Definitions. "Administrative expenses" means those costs associated with issuing and administering permits under RCW 90.48.160, 90.48.162, and 90.48.260.

"Aggregate production" means the mining or quarrying of sand, gravel, or rock, or the production of concrete, or asphalt or a combination thereof.

"Aluminum and magnesium reduction mills" means the electrolytic reduction of alumina or magnesium salts to produce aluminum or magnesium metal.

"Animal unit" means one slaughter or feeder steer ~~((1.4 mature dairy cow, 25 swine or as more fully defined in Appendix B of 40 CFR 122))~~ and 25 swine. Dairy cows are determined in the following manner: Jersey breed (nonmixed) = 0.9 milking cow, 0.9 dry cow, 0.22 heifers, and 0.22 calves; other breeds = 1.4 milking cow, 1.0 dry cow, 0.8 heifers, 0.5 calves.

"Annual permit fee" means the fee charged by the department for annual expenses associated with activities specified in RCW 90.48.465. This annual fee is based on the state's fiscal year (July 1 - June 30).

"bbls/d" means barrels per day of feedstock for petroleum refineries.

"bins/yr" means total standard bins used during the last complete calendar year by a facility in the crop preparing industry. The bins measure approximately 47.5 inches x 47.4 inches x 29.5 inches and hold approximately 870 pounds of fruit.

"Chemical pulp mill w/chlorine bleaching" means any pulp mill that uses chlorine or chlorine compounds in their bleaching process.

"Combined food processing waste treatment facility" means a facility that treats wastewater from more than one separately permitted food processor and receives no domestic wastewater or waste from industrial sources other than food processing.

"Combined industrial waste treatment" means a facility which treats wastewater from more than one industry in any of the following categories: Inorganic chemicals, metal finishing, ore concentration, organic chemicals, or photofinishers.

"Combined sewer overflow (CSO)" means the event during which excess combined sewage flow caused by inflow is discharged from a combined sewer, rather than conveyed to the sewage treatment plant because either the capacity of the treatment plant or the combined sewer is exceeded.

"Concentrated animal feeding operation" means an "animal feeding operation" that meets the criteria in Appendix B of 40 CFR 122 as presently enacted and any subsequent modifications thereto.

"Contaminants of concern" means a chemical for which an effluent limit is established (this does not include pH, flow, temperature, or other "nonchemical parameters"). Petroleum constituents will be considered as one contaminant of concern even if more than one effluent limit is established (e.g., Total Petroleum Hydrocarbons and BTEX).

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"Crane" means a machine used for the hoisting and lifting of ship hulls.

"Crop preparing" means the preparation of fruit for wholesale or retail sale by washing and/or other processes in which the skin of the fruit is not broken and in which the interior part of the fruit does not come in direct contact with the wastewater.

"cu. yds/yr" means the total production from an aggregate production facility in cubic yards during the most recent completed calendar year.

"Department" means the department of ecology.

"Director" means the director of the department of ecology.

"Domestic wastewater" means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places, together with any groundwater infiltration or surface waters that may be present.

"Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim or dispose of domestic wastewater together with such industrial waste as may be present.

"Existing operations" means those industrial operations requiring a wastewater discharge permit before July 1, 1993.

"EPA" means the United States Environmental Protection Agency.

"Fin fish rearing and hatching" means the raising of fin fish for fisheries enhancement or sale, by means of hatcheries, net pens, or other confined fish facilities.

"Flavor extraction" means the recovery of flavors or essential oils from organic products by steam distillation.

"Food processing" means the preparation of food for human or animal consumption or the preparation of animal byproducts, excluding crop preparing. This category includes, but is not limited to, fruit and vegetable processing, meat and poultry products processing, dairy products processing, beer production, rendering and animal feed production. Food processing wastewater treatment plants that treat wastes from only one separately permitted food processor must be treated as one facility for billing purposes.

"Hazardous waste clean up sites" means any facility where there has been confirmation of a release or threatened release of a hazardous substance that requires remedial action other than RCRA corrective action sites.

"Industrial facility" means any facility not included in the definition of municipal/domestic facility.

"Industrial gross revenue" means the annual amount of the sales of goods and services produced using the processes regulated by the wastewater discharge permit.

"Industrial storm water" means an operation required to be covered under ecology's NPDES and state waste discharge baseline general permit for storm water discharges associated with industrial activities or modifications to that permit or having an individual wastewater permit for storm water only.

"MGD" means permitted flow expressed in million gallons per day.

"Manufacturing" means the making of goods and articles by hand or especially, by machinery into a manufactured product.

"Metal finishing" means the preparation of metal surfaces by means of electroplating, electroless plating, anodizing, coating (chromating, phosphating and coloring), chemical etching and milling, and printed circuit board manufacture.

"Municipal/domestic facility" means a publicly-owned facility treating domestic wastewater together with any industrial wastes that may be present, or a privately-owned facility treating solely domestic wastewater.

"Municipal gross revenue" means gross receipts from monthly, bimonthly, and/or quarterly user charges for sewer services received from all classes of customers;

Included in these user charges are user charges and fees based on wastewater constituents' strengths and characteristics including high-strength surcharges and charges based on biochemical oxygen demand, suspended solids, oil and grease, toxicants, heavy metals, and flow, etc.

Municipal gross revenue includes charges for receipt and treatment of septic tank wastes, holding tank wastes, chemical toilet wastes, etc.

Municipal gross revenue includes all amounts received from other municipalities for sewage interception, treatment, collection, or disposal.

Gross revenue excludes:

Amounts derived by municipalities directly from taxes levied for the support or maintenance of sewer services.

Late charges, penalties for nontimely payment by customers, interest on late payments, and all other penalties and fines.

Permit fees and compliance monitoring fees for wastewater discharge permits issued by municipalities with local pretreatment programs. Permit fees which are charged to cover the cost of providing sewer service are not excluded from municipal gross revenue.

Receipts by a municipality of special assessments or installments thereof and interests and penalties thereon, and charges in lieu of assessments.

Connection charges.

Revenues from sales of by-products such as sludge, processed wastewater, etc.

"Municipality" means a city, town, county, district, association, or other public body created by or in accordance with state law and that has jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under 33 U.S.C. Sec. 1288. State government agencies are not included in this definition.

"Noncontact cooling water with additives" means water used for cooling that comes into contact with corrosives.

"Noncontact cooling water without additives" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product, and which does not contain chemicals added by the permittee. The noncontact cooling water fee without additives category applies to those facilities which discharge only noncontact cooling water and which have no other wastewater discharges required to be permitted under RCW 90.48.160, 90.48.162, and 90.48.260.

"Nonferrous metals forming" means the manufacturing of semifinished products from pure metal or metal alloys

other than iron or steel or of metals not otherwise classified in WAC 173-224-040(2).

"Nonoperating aggregate site" means a location where previous mining or processing has occurred; that has not been fully reclaimed; that has no current mining or processing, and that may include stockpiles of raw materials or finished products. The permittee may add or withdraw raw materials or finished products from the stockpiles for transportation off-site for processing, use, or sale and still be considered a nonoperating site. This definition can be found in ecology's *National Pollutant Discharge Elimination System and State Waste Discharge Permit for Process Water, Storm Water, and Mine Dewatering Water Discharges Associated with Sand and Gravel Operations, Rock Quarries and Similar Mining Facilities including Stockpiles of Mined Materials, Concrete Batch Operations and Asphalt Batch Operations.*

"NPDES permit" means a National Pollutant Discharge Elimination System permit issued by the department under Section 402 of the federal Clean Water Act and RCW 90.48.260.

"Person" means any political subdivision, government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatever.

"Portable facility" means a facility that is designed for mobility and is moved from site to site for short term operations. A portable facility applies only to an asphalt batch plant, portable concrete batch plant and portable rock crusher.

"RCRA" means Resource Conservation Recovery Act clean up sites required to have a wastewater discharge permit resulting from a corrective action under relevant federal authorities or under chapters 70.105 and 70.105D RCW including chapters 173-303 and 173-340 WAC, and are not subject to cost recovery.

"Residential equivalent" means a single-family residence or a unit of sewer service that yields an amount of gross revenue equal to the annual user charge for a single-family

residence. In cases where the permit holder does not maintain data on gross revenue, user charges, and/or the number of single-family residences that it serves, "residential equivalent" means an influent flow of two hundred fifty gallons per day.

"Sewer service" means the activity of receiving sewage deposited into and carried off by a system of sewers, drains, and pipes to a common point, or points, for disposal or for transfer to treatment for disposal, and activities involving the interception, transfer, storage, treatment, and/or disposal of sewage, or any of these activities.

"State waste discharge permit" means a permit required under RCW 98.48.260.

"Storm water" means an industrial operation or construction activity discharging storm water runoff as defined in 40 CFR 122.26 (b)(14) or facilities that are permitted as a significant contributor of pollutants as allowed in the federal Clean Water Act at Section 402 (p)(2)(E).

"Tons/yr." means the total production from an asphalt production facility in tons during the most recent completed calendar year.

"Vegetable/bulb washing" means the washing, packing, and shipping of fresh vegetables and bulbs when there is no cooking or cutting of the product before packing.

AMENDATORY SECTION (Amending Order 00-06, filed 6/9/00, effective 7/10/00)

WAC 173-224-040 Permit fee schedule. (1) Application fee. In addition to the annual fee, first time applicants (except those applying for coverage under a general permit) will pay a one time application fee of twenty-five percent of the annual permit fee, or \$250.00, whichever is greater. An application fee will be assessed for RCRA sites regardless of whether a new permit is being issued or an existing permit for other than the discharge resulting from the RCRA corrective action, is being modified.

(2) Industrial facility categories.

INDUSTRIAL FACILITY CATEGORIES	FY 2000 ANNUAL PERMIT FEE	FY 2001 ANNUAL PERMIT FEE	(**FY 2002 ANNUAL PERMIT FEE AND BEYOND
Aluminum Alloys	\$12,229.00	\$12,580.00	\$12,915.00
Aluminum and Magnesium Reduction Mills			
a. NPDES Permit	72,117.00	74,187.00	76,160.00
b. State Permit	36,060.00	37,095.00	38,082.00
Aluminum Forming	36,687.00	37,740.00	38,744.00
Aggregate Production—Individual Permit Coverage			
a. Mining Activities			
1. Mining, screening, washing and/or crushing	2,105.00	2,165.00	2,223.00
2. Nonoperating aggregate site (fee per site)	87.00	89.00	91.00
b. Asphalt Production			
1. 0—< 50,000 tons/yr.	877.00	902.00	926.00
2. 50,000—< 300,000 tons/yr.	2,105.00	2,162.00	2,220.00
3. 300,000 tons/yr. and greater	2,631.00	2,707.00	2,779.00

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INDUSTRIAL FACILITY CATEGORIES	FY 2000 ANNUAL PERMIT FEE	FY 2001 ANNUAL PERMIT FEE	(*FY 2002 ANNUAL PERMIT FEE AND BEYOND
e. Concrete Production			
1. 0 < 25,000 cu. yds/yr.	877.00	902.00	926.00
2. 25,000 < 200,000 cu. yds/yr.	2,105.00	2,162.00	2,220.00
3. 200,000 cu. yds/yr. and greater	2,631.00	2,707.00	2,779.00
The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.			
d. Portable Facilities			
1. Portable Rock Crushing Operations	2,105.00	2,165.00	2,223.00
2. Asphalt Portable Batch Plant	2,105.00	2,165.00	2,223.00
3. Concrete Portable Batch Plant	2,105.00	2,165.00	2,223.00
Aggregate Production—General Permit Coverage			
a. Mining Activities			
1. Mining, screening, washing and/or crushing	1,473.00	1,515.00	1,555.00
2. Nonoperating aggregate site (fee per site)	61.00	63.00	65.00
b. Asphalt Production			
1. 0 < 50,000 tons/yr.	614.00	632.00	649.00
2. 50,000 < 300,000 tons/yr.	1,474.00	1,516.00	1,556.00
3. 300,000 tons/yr. and greater	1,841.00	1,894.00	1,944.00
e. Concrete Production			
1. 0 < 25,000 cu. yds/yr.	614.00	632.00	649.00
2. 25,000 < 200,000 cu. yds/yr.	1,474.00	1,516.00	1,556.00
3. 200,000 cu. yds/yr. and greater	1,841.00	1,894.00	2,971.00
The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.			
d. Portable Facilities			
1. Portable Rock Crushing Operations	1,474.00	1,516.00	1,556.00
2. Asphalt Portable Batch Plant	1,474.00	1,516.00	1,556.00
3. Concrete Portable Batch Plant	1,474.00	1,516.00	1,556.00
Aquaculture			
a. Finfish hatching and rearing—Individual Permit	3,669.00	3,774.00	3,874.00
b. Finfish hatching and rearing—General Permit Coverage	2,569.00	2,643.00	2,713.00
c. Shellfish hatching	126.00	130.00	133.00
Boat Yards—Individual Permit Coverage			
a. With storm water only discharge	313.00	322.00	331.00
b. All others	627.00	645.00	662.00
Boat Yards—General Permit Coverage			
a. With storm water only discharge	219.00	225.00	231.00
b. All others	439.00	452.00	464.00
Coal Mining and Preparation			
a. < 200,000 tons per year	4,890.00	5,030.00	5,164.00
b. 200,000 < 500,000 tons per year	11,007.00	11,323.00	11,624.00
c. 500,000 < 1,000,000 tons per year	19,565.00	20,127.00	20,662.00
d. 1,000,000 tons per year and greater	36,687.00	37,740.00	38,743.00

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INDUSTRIAL FACILITY CATEGORIES	FY 2000 ANNUAL PERMIT FEE	FY 2001 ANNUAL PERMIT FEE	(*FY 2002 ANNUAL PERMIT FEE AND BEYOND
Combined Industrial Waste Treatment			
a. <10,000 gpd	2,446.00	2,516.00	2,583.00
b. 10,000—<50,000 gpd	6,114.00	6,289.00	6,456.00
c. 50,000—<100,000 gpd	12,229.00	12,580.00	12,914.00
d. 100,000—<500,000 gpd	24,458.00	25,160.00	25,829.00
e. 500,000 gpd and greater	36,687.00	37,740.00	38,744.00
Combined Food Processing Waste Treatment Facilities	11,708.00	12,044.00	12,364.00
Combined Sewer Overflow System			
a. <50 acres	2,446.00	2,516.00	2,583.00
b. 50—<100 acres	6,114.00	6,289.00	6,456.00
c. 100—<500 acres	7,339.00	7,550.00	7,751.00
d. 500 acres and greater	9,783.00	10,064.00	10,332.00
Commercial Laundry	313.00	322.00	
Concentrated Animal Feeding Operation			
a. <200 Animal Units	125.00	129.00	132.00
b. 200—<400 Animal Units	313.00	322.00	331.00
c. 400—<600 Animal Units	627.00	645.00	662.00
d. 600—<800 Animal Units	940.00	967.00	993.00
e. 800 Animal Units and greater	1,254.00	1,290.00	1,324.00
Crop Preparing—Individual Permit Coverage			
a. 0—<1,000 bins/yr.	244.00	251.00	258.00
b. 1,000—<5,000 bins/yr.	489.00	503.00	516.00
c. 5,000—<10,000 bins/yr.	978.00	1,006.00	1,033.00
d. 10,000—<15,000 bins/yr.	1,958.00	2,014.00	2,068.00
e. 15,000—<20,000 bins/yr.	3,239.00	3,332.00	3,421.00
f. 20,000—<25,000 bins/yr.	4,524.00	4,654.00	4,778.00
g. 25,000—<50,000 bins/yr.	6,052.00	6,226.00	6,392.00
h. 50,000—<75,000 bins/yr.	6,726.00	6,919.00	7,103.00
i. 75,000—<100,000 bins/yr.	7,825.00	8,050.00	8,264.00
j. 100,000—<125,000 bins/yr.	9,783.00	10,064.00	10,332.00
k. 125,000—<150,000 bins/yr.	12,229.00	12,580.00	12,915.00
l. 150,000 bins/yr. and greater	14,675.00	15,096.00	15,498.00
Crop Preparing—General Permit Coverage			
a. 0—<1,000 bins/yr.	170.00	175.00	180.00
b. 1,000—<5,000 bins/yr.	342.00	352.00	362.00
c. 5,000—<10,000 bins/yr.	685.00	705.00	724.00
d. 10,000—<15,000 bins/yr.	1,371.00	1,410.00	1,448.00
e. 15,000—<20,000 bins/yr.	2,268.00	2,333.00	2,395.00
f. 20,000—<25,000 bins/yr.	3,167.00	3,258.00	3,345.00
g. 25,000—<50,000 bins/yr.	4,236.00	4,358.00	4,474.00
h. 50,000—<75,000 bins/yr.	4,708.00	4,843.00	4,972.00
i. 75,000—<100,000 bins/yr.	5,478.00	5,635.00	5,786.00
j. 100,000—<125,000 bins/yr.	6,848.00	7,045.00	7,232.00
k. 125,000—<150,000 bins/yr.	8,560.00	8,806.00	9,040.00
l. 150,000 bins/yr. and greater	10,272.00	10,567.00	10,848.00

	INDUSTRIAL FACILITY CATEGORIES			
	FY 2000 ANNUAL PERMIT FEE	FY 2001 ANNUAL PERMIT FEE	(#FY 2002 ANNUAL PERMIT FEE AND BEYOND	
Dairies \$-50 per Animal Unit not to exceed \$878.00 for FY 2000- \$903.00 for FY 2001 and 927.00 for FY 2002				
Facilities Not Otherwise Classified—Individual Permit Coverage				
a:	<1,000 gpd	1,223.00	1,258.00	1,291.00
b:	1,000—<10,000-gpd	2,446.00	2,516.00	2,583.00
c:	10,000—<50,000-gpd	6,114.00	6,290.00	6,457.00
d:	50,000—<100,000-gpd	9,783.00	10,064.00	10,332.00
e:	100,000—<500,000-gpd	19,565.00	20,027.00	20,560.00
f:	500,000—<1,000,000-gpd	24,457.00	25,159.00	25,828.00
g:	1,000,000-gpd and greater	36,687.00	37,740.00	38,744.00
Facilities Not Otherwise Classified—General Permit Coverage				
a:	<1,000-gpd	857.00	882.00	905.00
b:	1,000—<10,000-gpd	1,712.00	1,761.00	1,808.00
c:	10,000—<50,000-gpd	4,281.00	4,404.00	4,521.00
d:	50,000—<100,000-gpd	6,848.00	7,045.00	7,222.00
e:	100,000—<500,000-gpd	13,695.00	14,088.00	14,463.00
f:	500,000—<1,000,000-gpd	17,120.00	17,611.00	18,079.00
g:	1,000,000-gpd and greater	25,681.00	26,418.00	27,121.00
Flavor Extraction				
a:	Steam Distillation	125.00	129.00	132.00
Food Processing				
a:	<1,000-gpd	1,222.00	1,257.00	1,290.00
b:	1,000—<10,000-gpd	3,118.00	3,207.00	3,292.00
c:	10,000—<50,000-gpd	5,564.00	5,724.00	5,876.00
d:	50,000—<100,000-gpd	8,743.00	8,994.00	9,232.00
e:	100,000—<250,000-gpd	12,229.00	12,580.00	12,915.00
f:	250,000—<500,000-gpd	16,081.00	16,543.00	16,983.00
g:	500,000—<750,000-gpd	20,177.00	20,756.00	21,308.00
h:	750,000—<1,000,000-gpd	24,457.00	25,159.00	25,828.00
i:	1,000,000—<2,500,000-gpd	29,961.00	30,821.00	31,641.00
j:	2,500,000—<5,000,000-gpd	33,629.00	34,594.00	35,514.00
k:	5,000,000-gpd and greater	36,687.00	37,740.00	38,744.00
Fuel and Chemical Storage				
a:	<50,000-bbls	1,223.00	1,258.00	1,291.00
b:	50,000—<100,000-bbls	2,446.00	2,516.00	2,583.00
c:	100,000—<500,000-bbls	6,114.00	6,289.00	6,456.00
d:	500,000-bbls and greater	12,229.00	12,580.00	12,915.00
Hazardous Waste Clean Up Sites				
a:	Leaking Underground Storage Tanks (LUST)			
1:	State Permit	3,208.00	3,300.00	3,388.00
2:	NPDES Permit Issued pre-7/1/94	3,208.00	3,300.00	3,338.00
3:	NPDES Permit Issued post-7/1/94	6,415.00	6,599.00	6,775.00
b:	Non-LUST Sites			
1:	1 or 2 Contaminants of concern	6,272.00	6,452.00	6,624.00
2:	>2 Contaminants of concern	12,542.00	12,902.00	13,245.00

	INDUSTRIAL FACILITY CATEGORIES		
	FY 2000 ANNUAL PERMIT FEE	FY 2001 ANNUAL PERMIT FEE	(FY 2002 ANNUAL PERMIT FEE AND BEYOND)
Ink Formulation and Printing			
a. Commercial Print Shops	1,881.00	1,935.00	1,986.00
b. Newspapers	3,136.00	3,226.00	3,312.00
e. Box Plants	5,017.00	5,161.00	5,298.00
d. Ink Formulation	6,272.00	6,452.00	6,624.00
Inorganic Chemicals Manufacturing			
a. Lime Products	6,114.00	6,289.00	6,456.00
b. Fertilizer	7,361.00	7,572.00	7,773.00
e. Peroxide	9,783.00	10,064.00	10,332.00
d. Alkaline Earth Salts	12,229.00	12,580.00	12,915.00
e. Metal Salts	17,119.00	17,610.00	18,078.00
f. Acid Manufacturing	24,457.00	25,159.00	25,829.00
g. Chlor-alkali	48,916.00	50,320.00	51,659.00
Iron and Steel			
a. Foundries	12,229.00	12,580.00	12,915.00
b. Mills	24,479.00	25,181.00	25,851.00
Metal Finishing			
a. <1,000 gpd	1,466.00	1,508.00	1,548.00
b. 1,000 <10,000 gpd	2,445.00	2,515.00	2,582.00
e. 10,000 <50,000 gpd	6,113.00	6,288.00	6,455.00
d. 50,000 <100,000 gpd	12,228.00	12,579.00	12,914.00
e. 100,000 <500,000 gpd	24,456.00	25,158.00	25,827.00
f. 500,000 gpd and greater	36,685.00	37,738.00	38,742.00
Noncontact Cooling Water With Additives—Individual Permit Cover- age			
a. <1,000 gpd	765.00	787.00	808.00
b. 1,000 <10,000 gpd	1,528.00	1,572.00	1,614.00
e. 10,000 <50,000 gpd	2,294.00	2,360.00	2,423.00
d. 50,000 <100,000 gpd	5,351.00	5,505.00	5,651.00
e. 100,000 <500,000 gpd	9,171.00	9,434.00	9,685.00
f. 500,000 <1,000,000 gpd	12,995.00	13,368.00	13,724.00
g. 1,000,000 <2,500,000 gpd	16,816.00	17,299.00	17,759.00
h. 2,500,000 <5,000,000 gpd	20,634.00	21,226.00	21,791.00
i. 5,000,000 gpd and greater	24,457.00	25,159.00	25,828.00
Noncontact Cooling Water With Additives—General Permit Coverage			
a. <1,000 gpd	536.00	552.00	567.00
b. 1,000 <10,000 gpd	1,069.00	1,100.00	1,129.00
e. 10,000 <50,000 gpd	1,606.00	1,652.00	1,696.00
d. 50,000 <100,000 gpd	3,746.00	3,854.00	3,957.00
e. 100,000 <500,000 gpd	6,420.00	6,604.00	6,780.00
f. 500,000 <1,000,000 gpd	9,097.00	9,358.00	9,607.00
g. 1,000,000 <2,500,000 gpd	11,771.00	12,109.00	12,431.00
h. 2,500,000 <5,000,000 gpd	14,444.00	14,858.00	15,253.00
i. 5,000,000 gpd and greater	17,120.00	17,611.00	18,079.00

PERMANENT

INDUSTRIAL FACILITY CATEGORIES	FY 2000 ANNUAL PERMIT FEE	FY 2001 ANNUAL PERMIT FEE	(*FY 2002 ANNUAL PERMIT FEE AND BEYOND
Noncontact Cooling Water Without Additives—Individual Permit Coverage			
a. <1,000 gpd	612.00	630.00	647.00
b. 1,000—<10,000 gpd	1,223.00	1,258.00	1,291.00
c. 10,000—<50,000 gpd	1,835.00	1,888.00	1,938.00
d. 50,000—<100,000 gpd	4,281.00	4,404.00	4,521.00
e. 100,000—<500,000 gpd	7,339.00	7,550.00	7,751.00
f. 500,000—<1,000,000 gpd	10,394.00	10,692.00	10,981.00
g. 1,000,000—<2,500,000 gpd	13,452.00	13,838.00	14,206.00
h. 2,500,000—<5,000,000 gpd	16,508.00	16,982.00	17,434.00
i. 5,000,000 gpd and greater	19,565.00	20,127.00	20,662.00
Noncontact Cooling Water Without Additives—General Permit Coverage			
a. <1,000 gpd	428.00	441.00	453.00
b. 1,000—<10,000 gpd	857.00	882.00	905.00
c. 10,000—<50,000 gpd	1,284.00	1,321.00	1,356.00
d. 50,000—<100,000 gpd	2,996.00	3,082.00	3,164.00
e. 100,000—<500,000 gpd	5,137.00	5,284.00	5,425.00
f. 500,000—<1,000,000 gpd	7,276.00	7,485.00	7,684.00
g. 1,000,000—<2,500,000 gpd	9,417.00	9,687.00	9,945.00
h. 2,500,000—<5,000,000 gpd	11,556.00	11,888.00	12,204.00
i. 5,000,000 gpd and greater	13,695.00	14,088.00	14,623.00
Nonferrous Metals Forming	12,229.00	12,580.00	12,915.00
Ore Mining			
a. Ore Mining	2,446.00	2,516.00	2,583.00
b. Ore mining with physical concentration processes	4,891.00	5,031.00	5,165.00
c. Ore mining with physical and chemical concentration processes	19,565.00	20,127.00	20,662.00
Organic Chemicals Manufacturing			
a. Fertilizer	12,229.00	12,580.00	12,915.00
b. Aliphatic	24,457.00	25,159.00	25,828.00
c. Aromatic	36,687.00	37,740.00	38,744.00
Petroleum Refining			
a. <10,000 bbls/d	24,457.00	25,159.00	25,828.00
b. 10,000—<50,000 bbls/d	48,916.00	50,320.00	51,659.00
c. 50,000 bbls/d and greater	97,835.00	100,643.00	103,320.00
Photofinishers			
a. <1,000 gpd	978.00	1,006.00	1,034.00
b. 1,000 gpd and greater	2,446.00	2,516.00	2,583.00
Power and/or Steam Plants			
a. Steam Generation—Nonelectric	4,890.00	5,030.00	5,164.00
b. Hydroelectric	4,890.00	5,030.00	5,164.00
c. Nonfossil Fuel	7,338.00	7,549.00	7,750.00
d. Fossil Fuel	19,565.00	20,127.00	20,662.00

PERMANENT

INDUSTRIAL FACILITY CATEGORIES	FY 2000 ANNUAL PERMIT FEE	FY 2001 ANNUAL PERMIT FEE	(**FY 2002 ANNUAL PERMIT FEE AND BEYOND
Pulp, Paper and Paper Board			
a. Fiber Recyclers	12,228.00	12,579.00	12,914.00
b. Paper Mills	24,457.00	25,159.00	25,828.00
c. Groundwood Pulp Mills			
1. <300 tons per day	36,687.00	37,740.00	38,744.00
2. >300 tons per day	73,373.00	75,479.00	77,487.00
d. Chemical Pulp Mills w/o Chlorine Bleaching	97,829.00	100,637.00	103,314.00
e. Chemical Pulp Mills w/Chlorine Bleaching	110,057.00	113,216.00	116,228.00
Radioactive Effluents and Discharges (RED)			
a. <3 waste streams	23,674.00	24,353.00	25,001.00
b. 3—<8 waste streams	41,087.00	42,266.00	43,390.00
c. 8 waste streams and greater	67,672.00	69,614.00	71,466.00
RCRA Corrective Action Sites	17,189.00	17,682.00	18,152.00
Seafood Processing			
a. <1,000 gpd	1,223.00	1,258.00	1,291.00
b. 1,000—<10,000 gpd	3,118.00	3,207.00	3,292.00
c. 10,000—<50,000 gpd	5,564.00	5,724.00	5,876.00
d. 50,000—<100,000 gpd	8,743.00	8,994.00	9,233.00
e. 100,000 gpd and greater	12,229.00	12,580.00	12,915.00
Shipyards			
a. Per crane, travel lift, small boat lift	2,446.00	2,516.00	2,583.00
b. Per drydock under 250 ft in length	2,446.00	2,516.00	2,583.00
c. Per graving dock	2,446.00	2,516.00	2,583.00
d. Per marine way	3,669.00	3,774.00	3,874.00
e. Per scrofolift	3,669.00	3,774.00	3,874.00
f. Per drydock over 250 ft in length	4,891.00	5,031.00	5,165.00
The fee for a facility in the shipyard category is the sum of the fees for the applicable units in the facility.			
Solid Waste Sites (nonstorm water)			
a. Nonputrescible	4,891.00	5,031.00	5,165.00
b. <50 acres	9,783.00	10,063.00	10,331.00
c. 50—<100 acres	19,565.00	20,127.00	20,662.00
d. 100—<250 acres	24,457.00	25,159.00	25,828.00
e. 250 acres and greater	36,687.00	37,740.00	38,744.00
Storm Water (Unless specifically categorized elsewhere.)			
a. Individual Industrial Permits			
1. <50 acres	2,446.00	2,516.00	2,583.00
2. 50—<100 acres	4,891.00	5,031.00	5,165.00
3. 100—<500 acres	7,338.00	7,549.00	7,750.00
4. 500 acres and greater	9,783.00	10,064.00	10,332.00
b. Facilities covered under the Industrial Storm Water General Permit	325.00	334.00	343.00

INDUSTRIAL FACILITY CATEGORIES	FY 2000 ANNUAL PERMIT FEE	FY 2001 ANNUAL PERMIT FEE	(**FY 2002 ANNUAL PERMIT FEE AND BEYOND
e. Construction activities covered under the Industrial Storm-Water General Permit	325.00	334.00	343.00
Textile Mills	48,916.00	50,320.00	51,659.00
Timber Products			
a. Log Storage	2,446.00	2,516.00	2,583.00
b. Veneer	4,891.00	5,031.00	5,165.00
c. Sawmills	9,783.00	10,064.00	10,332.00
d. Hardwood, Plywood	17,119.00	17,610.00	18,078.00
e. Wood Preserving	24,457.00	24,159.00	24,802.00
Vegetable/Bulb Washing Facilities			
a. <1,000 gpd	81.00	83.00	85.00
b. 1,000 < 5,000 gpd	162.00	167.00	171.00
c. 5,000 < 10,000 gpd	322.00	331.00	340.00
d. 10,000 < 20,000 gpd	648.00	667.00	685.00
e. 20,000 and greater	1,072.00	1,103.00	1,132.00
Vehicle Maintenance and Freight Transfer			
a. <0.5 acre	2,446.00	2,516.00	2,583.00
b. 0.5 < 1.0 acre	4,891.00	5,031.00	5,165.00
c. 1.0 acre and greater	7,338.00	7,549.00	7,750.00
Water Plants—Individual Permit Coverage	3,058.00	3,146.00	3,230.00
Water Plants—General Permit Coverage	2,141.00	2,202.00	2,261.00
Wineries			
a. <500 gpd	250.00	257.00	
b. 500 < 750 gpd	501.00	515.00	518.00
c. 750 < 1,000 gpd	1,001.00	1,030.00	
d. 1,000 < 2,500 gpd	2,001.00	2,058.00	2,113.00
e. 2,500 < 5,000 gpd	3,191.00	3,283.00	3,370.00
f. 5,000 gpd and greater	4,380.00	4,506.00	4,626.00))

PERMANENT

INDUSTRIAL FACILITY CATEGORIES	FY 2003 ANNUAL PERMIT FEE	FY 2004 ANNUAL PERMIT FEE AND BEYOND
<u>Aluminum Alloys</u>	<u>\$13,292.00</u>	<u>\$13,729.00</u>
<u>Aluminum and Magnesium Reduction Mills</u>		
a. <u>NPDES Permit</u>	<u>78,385.00</u>	<u>80,964.00</u>
b. <u>State Permit</u>	<u>39,194.00</u>	<u>40,483.00</u>
<u>Aluminum Forming</u>	<u>39,875.00</u>	<u>41,187.00</u>
<u>Aggregate Production - Individual Permit Coverage</u>		
a. <u>Mining Activities</u>		
1. <u>Mining, screening, washing and/or crushing</u>	<u>2,287.00</u>	<u>2,362.00</u>
2. <u>Nonoperating aggregate site (fee per site)</u>	<u>94.00</u>	<u>97.00</u>
b. <u>Asphalt Production</u>		
1. <u>0 - < 50,000 tons/yr.</u>	<u>953.00</u>	<u>984.00</u>
2. <u>50,000 - < 300,000 tons/yr.</u>	<u>2,288.00</u>	<u>2,363.00</u>
3. <u>300,000 tons/yr. and greater</u>	<u>2,861.00</u>	<u>2,955.00</u>

<u>INDUSTRIAL FACILITY CATEGORIES</u>		<u>FY 2003</u> <u>ANNUAL</u> <u>PERMIT FEE</u>	<u>FY 2004</u> <u>ANNUAL</u> <u>PERMIT FEE AND</u> <u>BEYOND</u>
<u>c. Concrete Production</u>			
1.	<u>0 - < 25,000 cu. yds/yr.</u>	<u>953.00</u>	<u>984.00</u>
2.	<u>25,000 - < 200,000 cu. yds/yr.</u>	<u>2,288.00</u>	<u>2,363.00</u>
3.	<u>200,000 cu. yds/yr. and greater</u>	<u>2,861.00</u>	<u>2,955.00</u>
<u>The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.</u>			
<u>d. Portable Operations</u>			
1.	<u>Rock Crushing</u>	<u>2,287.00</u>	<u>2,362.00</u>
2.	<u>Asphalt</u>	<u>2,287.00</u>	<u>2,362.00</u>
3.	<u>Concrete</u>	<u>2,287.00</u>	<u>2,362.00</u>
<u>Aggregate Production - General Permit Coverage</u>			
<u>a. Mining Activities</u>			
1.	<u>Mining, screening, washing and/or crushing</u>	<u>1,600.00</u>	<u>1,653.00</u>
2.	<u>Nonoperating aggregate site (fee per site)</u>	<u>67.00</u>	<u>69.00</u>
<u>b. Asphalt Production</u>			
1.	<u>0 - < 50,000 tons/yr.</u>	<u>668.00</u>	<u>690.00</u>
2.	<u>50,000 - < 300,000 tons/yr.</u>	<u>1,601.00</u>	<u>1,654.00</u>
3.	<u>300,000 tons/yr. and greater</u>	<u>2,001.00</u>	<u>2,067.00</u>
<u>c. Concrete Production</u>			
1.	<u>0 - < 25,000 cu. yds/yr.</u>	<u>668.00</u>	<u>690.00</u>
2.	<u>25,000 - < 200,000 cu. yds/yr.</u>	<u>1,601.00</u>	<u>1,654.00</u>
3.	<u>200,000 cu. yds/yr. and greater</u>	<u>2,001.00</u>	<u>2,067.00</u>
<u>The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.</u>			
<u>d. Portable Operations</u>			
1.	<u>Rock Crushing</u>	<u>1,601.00</u>	<u>1,654.00</u>
2.	<u>Asphalt</u>	<u>1,601.00</u>	<u>1,654.00</u>
3.	<u>Concrete</u>	<u>1,601.00</u>	<u>1,654.00</u>
<u>Aquaculture</u>			
a.	<u>Finfish hatching and rearing - Individual Permit</u>	<u>3,987.00</u>	<u>4,118.00</u>
b.	<u>Finfish hatching and rearing - General Permit Coverage</u>	<u>2,793.00</u>	<u>2,885.00</u>
c.	<u>Shellfish hatching</u>	<u>138.00</u>	<u>142.00</u>
<u>Aquatic Pest Control</u>			
a.	<u>Irrigation Districts</u>	<u>300.00</u>	<u>310.00</u>
b.	<u>Mosquito Control Districts</u>	<u>300.00</u>	<u>310.00</u>
c.	<u>Noxious</u>	<u>300.00</u>	<u>310.00</u>
d.	<u>Nuisance Weed Control Only</u>	<u>300.00</u>	<u>310.00</u>
e.	<u>Oyster Growers</u>	<u>300.00</u>	<u>310.00</u>
f.	<u>Rotenone Control</u>	<u>300.00</u>	<u>310.00</u>
<u>Boat Yards - Individual Permit Coverage</u>			
a.	<u>With storm water only discharge</u>	<u>340.00</u>	<u>351.00</u>
b.	<u>All others</u>	<u>681.00</u>	<u>704.00</u>
<u>Boat Yards - General Permit Coverage</u>			
a.	<u>With storm water only discharge</u>	<u>237.00</u>	<u>245.00</u>

<u>INDUSTRIAL FACILITY CATEGORIES</u>	<u>FY 2003 ANNUAL PERMIT FEE</u>	<u>FY 2004 ANNUAL PERMIT FEE AND BEYOND</u>
<u>b. All others</u>	<u>478.00</u>	<u>494.00</u>
<u>Coal Mining and Preparation</u>		
<u>a. < 200,000 tons per year</u>	<u>5,314.00</u>	<u>5,489.00</u>
<u>b. 200,000 - < 500,000 tons per year</u>	<u>11,964.00</u>	<u>12,357.00</u>
<u>c. 500,000 - < 1,000,000 tons per year</u>	<u>21,266.00</u>	<u>21,966.00</u>
<u>d. 1,000,000 tons per year and greater</u>	<u>39,875.00</u>	<u>41,187.00</u>
<u>Combined Industrial Waste Treatment</u>		
<u>a. < 10,000 gpd</u>	<u>2,658.00</u>	<u>2,746.00</u>
<u>b. 10,000 - < 50,000 gpd</u>	<u>6,644.00</u>	<u>6,863.00</u>
<u>c. 50,000 - < 100,000 gpd</u>	<u>13,292.00</u>	<u>13,729.00</u>
<u>d. 100,000 - < 500,000 gpd</u>	<u>26,584.00</u>	<u>27,458.00</u>
<u>e. 500,000 gpd and greater</u>	<u>39,875.00</u>	<u>41,187.00</u>
<u>Combined Food Processing Waste Treatment Facilities</u>	<u>12,725.00</u>	<u>13,144.00</u>
<u>Combined Sewer Overflow System</u>		
<u>a. < 50 acres</u>	<u>2,658.00</u>	<u>2,746.00</u>
<u>b. 50 - < 100 acres</u>	<u>6,644.00</u>	<u>6,863.00</u>
<u>c. 100 - < 500 acres</u>	<u>7,978.00</u>	<u>8,240.00</u>
<u>d. 500 acres and greater</u>	<u>10,634.00</u>	<u>10,983.00</u>
<u>Commercial Laundry</u>	<u>340.00</u>	<u>351.00</u>
<u>Concentrated Animal Feeding Operation</u>		
<u>a. < 200 Animal Units</u>	<u>137.00</u>	<u>141.00</u>
<u>b. 200 - < 400 Animal Units</u>	<u>340.00</u>	<u>351.00</u>
<u>c. 400 - < 600 Animal Units</u>	<u>681.00</u>	<u>704.00</u>
<u>d. 600 - < 800 Animal Units</u>	<u>1,022.00</u>	<u>1,055.00</u>
<u>e. 800 Animal Units and greater</u>	<u>1,363.00</u>	<u>1,408.00</u>
<u>Crop Preparing - Individual Permit Coverage</u>		
<u>a. 0 - < 1,000 bins/yr.</u>	<u>265.00</u>	<u>274.00</u>
<u>b. 1,000 - < 5,000 bins/yr.</u>	<u>531.00</u>	<u>549.00</u>
<u>c. 5,000 - < 10,000 bins/yr.</u>	<u>1,063.00</u>	<u>1,098.00</u>
<u>d. 10,000 - < 15,000 bins/yr.</u>	<u>2,128.00</u>	<u>2,198.00</u>
<u>e. 15,000 - < 20,000 bins/yr.</u>	<u>3,521.00</u>	<u>3,636.00</u>
<u>f. 20,000 - < 25,000 bins/yr.</u>	<u>4,917.00</u>	<u>5,079.00</u>
<u>g. 25,000 - < 50,000 bins/yr.</u>	<u>6,579.00</u>	<u>6,795.00</u>
<u>h. 50,000 - < 75,000 bins/yr.</u>	<u>7,310.00</u>	<u>7,551.00</u>
<u>i. 75,000 - < 100,000 bins/yr.</u>	<u>8,506.00</u>	<u>8,786.00</u>
<u>j. 100,000 - < 125,000 bins/yr.</u>	<u>10,634.00</u>	<u>10,983.00</u>
<u>k. 125,000 - < 150,000 bins/yr.</u>	<u>13,292.00</u>	<u>13,729.00</u>
<u>l. 150,000 bins/yr. and greater</u>	<u>15,950.00</u>	<u>16,475.00</u>
<u>Crop Preparing - General Permit Coverage</u>		
<u>a. 0 - < 1,000 bins/yr.</u>	<u>185.00</u>	<u>191.00</u>
<u>b. 1,000 - < 5,000 bins/yr.</u>	<u>372.00</u>	<u>384.00</u>
<u>c. 5,000 - < 10,000 bins/yr.</u>	<u>745.00</u>	<u>770.00</u>
<u>d. 10,000 - < 15,000 bins/yr.</u>	<u>1,489.00</u>	<u>1,538.00</u>
<u>e. 15,000 - < 20,000 bins/yr.</u>	<u>2,465.00</u>	<u>2,546.00</u>

PERMANENT

<u>INDUSTRIAL FACILITY CATEGORIES</u>		<u>FY 2003 ANNUAL PERMIT FEE</u>	<u>FY 2004 ANNUAL PERMIT FEE AND BEYOND</u>
f.	<u>20,000 - < 25,000 bins/yr.</u>	<u>3,442.00</u>	<u>3,556.00</u>
g.	<u>25,000 - < 50,000 bins/yr.</u>	<u>4,605.00</u>	<u>4,756.00</u>
h.	<u>50,000 - < 75,000 bins/yr.</u>	<u>5,117.00</u>	<u>5,285.00</u>
i.	<u>75,000 - < 100,000 bins/yr.</u>	<u>5,954.00</u>	<u>6,145.00</u>
j.	<u>100,000 - < 125,000 bins/yr.</u>	<u>7,444.00</u>	<u>7,689.00</u>
k.	<u>125,000 - < 150,000 bins/yr.</u>	<u>9,305.00</u>	<u>9,611.00</u>
l.	<u>150,000 bins/yr. and greater</u>	<u>11,165.00</u>	<u>11,532.00</u>
<u>Dairies \$.50 per Animal Unit not to exceed \$954.00 for FY 2003 and \$985.00 for FY 2004 and beyond</u>			
<u>Facilities Not Otherwise Classified - Individual Permit Coverage</u>			
a.	<u>< 1,000 gpd</u>	<u>1,329.00</u>	<u>1,373.00</u>
b.	<u>1,000 - < 10,000 gpd</u>	<u>2,658.00</u>	<u>2,746.00</u>
c.	<u>10,000 - < 50,000 gpd</u>	<u>6,645.00</u>	<u>6,864.00</u>
d.	<u>50,000 - < 100,000 gpd</u>	<u>10,634.00</u>	<u>10,983.00</u>
e.	<u>100,000 - < 500,000 gpd</u>	<u>21,160.00</u>	<u>21,857.00</u>
f.	<u>500,000 - < 1,000,000 gpd</u>	<u>26,583.00</u>	<u>27,457.00</u>
g.	<u>1,000,000 gpd and greater</u>	<u>39,875.00</u>	<u>41,187.00</u>
<u>Facilities Not Otherwise Classified - General Permit Coverage</u>			
a.	<u>< 1,000 gpd</u>	<u>932.00</u>	<u>963.00</u>
b.	<u>1,000 - < 10,000 gpd</u>	<u>1,860.00</u>	<u>1,992.00</u>
c.	<u>10,000 - < 50,000 gpd</u>	<u>4,653.00</u>	<u>4,806.00</u>
d.	<u>50,000 - < 100,000 gpd</u>	<u>7,444.00</u>	<u>7,689.00</u>
e.	<u>100,000 - < 500,000 gpd</u>	<u>14,885.00</u>	<u>15,375.00</u>
f.	<u>500,000 - < 1,000,000 gpd</u>	<u>18,607.00</u>	<u>19,219.00</u>
g.	<u>1,000,000 gpd and greater</u>	<u>27,913.00</u>	<u>28,831.00</u>
<u>Flavor Extraction</u>			
a.	<u>Steam Distillation</u>	<u>137.00</u>	<u>141.00</u>
<u>Food Processing</u>			
a.	<u>< 1,000 gpd</u>	<u>1,328.00</u>	<u>1,372.00</u>
b.	<u>1,000 - < 10,000 gpd</u>	<u>3,388.00</u>	<u>3,499.00</u>
c.	<u>10,000 - < 50,000 gpd</u>	<u>6,048.00</u>	<u>6,247.00</u>
d.	<u>50,000 - < 100,000 gpd</u>	<u>9,503.00</u>	<u>9,816.00</u>
e.	<u>100,000 - < 250,000 gpd</u>	<u>13,292.00</u>	<u>13,729.00</u>
f.	<u>250,000 - < 500,000 gpd</u>	<u>17,479.00</u>	<u>18,055.00</u>
g.	<u>500,000 - < 750,000 gpd</u>	<u>21,930.00</u>	<u>22,652.00</u>
h.	<u>750,000 - < 1,000,000 gpd</u>	<u>26,583.00</u>	<u>27,457.00</u>
i.	<u>1,000,000 - < 2,500,000 gpd</u>	<u>32,750.00</u>	<u>33,827.00</u>
j.	<u>2,500,000 - < 5,000,000 gpd</u>	<u>36,551.00</u>	<u>37,754.00</u>
k.	<u>5,000,000 gpd and greater</u>	<u>39,875.00</u>	<u>41,187.00</u>
<u>Fuel and Chemical Storage</u>			
a.	<u>< 50,000 bbls</u>	<u>1,329.00</u>	<u>1,373.00</u>
b.	<u>50,000 - < 100,000 bbls</u>	<u>2,658.00</u>	<u>2,746.00</u>
c.	<u>100,000 - < 500,000 bbls</u>	<u>6,644.00</u>	<u>6,863.00</u>
d.	<u>500,000 bbls and greater</u>	<u>13,292.00</u>	<u>13,729.00</u>

PERMANENT

<u>INDUSTRIAL FACILITY CATEGORIES</u>	<u>FY 2003 ANNUAL PERMIT FEE</u>	<u>FY 2004 ANNUAL PERMIT FEE AND BEYOND</u>
<u>Hazardous Waste Clean Up Sites</u>		
a. <u>Leaking Underground Storage Tanks (LUST)</u>		
1. <u>State Permit</u>	<u>3,487.00</u>	<u>3,601.00</u>
2. <u>NPDES Permit Issued pre 7/1/94</u>	<u>3,487.00</u>	<u>3,601.00</u>
3. <u>NPDES Permit Issued post 7/1/94</u>	<u>6,972.00</u>	<u>7,202.00</u>
b. <u>Non-LUST Sites</u>		
1. <u>1 or 2 Contaminants of concern</u>	<u>6,817.00</u>	<u>7,041.00</u>
2. <u>> 2 Contaminants of concern</u>	<u>13,632.00</u>	<u>14,081.00</u>
<u>Ink Formulation and Printing</u>		
a. <u>Commercial Print Shops</u>	<u>2,044.00</u>	<u>2,112.00</u>
b. <u>Newspapers</u>	<u>3,409.00</u>	<u>3,521.00</u>
c. <u>Box Plants</u>	<u>5,453.00</u>	<u>5,632.00</u>
d. <u>Ink Formulation</u>	<u>6,817.00</u>	<u>7,041.00</u>
<u>Inorganic Chemicals Manufacturing</u>		
a. <u>Lime Products</u>	<u>6,644.00</u>	<u>6,863.00</u>
b. <u>Fertilizer</u>	<u>8,000.00</u>	<u>8,263.00</u>
c. <u>Peroxide</u>	<u>10,634.00</u>	<u>10,983.00</u>
d. <u>Alkaline Earth Salts</u>	<u>13,292.00</u>	<u>13,729.00</u>
e. <u>Metal Salts</u>	<u>18,606.00</u>	<u>19,218.00</u>
f. <u>Acid Manufacturing</u>	<u>26,583.00</u>	<u>27,452.00</u>
g. <u>Chlor-alkali</u>	<u>53,167.00</u>	<u>54,916.00</u>
<u>Iron and Steel</u>		
a. <u>Foundries</u>	<u>13,292.00</u>	<u>13,729.00</u>
b. <u>Mills</u>	<u>26,606.00</u>	<u>27,482.00</u>
<u>Metal Finishing</u>		
a. <u>< 1,000 gpd</u>	<u>1,593.00</u>	<u>1,646.00</u>
b. <u>1,000 - < 10,000 gpd</u>	<u>2,657.00</u>	<u>2,745.00</u>
c. <u>10,000 - < 50,000 gpd</u>	<u>6,643.00</u>	<u>6,862.00</u>
d. <u>50,000 - < 100,000 gpd</u>	<u>13,291.00</u>	<u>13,728.00</u>
e. <u>100,000 - < 500,000 gpd</u>	<u>26,581.00</u>	<u>27,456.00</u>
f. <u>500,000 gpd and greater</u>	<u>39,873.00</u>	<u>41,185.00</u>
<u>Noncontact Cooling Water With Additives - Individual Permit Coverage</u>		
a. <u>< 1,000 gpd</u>	<u>832.00</u>	<u>859.00</u>
b. <u>1,000 - < 10,000 gpd</u>	<u>1,161.00</u>	<u>1,199.00</u>
c. <u>10,000 - < 50,000 gpd</u>	<u>2,494.00</u>	<u>2,576.00</u>
d. <u>50,000 - < 100,000 gpd</u>	<u>5,817.00</u>	<u>6,008.00</u>
e. <u>100,000 - < 500,000 gpd</u>	<u>9,968.00</u>	<u>10,295.00</u>
f. <u>500,000 - < 1,000,000 gpd</u>	<u>14,124.00</u>	<u>14,589.00</u>
g. <u>1,000,000 - < 2,500,000 gpd</u>	<u>18,278.00</u>	<u>18,879.00</u>
h. <u>2,500,000 - < 5,000,000 gpd</u>	<u>22,427.00</u>	<u>23,165.00</u>
i. <u>5,000,000 gpd and greater</u>	<u>26,583.00</u>	<u>27,457.00</u>
<u>Noncontact Cooling Water With Additives - General Permit Coverage</u>		
a. <u>< 1,000 gpd</u>	<u>583.00</u>	<u>602.00</u>
b. <u>1,000 - < 10,000 gpd</u>	<u>1,163.00</u>	<u>1,201.00</u>

PERMANENT

INDUSTRIAL FACILITY CATEGORIES	FY 2003	FY 2004
	ANNUAL PERMIT FEE	ANNUAL PERMIT FEE AND BEYOND
c. <u>10,000 - < 50,000 gpd</u>	<u>1,745.00</u>	<u>1,803.00</u>
d. <u>50,000 - < 100,000 gpd</u>	<u>4,073.00</u>	<u>4,207.00</u>
e. <u>100,000 - < 500,000 gpd</u>	<u>6,977.00</u>	<u>7,207.00</u>
f. <u>500,000 - < 1,000,000 gpd</u>	<u>9,887.00</u>	<u>10,213.00</u>
g. <u>1,000,000 - < 2,500,000 gpd</u>	<u>12,794.00</u>	<u>13,215.00</u>
h. <u>2,500,000 - < 5,000,000 gpd</u>	<u>15,699.00</u>	<u>16,216.00</u>
i. <u>5,000,000 gpd and greater</u>	<u>18,607.00</u>	<u>19,219.00</u>
<u>Noncontact Cooling Water Without Additives - Individual Permit Coverage</u>		
a. <u>< 1,000 gpd</u>	<u>666.00</u>	<u>688.00</u>
b. <u>1,000 - < 10,000 gpd</u>	<u>1,329.00</u>	<u>1,373.00</u>
c. <u>10,000 - < 50,000 gpd</u>	<u>1,995.00</u>	<u>2,061.00</u>
d. <u>50,000 - < 100,000 gpd</u>	<u>4,635.00</u>	<u>4,806.00</u>
e. <u>100,000 - < 500,000 gpd</u>	<u>7,978.00</u>	<u>8,240.00</u>
f. <u>500,000 - < 1,000,000 gpd</u>	<u>11,297.00</u>	<u>11,668.00</u>
g. <u>1,000,000 - < 2,500,000 gpd</u>	<u>14,621.00</u>	<u>15,102.00</u>
h. <u>2,500,000 - < 5,000,000 gpd</u>	<u>17,943.00</u>	<u>18,533.00</u>
i. <u>5,000,000 gpd and greater</u>	<u>21,266.00</u>	<u>21,966.00</u>
<u>Noncontact Cooling Water Without Additives - General Permit Coverage</u>		
a. <u>< 1,000 gpd</u>	<u>466.00</u>	<u>481.00</u>
b. <u>1,000 - < 10,000 gpd</u>	<u>932.00</u>	<u>963.00</u>
c. <u>10,000 - < 50,000 gpd</u>	<u>1,396.00</u>	<u>1,442.00</u>
d. <u>50,000 - < 100,000 gpd</u>	<u>3,256.00</u>	<u>3,364.00</u>
e. <u>100,000 - < 500,000 gpd</u>	<u>5,583.00</u>	<u>5,766.00</u>
f. <u>500,000 - < 1,000,000 gpd</u>	<u>7,909.00</u>	<u>8,169.00</u>
g. <u>1,000,000 - < 2,500,000 gpd</u>	<u>10,235.00</u>	<u>10,572.00</u>
h. <u>2,500,000 - < 5,000,000 gpd</u>	<u>12,561.00</u>	<u>12,974.00</u>
i. <u>5,000,000 gpd and greater</u>	<u>14,885.00</u>	<u>15,375.00</u>
<u>Nonferrous Metals Forming</u>	<u>13,292.00</u>	<u>13,729.00</u>
<u>Ore Mining</u>		
a. <u>Ore Mining</u>	<u>2,658.00</u>	<u>2,746.00</u>
b. <u>Ore mining with physical concentration processes</u>	<u>5,315.00</u>	<u>5,490.00</u>
c. <u>Ore mining with physical and chemical concentration processes</u>	<u>21,266.00</u>	<u>21,966.00</u>
<u>Organic Chemicals Manufacturing</u>		
a. <u>Fertilizer</u>	<u>13,292.00</u>	<u>13,729.00</u>
b. <u>Aliphatic</u>	<u>26,583.00</u>	<u>27,457.00</u>
c. <u>Aromatic</u>	<u>39,875.00</u>	<u>41,187.00</u>
<u>Petroleum Refining</u>		
a. <u>< 10,000 bbls/d</u>	<u>26,582.00</u>	<u>27,457.00</u>
b. <u>10,000 - < 50,000 bbls/d</u>	<u>52,705.00</u>	<u>54,439.00</u>
c. <u>50,000 bbls/d and greater</u>	<u>106,337.00</u>	<u>109,836.00</u>
<u>Photofinishers</u>		
a. <u>< 1,000 gpd</u>	<u>1,063.00</u>	<u>1,098.00</u>
b. <u>1,000 gpd and greater</u>	<u>2,658.00</u>	<u>2,746.00</u>

<u>INDUSTRIAL FACILITY CATEGORIES</u>	<u>FY 2003 ANNUAL PERMIT FEE</u>	<u>FY 2004 ANNUAL PERMIT FEE AND BEYOND</u>
Power and/or Steam Plants		
a. <u>Steam Generation - Nonelectric</u>	<u>5,314.00</u>	<u>5,489.00</u>
b. <u>Hydroelectric</u>	<u>5,314.00</u>	<u>5,489.00</u>
c. <u>Nonfossil Fuel</u>	<u>7,977.00</u>	<u>8,239.00</u>
d. <u>Fossil Fuel</u>	<u>21,266.00</u>	<u>21,966.00</u>
Pulp, Paper and Paper Board		
a. <u>Fiber Recyclers</u>	<u>13,291.00</u>	<u>13,728.00</u>
b. <u>Paper Mills</u>	<u>26,583.00</u>	<u>27,457.00</u>
c. <u>Groundwood Pulp Mills</u>		
1. <u>< 300 tons per day</u>	<u>39,875.00</u>	<u>41,187.00</u>
2. <u>> 300 tons per day</u>	<u>79,750.00</u>	<u>82,373.00</u>
d. <u>Chemical Pulp Mills w/o Chlorine Bleaching</u>	<u>106,331.00</u>	<u>109,829.00</u>
e. <u>Chemical Pulp Mills w/Chlorine Bleaching</u>	<u>119,622.00</u>	<u>123,557.00</u>
Radioactive Effluents and Discharges (RED)		
a. <u>< 3 waste streams</u>	<u>25,730.00</u>	<u>26,557.00</u>
b. <u>3 - < 8 waste streams</u>	<u>44,657.00</u>	<u>46,126.00</u>
c. <u>8 waste streams and greater</u>	<u>73,552.00</u>	<u>75,972.00</u>
RCRA Corrective Action Sites		
	<u>18,682.00</u>	<u>19,297.00</u>
Seafood Processing		
a. <u>< 1,000 gpd</u>	<u>1,329.00</u>	<u>1,373.00</u>
b. <u>1,000 - < 10,000 gpd</u>	<u>3,388.00</u>	<u>3,499.00</u>
c. <u>10,000 - < 50,000 gpd</u>	<u>6,048.00</u>	<u>6,247.00</u>
d. <u>50,000 - < 100,000 gpd</u>	<u>9,503.00</u>	<u>9,816.00</u>
e. <u>100,000 gpd and greater</u>	<u>13,292.00</u>	<u>13,729.00</u>
Shipyards		
a. <u>Per crane, travel lift, small boat lift</u>	<u>2,658.00</u>	<u>2,746.00</u>
b. <u>Per drydock under 250 ft in length</u>	<u>2,658.00</u>	<u>2,746.00</u>
c. <u>Per graving dock</u>	<u>2,658.00</u>	<u>2,746.00</u>
d. <u>Per marine way</u>	<u>3,987.00</u>	<u>4,118.00</u>
e. <u>Per scrolift</u>	<u>3,987.00</u>	<u>4,118.00</u>
f. <u>Per drydock over 250 ft in length</u>	<u>5,315.00</u>	<u>5,490.00</u>
<u>The fee for a facility in the shipyard category is the sum of the fees for the applicable units in the facility.</u>		
Solid Waste Sites (nonstorm water)		
a. <u>Nonputrescible</u>	<u>5,315.00</u>	<u>5,490.00</u>
b. <u>< 50 acres</u>	<u>10,633.00</u>	<u>10,982.00</u>
c. <u>50 - < 100 acres</u>	<u>21,266.00</u>	<u>21,966.00</u>
d. <u>100 - < 250 acres</u>	<u>26,583.00</u>	<u>27,457.00</u>
e. <u>250 acres and greater</u>	<u>39,875.00</u>	<u>41,187.00</u>

PERMANENT

<u>INDUSTRIAL FACILITY CATEGORIES</u>	<u>FY 2003 ANNUAL PERMIT FEE</u>	<u>FY 2004 ANNUAL PERMIT FEE AND BEYOND</u>
<u>Storm Water (Unless specifically categorized elsewhere.)</u>		
<u>a. Individual Industrial Permits</u>		
<u>1. < 50 acres</u>	<u>2,658.00</u>	<u>2,746.00</u>
<u>2. 50 - < 100 acres</u>	<u>5,315.00</u>	<u>5,490.00</u>
<u>3. 100 - < 500 acres</u>	<u>7,977.00</u>	<u>8,239.00</u>
<u>4. 500 acres and greater</u>	<u>10,634.00</u>	<u>10,983.00</u>
<u>b. Facilities covered under the Industrial Storm Water General Permit</u>	<u>353.00</u>	<u>364.00</u>
<u>c. Construction activities covered under the Industrial Storm Water General Permit</u>	<u>353.00</u>	<u>364.00</u>
<u>Textile Mills</u>	<u>53,167.00</u>	<u>54,916.00</u>
<u>Timber Products</u>		
<u>a. Log Storage</u>	<u>2,658.00</u>	<u>2,746.00</u>
<u>b. Veneer</u>	<u>5,315.00</u>	<u>5,490.00</u>
<u>c. Sawmills</u>	<u>10,634.00</u>	<u>10,983.00</u>
<u>d. Hardwood, Plywood</u>	<u>18,606.00</u>	<u>19,218.00</u>
<u>e. Wood Preserving</u>	<u>25,526.00</u>	<u>26,366.00</u>
<u>Vegetable/Bulb Washing Facilities</u>		
<u>a. < 1,000 gpd</u>	<u>87.00</u>	<u>90.00</u>
<u>b. 1,000 - < 5,000 gpd</u>	<u>177.00</u>	<u>183.00</u>
<u>c. 5,000 - < 10,000 gpd</u>	<u>349.00</u>	<u>361.00</u>
<u>d. 10,000 - < 20,000 gpd</u>	<u>705.00</u>	<u>728.00</u>
<u>e. 20,000 and greater</u>	<u>1,166.00</u>	<u>1,204.00</u>
<u>Vehicle Maintenance and Freight Transfer</u>		
<u>a. < 0.5 acre</u>	<u>2,658.00</u>	<u>2,746.00</u>
<u>b. 0.5 - < 1.0 acre</u>	<u>5,315.00</u>	<u>5,490.00</u>
<u>c. 1.0 acre and greater</u>	<u>7,977.00</u>	<u>8,239.00</u>
<u>Water Plants - Individual Permit Coverage</u>	<u>3,324.00</u>	<u>3,434.00</u>
<u>Water Plants - General Permit Coverage</u>	<u>2,326.00</u>	<u>2,403.00</u>
<u>Wineries</u>		
<u>a. < 500 gpd</u>	<u>271.00</u>	<u>280.00</u>
<u>b. 500 - < 750 gpd</u>	<u>544.00</u>	<u>562.00</u>
<u>c. 750 - < 1,000 gpd</u>	<u>1,089.00</u>	<u>1,124.00</u>
<u>d. 1,000 - < 2,500 gpd</u>	<u>2,174.00</u>	<u>2,246.00</u>
<u>e. 2,500 - < 5,000 gpd</u>	<u>3,469.00</u>	<u>3,583.00</u>
<u>f. 5,000 gpd and greater</u>	<u>4,761.00</u>	<u>4,918.00</u>

(*) Fees for FY 2002 are based on the projected fiscal growth factor of 2.66% established by the governor's office of financial management. Ecology will increase fees to match the final fiscal growth factor determination and will directly notify permit holders of their fee assessment no later than March, 2004.)

(a) Facilities other than those in the aggregate production, crop preparing, shipyard, or RCRA categories that operate within several fee categories or subcategories, shall be charged from that category or subcategory with the highest fee.

(b) The total annual permit fee for a water treatment plant that primarily serves residential customers may not exceed three dollars per residential equivalent. The number

of residential equivalents is determined by dividing the facility's annual gross revenue in the previous calendar year by the annual user charge for a single family residence that uses nine hundred cubic feet of water per month.

(c) Crop preparation and aggregate production permit holders are required to submit information to the department certifying annual production (calendar year) or unit processes. When required, the department will send the informa-

tion form to the permit holder. The permit holder shall complete and return the information form to the department by the required due date. Failure to provide this information will result in a fee determination based on the highest subcategory the facility has received permit coverage in.

(i) Information submitted shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized general partner;

(C) In the case of a general partnership, by an authorized partner; or

(D) In the case of a sole proprietorship, by the proprietor.

(ii) The department may verify information submitted and, if it determines that false or inaccurate statements have been made, it may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(d) Fees for crop preparers discharging only noncontact cooling water without additives shall pay the lesser of the applicable fee in the crop preparing or noncontact cooling water without additives categories.

(e) Where no clear industrial facility category exists for placement of a permit holder, the department may elect to place the permit holder in a category with dischargers or permit holders that contain or use similar properties or processes and/or a category which contains similar permitting complexities to the department.

(f) Hazardous waste clean up sites and EPA authorized RCRA corrective action sites with whom the department has

begun cost recovery through chapter 70.105D RCW shall not pay a permit fee under chapter 173-224 WAC until such time as the cost recovery under chapter 70.105D RCW ceases.

(g) Any permit holder, with the exception of nonoperating aggregate operations or a permitted portable facility, who has not been in continuous operation within a consecutive eighteen-month period or who commits to not being in operation for a consecutive eighteen-month period or longer can have their permit fee reduced to twenty-five percent of the fee that they would be otherwise assessed. This nonoperating mode must be verified by the appropriate ecology staff. Once operations resume, the permit fee will be returned to the full amount.

Facilities who commit to the minimum eighteen-month nonoperating mode but go back into operation during the same eighteen-month period will be assessed permit fees as if they were active during the entire period.

(h) Facilities with subcategories based on gallons per day (gpd) shall have their annual permit fee determined by using the maximum daily flow or maximum monthly average permitted flow in gallons per day as specified in the waste discharge permit, whichever is greater.

(i) RCRA corrective action sites requiring a waste discharge permit will be assessed a separate permit fee regardless of whether the discharge is authorized by a separate permit or by a modification to an existing permit for a discharge other than that resulting from the corrective action.

(3) MUNICIPAL/DOMESTIC FACILITIES

(a) The annual permit fee for a permit held by a municipality for a domestic wastewater facility issued under RCW 90.48.162 or 90.48.260 is determined as follows:

((#))	Residential Equivalents (RE)	FY 2000 Annual Permit Fee	FY 2001 Annual Permit Fee	*FY 2002 Annual Permit Fee and Beyond
	< 250,000	\$ 1.51 per RE	\$ 1.55 per RE	\$ 1.59 per RE
	> 250,000	.91 per RE	.94 per RE	.97 per RE

* Fees for FY 2002 are based on the projected fiscal growth factor of 2.66% established by the governor's office of financial management. Ecology will increase fees to match the final fiscal growth factor determination and will directly notify permit holders of their fee assessment no later than March, 2001.)

(i)	Residential Equivalents (RE)	FY 2003 Annual Permit Fee	FY 2004 Annual Permit Fee and Beyond
	< 250,000	\$ 1.63	\$ 1.68
	> 250,000	.99	1.02

(ii) Municipal storm water permit annual fee for only those entities listed below will be:

((Name of Entity	FY 2000 Annual Permit Fee	FY 2001 Annual Permit Fee	*FY 2002 Annual Permit Fee and Beyond
King County	\$ 27,856.00	\$ 28,655.00	\$ 29,417.00
Snohomish County	27,856.00	28,655.00	29,417.00
Pierce County	27,856.00	28,655.00	29,417.00
Tacoma, City of	27,856.00	28,655.00	29,417.00
Seattle, City of	27,856.00	28,655.00	29,417.00
Department of Transportation	27,856.00	28,655.00	29,417.00
Clark County	27,856.00	28,655.00	29,417.00

* Fees for FY 2002 are based on the projected fiscal growth factor of 2.66% established by the governor's office of financial management. Ecology will increase fees to match the final fiscal growth factor determination and will directly notify permit holders of their fee assessment no later than March, 2001.)

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<u>Name of Entity</u>	<u>FY 2003 Annual Permit Fee</u>	<u>FY 2004 Annual Permit Fee and Beyond</u>
King County	\$30,276.00	\$31,272.00
Snohomish County	30,276.00	31,272.00
Pierce County	30,276.00	31,272.00
Tacoma, City of	30,276.00	31,272.00
Seattle, City of	30,276.00	31,272.00
Department of Transportation	30,276.00	31,272.00
Clark County	30,276.00	31,272.00

Facilities listed in (a)(ii) of this subsection shall pay an annual fee for fiscal year 2000 and fiscal year 2001 regardless of the permit issuance date or the number of municipal storm water permits under which they are covered.

(b) The annual permit fee under RCW 90.48.162 or 90.48.260 that is held by a municipality which:

- (i) Holds more than one permit for domestic wastewater facilities; and
- (ii) Treats each domestic wastewater facility as a separate accounting entity, is determined as in (a) of this subsection.

A separate accounting entity is one that maintains separate funds or accounts for each domestic wastewater facility. Revenues are received from the users to pay for the costs of operating that facility.

(c) The sum of the annual permit fees for permits held by a municipality that:

- (i) Holds more than one permit for domestic wastewater facilities issued under RCW 90.48.162 or 90.48.260; and
- (ii) Does not treat each domestic wastewater facility as a separate accounting entity, as described in (b) of this subsection, is determined as in (a) of this subsection.

(d) The permit fee for a privately-owned domestic wastewater facility that primarily serves residential customers is determined as in (a) of this subsection. Residential customers are those whose lot, parcel or real estate, or building is primarily used for domestic dwelling purposes.

(e) The annual permit fee for privately owned domestic wastewater facilities must be determined by using the maximum daily flow or maximum monthly average permitted flow in million gallons per day, whichever is greater, as specified in the waste discharge permit. Permit fees for privately-owned domestic wastewater facilities that do not serve primarily residential customers and for state-owned domestic wastewater facilities are the following:

<u>((Permitted Flows</u>	<u>FY 2000 Annual Permit Fee</u>	<u>FY 2001 Annual Permit Fee</u>	<u>*FY 2002 Annual Permit Fee and Beyond</u>
<u>≥.1 MGD and Greater</u>	<u>\$6,114.00</u>	<u>\$6,289.00</u>	<u>\$6,456.00</u>
<u>≥.05 MGD to <.1 MGD</u>	<u>2,446.00</u>	<u>2,516.00</u>	<u>2,583.00</u>
<u>≥.0008 MGD to <.05 MGD</u>	<u>1,223.00</u>	<u>1,258.00</u>	<u>1,291.00</u>
<u><.0008 MGD</u>	<u>367.00</u>	<u>378.00</u>	<u>388.00</u>

* Fees for FY 2002 are based on the projected fiscal growth factor of 2.66% established by the governor's office of financial management. Ecology will increase fees to match the final fiscal growth factor determination and will directly notify permit holders of their fee assessment no later than March, 2001.)

<u>Permitted Flows</u>	<u>FY 2003 Annual Permit Fee</u>	<u>FY 2004 Annual Permit Fee and Beyond</u>
<u>≥.1 MGD and Greater</u>	<u>\$6,644.00</u>	<u>\$6,863.00</u>
<u>≥.05 MGD to <.1 MGD</u>	<u>2,658.00</u>	<u>2,746.00</u>
<u>≥.0008 MGD to <.05 MGD</u>	<u>1,329.00</u>	<u>1,373.00</u>
<u><.0008 MGD</u>	<u>400.00</u>	<u>413.00</u>

(f) The number of residential equivalents is calculated in the following manner:

(i) If the facility serves only single-family residences, the number of residential equivalents is the number of single-family residences that it served on January 1 of the previous calendar year.

(ii) If the facility serves both single-family residences and other classes of customers, the number of residential equivalents is calculated in the following manner:

(A) Calculation of the number of residential equivalents that the facility serves in its own service area. Subtract from the previous calendar year's gross revenue:

(I) Any amounts received from other municipalities for sewage interception, treatment, collection, or disposal; and

(II) Any user charges received from customers for whom the permit holder pays amounts to other municipalities for sewage treatment or disposal services. Divide the resulting figure by the annual user charge for a single-family residence.

(B) Calculation of the number of residential equivalents that the facility serves in other municipalities which pay amounts to the facility for sewage interception, treatment, collection, or disposal:

(I) Divide any amounts received from other municipalities during the previous calendar year by the annual user charge for a single-family residence. In this case "annual user charge for a single-family residence" means the annual user charge that the facility charges other municipalities for sewage interception, treatment, collection, or disposal services for a single-family residence. If the facility charges different municipalities different single-family residential user fees, then the charge used in these calculations must be that which applies to the largest number of single-family residential customers. Alternatively, if the facility charges different municipalities different single-family residential user fees, the permit holder may divide the amount received from each municipality by the annual user charge that it charges that municipality for a single-family residence and sum the resulting figures.

(II) If the facility does not charge the other municipality on the basis of a fee per single-family residence, the number

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of residential equivalents in the other municipality is calculated by dividing its previous calendar year's gross revenue by its annual user fee for a single-family residence. If the other municipality does not maintain data on its gross revenue, user fees, and/or the number of single-family residences that it serves, the number of residential equivalents is calculated as in (f)(iv) of this subsection.

(III) If the other municipality serves only single-family residences, the number of residential equivalents may be calculated as in (f)(i) of this subsection.

The sum of the resulting figures is the number of residential equivalents that the facility serves in other municipalities.

(C) The number of residential equivalents is the sum of the number of residential equivalents calculated in (f)(ii)(A) and (B) of this subsection.

(iii) The annual user fee for a single-family residence is calculated by either of the following methods, at the choice of the permit holder:

(A) The annual user fee for a single-family residence using nine hundred cubic feet of water per month. If users are billed monthly, this is calculated by multiplying by twelve the monthly user fee for a single-family residence using nine hundred cubic feet of water per month. If users are billed bimonthly, the annual user fee is calculated by multiplying by six the bimonthly user fee for a single-family residence using one thousand eight hundred cubic feet of water per two-month period. If the user fee for a single-family residence varies, depending on age, income, location, etc., then the fee used in these calculations must be that which applies to the largest number of single-family residential customers.

(B) The average annual user fee for a single-family residence. This average is calculated by dividing the previous calendar year's gross revenue from provision of sewer services to single-family residences by the number of single-family residences served on January 1 of the previous calendar year. If the user fee for a single-family residence varies, depending on age, income, location, etc., then the gross revenue and number of single-family residences used in making this calculation must be those for all the single-family residential customers.

In either case, (f)(iii)(A) or (B) of this subsection, the permit holder must provide the department with a copy of its complete sewer rate schedule for all classes of customers.

(iv) If a permit holder does not maintain data on its gross revenue, user fees, and/or the number of single-family residences that it serves, and therefore cannot use the methods described in (f)(i) or (ii) of this subsection to calculate the number of residential equivalents that it serves, then the number of residential equivalents that it serves is calculated by dividing the average daily influent flow to its facility for the previous calendar year by two hundred fifty gallons. This average is calculated by summing all the daily flow measurements taken during the previous calendar year and then dividing the resulting sum by the number of days on which flow was measured. Data for this calculation must be taken from the permit holder's discharge monitoring reports. Permit holders using this means of calculating the number of their residential equivalents must submit with their application a

complete set of copies of their discharge monitoring reports for the previous calendar year.

(g) Fee calculation procedures for holders of permits for domestic wastewater facilities.

(i) Municipalities holding permits for domestic wastewater facilities issued under RCW 90.48.162 and 90.48.260, and holders of permits for privately-owned domestic wastewater facilities that primarily serve residential customers must complete a form certifying the number of residential equivalents served by their domestic wastewater system. The form must be completed and returned to the department within thirty days after it is mailed to the permit holder by the department. Failure to return the form could result in permit termination.

(ii) The form shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized partner;

(C) In the case of a general partnership, by an authorized partner;

(D) In the case of a sole proprietorship, by the proprietor; or

(E) In the case of a municipal or other public facility, by either a ranking elected official or a principal executive officer.

(iii) The department may verify the information contained in the form and, if it determines that the permit holder has made false statements, may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

AMENDATORY SECTION (Amending Order 99-03, filed 12/28/99, effective 1/28/00)

WAC 173-224-050 Permit fee computation and payments. (1) The department shall charge permit fees based on the permit fee schedule contained in WAC 173-224-040. The department may charge fees at the beginning of the year to which they apply. The department shall notify permit holders of fee charges by mailing billing statements. Permit fees must be received by the department within forty-five days after the department mails a billing statement. The department may elect to bill permit holders a prorated portion of the annual fee on a monthly, quarterly, or other periodic basis.

(2) ~~(Permit fee computation for individual permits. Computation of permit fees shall begin on the first day of each fiscal year, or in the case of facilities or activities not previously covered by permits, on the issuance date of the permit. In the case of applicants for state waste discharge permits who are deemed to have a temporary permit under RCW 90.48.200, computation shall begin on the sixty-first day after the department accepts a completed application. In the case of NPDES permit holders who submit a new, updated permit application containing information that could change their assigned permit fee, computation and permit fee category reassignment begins upon acceptance of the application by the department. Any facility that obtains permit coverage but fails to operate will still be obligated to pay the annual permit~~

fee assessment until the permit has been terminated by the department. Permits terminated during the fiscal year will have their fees prorated as follows unless it results in an annual fee assessment of less than one hundred dollars. Ecology will not process refunds of one hundred dollars or less:)) Permit fee computation for individual permits. Computation of permit fees shall begin on the first day of each fiscal year. In the case of facilities or activities not previously covered by permits, fee computation begins on the issuance date of the permit excluding permits issued for aquatic pest control. Permits issued for aquatic pest control fee category shall pay the full annual fee assessment regardless of when permit coverage is granted. In the case of applicants for state waste discharge permits who are deemed to have a temporary permit under RCW 90.48.200, computation shall begin on the sixty-first day after the department accepts a completed application. In the case of NPDES permit holders who submit a new, updated permit application containing information that could change their assigned permit fee, computation and permit fee category reassignment begins upon acceptance of the application by the department. Any facility that obtains permit coverage but fails to operate will still be obligated to pay the annual permit fee assessment until the permit has been terminated by the department. Permits terminated during the fiscal year will have their fees prorated, excluding permits issued for aquatic pest control, as follows unless it results in an annual fee assessment of less than one hundred dollars. Aquatic pest control permits issued during the fiscal year shall pay the full annual fee assessment regardless of when the permit termination is granted. Ecology will not process refunds of one hundred dollars or less:

(a) Permit coverage for up to three months will pay twenty-five percent of the annual permit fee;

(b) Permit coverage for three to six months will pay fifty percent of the annual permit fee;

(c) Permit coverage for six to nine months will pay seventy-five percent of the annual permit fee; and

(d) Permit coverage for nine months or greater will pay one hundred percent of the annual permit fee.

~~(3) ((Permit fee computation for general permits. Computation of fees for permittees covered under a general permit begins on the permit coverage date. Any facility that obtains permit coverage is obligated to pay the annual permit fee regardless of whether or not the facility has ever operated until the permit has been terminated by the department. Permits terminated during the fiscal year will have their fees prorated as described in subsection (2)(a), (b), (c) and (d) of this section unless it results in an annual fee assessment of less than one hundred dollars. Ecology will not process refunds of one hundred dollars or less.))~~ Permit fee computation for general permits. Computation of fees for permittees covered under a general permit, excluding those general permits issued for aquatic pest control, begins on the permit coverage date. Permits issued for aquatic pest control will pay the full annual fee assessment regardless of when the permit coverage begins. Any facility that obtains permit coverage is obligated to pay the annual permit fee regardless of whether or not the facility has ever operated until the permit has been terminated by the department. Permits terminated during the fiscal year excluding permits issued for aquatic pest control

will have their fees prorated as described in subsection (2)(a), (b), (c), (d) of this section unless it results in an annual fee assessment of less than one hundred dollars. Aquatic pest control permits issued during the fiscal year shall pay the annual fee assessment for that fiscal year regardless of when the permit termination is granted. Ecology will not process refunds of one hundred dollars or less.

(4) Permit fees for sand and gravel (aggregate) general permit holders will be assessed as in subsection (3) of this section and:

(a) Nonoperating aggregate sites. A facility conducting mining, screening, washing and/or crushing activities excluding portable rock crushing operations is considered nonoperating for fee purposes if they are conducting these activities for less than ninety cumulative days during a calendar year. A facility producing no asphalt and/or concrete during the calendar year is also considered nonoperating for fee purposes.

(b) Nonoperating sites that become active for only concrete and/or asphalt production will be assessed a prorated fee for the actual time inactive. For the actual time a concrete and/or asphalt facility is active excluding asphalt portable batch plants and concrete portable batch plants, fees will be based on total production of concrete and/or asphalt.

(c) Fees for continuously active sites that produce concrete and/or asphalt excluding asphalt portable batch plants and concrete portable batch plants, will be based on the average of the three previous calendar years production totals. Existing facilities must provide the department with the production totals for concrete and/or asphalt produced during the previous three calendar years or for the number of full calendar years of operation if less than three. New facilities with no historical asphalt and/or concrete production data will have their first year fee based on the production levels reported on the application for coverage under the National Pollutant Discharge Elimination System and State Waste Discharge Permit for Process Water, Storm Water, and Mine Dewatering Water Discharges Associated with Sand and Gravel Operations, Rock Quarries and Similar Mining Facilities including Stockpiles of Mined Materials, Concrete Batch Operations and Asphalt Batch Operations general permit. The second year fee will be determined based on the actual production during the first year and estimated production for the second year. The third year fee will be determined based on the average of actual production for the first two years and estimated for the third year. Fee calculation for subsequent years will be based on the average production values of previous years.

(d) Asphalt portable batch plants, concrete portable batch plants and portable rock crushing operations will be assessed fees as in subsection (3) of this section. Each permitted operation must commit to being shut down for a minimum of twelve calendar months before the status can be changed to nonoperating.

(5) Fees for crop preparation general permit holders will be assessed as in subsection (3) of this section and will be computed on the three previous calendar years production totals. Existing facilities must provide the department with the production totals in the manner described in WAC 173-224-040 (2)(d). New facilities with no historical production data will have their first year fee based on the estimated pro-

duction level for that year. The second year fee will be determined based on the actual production during the first year and estimated production for the second year. The third year fee will be determined based on the average of actual production for the first two years and estimated for the third year. Fee calculation for subsequent years will be based on the average production values of previous years.

(6) Facilities with construction and industrial storm water general permit coverage will have their annual permit fees begin on the permit issuance date. Permit fee accrual will continue until the permit has been terminated by the department regardless if the activity covered under the permit has already ceased.

(7) Facilities with an existing NPDES and/or state wastewater discharge permit who also have obtained industrial and/or construction storm water general permit coverage shall only pay an annual fee based on the permit with the highest permit fee category assessment.

(8) Computation of fees shall end on the last day of the state's fiscal year, or in the case of a terminated permit, during the quarter the termination took place.

(9) The applicable permit fee shall be paid by check or money order payable to the "Department of Ecology" and mailed to the Wastewater Discharge Permit Fee Program, P.O. Box 5128, Lacey, Washington 98509-5128.

(10) In the event a check is returned due to insufficient funds, the department shall consider the permit fee to be unpaid.

(11) Delinquent accounts. Permit holders are considered delinquent in the payment of fees if the fees are not received by the first invoice billing due date. ~~((The department will notify the delinquent permit holder by certified letter of its intent to turn the delinquent account over to a collection agency. Permit holders will have thirty days from receipt of the certified letter to bring the account up to date before the department turns it over for collection. Any delinquent account turned over for collection will be assessed a surcharge totaling twenty percent of the delinquent amount owed. The surcharge assessment is to recover the costs for collection. If the collection agency fails to recover the delinquent fees after twelve months, the department will terminate the permit for nonpayment of fees.))~~ Delinquent accounts will be processed in the following manner:

(a) Municipal and government entities shall be notified by certified mail that they have forty-five days to bring the delinquent account up-to-date. Accounts that remain delinquent after forty-five days may receive a permit revocation letter for nonpayment of fees.

(b) Nonmunicipal or nongovernment permit holders shall be notified by the department by certified mail that they have forty-five days to bring the delinquent account up-to-date. Accounts that remain delinquent after forty-five days will be turned over for collection. In addition, a surcharge totaling twenty percent of the delinquent amount owed will also be added. The surcharge is to recover the costs for collection. If the collection agency fails to recover the delinquent fees after twelve months, the permit holder may receive a permit revocation letter for nonpayment of fees.

WSR 02-12-060
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed May 30, 2002, 11:30 a.m.]

Date of Adoption: May 30, 2002.

Purpose: To make minor changes (housekeeping) in WAC 16-301-025, 16-301-050, 16-301-091, 16-301-125, 16-301-250 and 16-301-260, to correct errors and make the rules more readable.

Citation of Existing Rules Affected by this Order: Amending WAC 16-301-025, 16-301-050, 16-302-091, 16-302-125, 16-302-250, and 16-302-260.

Statutory Authority for Adoption: Chapters 15.49 and 34.05 RCW.

Adopted under notice filed as WSR 02-09-059 on April 15, 2002.

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 4, 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 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 6, Repealed 0.

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

May 28, 2002

William E. Brookreson
Acting Director

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-025 Special requirements for labeling of vegetable and flower seed as prepared for use in the home. In addition to the information required on the label in WAC 16-301-015, the following requirements also apply to vegetable and flower seed as prepared for use in home:

(1) **Vegetable seeds in packets or preplanted devices** - labeling for vegetable seeds in packets as prepared for use in home gardens or household plantings or vegetable seeds in preplanted containers, mats, tapes, or other planting devices must include the following information:

(a) The year in which the seed was packed for sale as "packed for planting in..." or the percentage germination and the calendar month and the year the test was completed to determine that percentage;

(b) Label for seeds which germinate less than the standard established ~~((under the provisions of chapter 15.49 RCW))~~ in WAC 16-301-090 must include the following:

- (i) Percentage of germination, exclusive of hard seed;
- (ii) Percentage of hard seed, if present;

(iii) The words "below standard" in not less than eight-point type;

(c) For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quality of seed without removing the seed from the medium, mat, tape or device, a statement to indicate the minimum number of seeds in the container.

(2) Vegetable seeds in containers - the labeling requirements for vegetable seeds in containers, other than packets prepared for use in home gardens or household plantings and other than preplanted containers, mats, tapes, or other planting devices, is considered met if the seed is weighed from a properly labeled container of more than one pound in the presence of the purchaser.

(3) Flower seeds in packets or preplanted devices - labeling for flower seeds in packets prepared for use in home gardens or household plantings or flower seeds in preplanted containers, mats, tapes, or other planting devices must include the following information:

(a) For all kinds of flower seeds:

(i) The name of the kind and variety or a statement of the kind and performance characteristics as prescribed in chapter 15.49 RCW and rules adopted thereunder;

(ii) The calendar month and year the seed was tested or the year for which the seed was packaged;

(b) Labels for seeds of those kinds for which standard testing procedures are prescribed and which germinate less than the germination standard established under the provisions of chapter 15.49 RCW must include the following:

(i) The percentage of germination exclusive of hard seeds;

(ii) The words "below standard" in not less than eight-point type.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-045 Prohibited noxious weed seeds.

Prohibited noxious weed seeds are the seeds of weeds which when established are highly destructive, competitive and/or difficult to control by cultural or chemical practices. Seed is deemed mislabeled if the seed consists of or contains any of the prohibited noxious weed seeds listed below. For the purpose of seed certification, see WAC 16-302-100 for the list of prohibited noxious weeds.

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Austrian fieldcress	<i>Rorippa austriaca</i> (Crantz) Bess.
Field bindweed	<i>Convolvulus arvensis</i> L.
Hedge bindweed	<i>Convolvulus sepium</i> L.
Bladder campion	<i>Silene cucubalus</i>
(only in timothy- <i>Phleum pratense</i>)	
Camelthorn	<i>Alhagi camelorum</i> Fisch.
Canada thistle	<i>Cirsium arvense</i> (L.) Scop.

ENGLISH OR COMMON NAME

Hairy whitetop

Hoary cress

Jointed goatgrass

(only in small grain)

Knapweed complex

(including bighead,

Vochin,

black,

brown,

diffuse,

meadow,

Russian,

spotted knapweeds

Purple starthistle)

Leafy spurge

Lepyrodielis

Perennial pepperweed

Perennial sowthistle

Quackgrass

Serrated tussock

Silverleaf nightshade

Sorghum perennial such as, but

not limited to,

johnsongrass,

sorghum alnum, and

perennial sweet

sudangrass

Tansy ragwort

Velvetleaf

White cockle

(only in timothy-

Phleum pratense)

Yellow-flowering skeleton weed

Yellow starthistle

BOTANICAL OR SCIENTIFIC NAME

Cardaria pubescens (C.A. Mey.)

Cardaria draba (L.) Desv.

Aegilops cylindrica

Centaurea macrocephala,

Centaurea nigrescens,

Centaurea nigra,

Centaurea jacea,

Centaurea diffusa,

Centaurea jacea x nigra,

Centaurea repens,

Centaurea maculosa,

Centaurea calcitrapa

Euphorbia esula L.

Lepyrodielis holosteoides

Lepidium latifolium L.

Sonchus arvensis L.

Elytrigia repens

Nassella trichotoma

Solanum elaeagnifolium

Sorghum spp.

Senecio jacobaea L.

Abutilon theophrasti

((*Lycchnis alba*)) *Silene latifolia*

Chondrilla juncea L.

Centaurea solstitialis L.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-050 Restricted noxious weed seeds.

Restricted (secondary) noxious weed seeds are the seeds of weeds which are objectionable in fields, lawns, and gardens of this state, but which can be controlled by cultural or chemical practices. Seed is deemed mislabeled if it consists of or contains any of the restricted noxious weed seeds listed

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below in excess of the number declared on the label. For the purpose of seed certification, see WAC 16-302-105 for the list of objectionable weeds.

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Blackgrass	<i>Alopecurus myosuroides</i>
Blue lettuce	<i>Lactuca tatarica subsp. pulchella</i>
Docks and Sorrel	<i>Rumex spp.</i>
Dodder	<i>Cuscuta spp.</i>
Dyers woad	<i>Isatis tinctoria</i>
Field pennycress (fanweed)	<i>Thlaspi arvense</i>
Field sandbur	<i>Cenchrus incertus</i>
Gromwell (only in small grain)	<i>Buglossoides arvensis</i>
Halogeton	<i>Halogeton glomeratus C.A. Mey.</i>
Medusahead	<i>Taeniatherum</i> ((<i>capa-medusa subsp. caputmedusae</i>)) <i>caput-medusae</i>
Plantains	<i>Plantago spp.</i>
Poverty weed	<i>Iva axillaris Pursh.</i>
Puncturevine	<i>Tribulus terrestris L.</i>
St. Johnswort	<i>Hypericum perforatum L.</i>
Dalmation toadflax	<i>Linaria dalmatica (L.) Mill.</i>
Yellow toadflax	<i>Linaria vulgaris Hill.</i>
Western ragweed	<i>Ambrosia psilostachya DC.</i>
Wild mustard	<i>Sinapis arvensis subsp. arvensis</i>
Wild oat	<i>Avena fatua L.</i>

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-302-091 What is the program for early sampling of ryegrass? The procedure for participating in the program for early sampling of ryegrass is as follows:

(1) Any company participating in this program must submit a report to the seed program listing the grower, acreage, variety, and field number of each field to be enrolled. This report must be filed by June 15th of each year. For fields that are in their second year of production or beyond, all lab numbers of tests from the previous year must also be provided.

(2) The seed company is responsible for having their field personnel sample each field in the ~~((window))~~ windrow. The sample must be obtained from well-distributed points throughout the field. It is recommended that samples be thrashed and cleaned prior to testing. An additional fee will be charged for samples that are not cleaned. Samples must be

forwarded to the seed program with the following information: The crop and variety, field number, grower, the name of the seed company, and a request for germination and fluorescence test. The sample must also indicate that it is being submitted under the early sampling program for ryegrass.

(3) At the time of conditioning the seed, a composite sample must be submitted to the seed program for purity testing. The sample information must indicate the seed is from a field under the early sampling program for ryegrass. In addition to providing complete certification information, the lab number on which the fluorescence test was conducted must also be provided. The seed program may run a fluorescence test on the composite sample to verify the results from the early sample.

(4) Certification tags will be issued upon completion of all required testing meeting the minimum certification standards for ryegrass. A tagging request must be filed with the seed program.

(5) Failure to comply with the requirements of this section will result in the disqualification of the seed company from the early sampling program for the year.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-302-125 Who may condition seed in Washington state? (1) Under the authority of RCW 15.49.350, a seed conditioning facility must be inspected and approved by the department prior to conditioning seed in Washington state. Upon approval by the department, a seed conditioning permit is issued and the facility is placed on a list of approved seed conditioning plants. A copy of the list can be obtained by contacting the department seed program.

(2) A person desiring to condition seed must make application to the department for a permit on a form provided by the department.

(3) To obtain department approval for a seed-conditioning permit, the department conducts an inspection. A facility must show evidence that:

(a) Seed for certification is handled in a manner which prevents mixture of lots of seed;

(b) The seed conditioning facility is maintained and cleaned. Equipment must be easily accessible for cleaning and inspection, and must be cleaned between lots;

(c) Each lot of seed is identified with a lot number;

(d) Screenings are disposed of in accordance with chapter 15.49 RCW; and

(e) Seed is sampled in accordance with WAC 16-301-095 ~~((and))~~, 16-302-090 and 16-302-091.

(4) A seed conditioning facility must be approved by the department prior to handling seed for certification in bulk.

NEW SECTION

WAC 16-302-142 Standards for verification of turf seed ingredients. The general rules for seed certification are basic and together with the following specific requirements constitute the rules for certification identity of mixtures of different kinds of turf certified seed:

PERMANENT

(1) A blend data sheet, including proof of certification, verifying the origin and the certifying agency along with the analysis and pounds of each lot must be submitted to the certifying agency for approval.

(2) Each lot of certified seed shall:

(a) Meet standards acceptable to the certifying agency.

(b) Be sampled under supervision of the certifying agency prior to mixing. The sample shall be obtained in accordance with official sampling procedures. The sample shall be identified with:

(i) The verification of certification, origin, and certifying agency;

(ii) The kind/variety;

(iii) The analysis and size of lot.

(3) The certifying agency reserves the right to:

(a) Refuse permission to use individual lots;

(b) Approve the equipment to be used and procedure to follow in mixing;

(c) Approve the containers and labeling to be used; and

(d) Sample the final mixture.

(4) The certifying agency will identify each container with an official certification label verifying that the individual lots used were certified seed lots.

(5) For a mixture to be labeled sod quality each component shall meet sod quality standards in WAC 16-302-410.

(6) Fees for turf seed mixing shall be the same as the current blend fee. Refer to chapter 16-303 WAC for appropriate fees.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-302-250 Definitions. For the purposes of WAC 16-302-245 through 16-302-270, the following definitions shall apply in addition to the definitions found in chapter 16-301 WAC:

"**Adzuki bean**" means *Vigna angularis*.

"**Dominant I-gene cultivar**" means a cultivar that has resistance to all known strains of bean common mosaic virus (B.C.M.V.) due to the presence of the dominant I-gene. Dominant I-gene cultivars will not show mosaic mottle symptoms or transmit the virus through seed when inoculated with any strain of B.C.M.V.

"**Diseases**" means those viral, fungal, and bacterial diseases of beans enumerated in WAC ((16-494-013)) 16-301-380 and any new variations or strains of these identified in the future.

"**Recessive I-gene cultivar**" means a cultivar that may be susceptible to some strains of bean common mosaic virus and may show mosaic mottle symptoms.

"**Seed-borne viral diseases**" includes bean common mosaic virus, adzuki common mosaic virus, and other similar viral diseases causing mosaic mottle and other symptoms similar to those of bean common mosaic virus.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-302-260 Field tolerances and requirements for bean seed certification. (1) Field tolerances and requirements for the production of a bean seed crop are as follows:

	Field Producing(=)		
	Foundation	Registered	Certified
Other varieties or off-type plants	none found	0.1%	0.2%
Other crops*	none found	0.1%	0.1%
Total seed-borne diseases**	none found	none found	none found

* Except as noted in subsection (6) of this section.

** Except as noted in subsection (7) of this section.

(2) Snap and kidney beans must be isolated by 1320 feet from known bacterial blight.

(3) The following requirements apply to bean seed certification:

(a) Pintos, red mexicans, pinks, great northern, small whites, navy beans, and black turtle beans may be grown for an unlimited number of generations under rill or sprinkler irrigation.

(b) Kidney beans, cranberry types, Taylor horticultural types, and Borlotto types may be grown for an unlimited number of generations under rill irrigation or for one generation under rill irrigation and, subsequently, for two generations under sprinkler irrigation. The fourth and unlimited subsequent generations may be grown and inspected with the same alternation of irrigation types.

(4) Bean fields must be rogued of weeds, off-type plants, volunteer plants, and plants showing symptoms of seed-borne diseases. Excessive nightshade shall be a cause for rejection.

(5) For a bean field to be eligible for certification it must be clean and have boundaries that are clearly defined and a minimum of 36" which is adequate to prevent mechanical contamination.

(6) Excessive weeds, poor stands, lack of vigor, or any other condition which is apt to make inspection inaccurate may be cause for rejection of a bean field.

(7) Bean fields, including those planted with a dominant I-gene cultivar, are allowed the following levels of bean seed-borne virus diseases in the field: For foundation class, none found; for registered class 0.5%, ((-5%)) and for certified class 1.0%.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-302-330 Field isolation requirements for grass seed certification. (1) The field isolation requirements for grass seed are as follows:

(a) A seed field eligible for the production of foundation, registered or certified seed must be isolated from any other variety or strain of the same species in accordance with the requirements in the following table:

PERMANENT

Minimum Isolation Distance Required for Fields Producing:

Symbol for Type of Reproduction	Foundation	Registered	Certified
Strains at least 80%			15 feet clean fallow
Apomictic A	60 feet	30 feet	15 feet clean fallow
Highly Self-Fertile Species—S	60 feet	30 feet	15 feet clean fallow
All cross-pollinated Species—C	900 feet	300 feet	165 feet

(b) A seed field that is eligible for the production of foundation or registered seed must be isolated from different classes of the same variety of cross-pollinated (C) species in accordance with the requirements in the following table:

Class Seed Planted	Class Seed Produced	Distance Required From Nearest Field Producing:	
Breeder	Foundation	Registered	150 feet
Breeder	Foundation	Certified	225 feet
Foundation	Registered	Certified	75 feet

(c) Isolation is not required in fields producing certified class seed when the isolation zone is less than ten percent of the entire field being certified if there is a clear (ten feet) line of demarcation between adjacent varieties. The isolation zone is the area calculated by the length of the common border with other varieties by average width of the certified field falling within the one hundred sixty-five feet isolation distance requirement.

(d) A field eligible for the production of foundation, registered or certified seed must be isolated from classes of the same variety of apomictic (A) and self-fertile (S) species in accordance with the following requirements:

(i) A field producing foundation or registered seed must be a minimum of fifteen feet from a field planted with a different class of the same variety.

(ii) A field producing certified seed must be a minimum of five feet from a field planted with a different class of the same variety.

(e) If it is not possible to provide minimum isolation distances for fields producing foundation, registered or certified seed exceeding five acres in area, border removal is permitted. Border removal requires removal of the portion of the field being certified that is adjacent to a contamination source. The following requirements apply if the grower uses border removal:

(i) The minimum distances required for border removal are as follows:

Minimum Isolation Distance Required for Fields Producing:

Border to be removed from the field being certified	Foundation	Registered	Certified
0 feet	900 ft.	300 ft.	165 ft.
15 feet	450 ft.	150 ft.	75 ft.

(ii) The grower must apply for seed certification of the entire field and clearly stake off the border removal portion before inspection of the field by the certifying agency.

(f) The border removal portion of the field may be harvested for uncertified seed under the following conditions:

(i) The entire field must pass all certification requirements except for isolation at time of inspection. The field report will show rejection due to lack of isolation.

(ii) The grower must harvest and deliver to a department approved conditioning plant the seed from the certified portion of the field separately from the seed from the isolation strip. After the seed is weighed and ~~logged~~ logged in, the weight of the seed from the isolation strip is to be reported to the seed program. At this time the seed program records will indicate the field has passed certification.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-302-385 Grass seed standards for certification. The seed standards for grass shall be as follows:

CROP AND TYPE OF REPRODUCTION AS PER WAC 16-302-330	SEED STANDARDS												
	MINIMUM % GERM (d)(n)		MINIMUM % PURE		MAXIMUM % INERT		MAXIMUM % WEEDS (b)		MAXIMUM % OTHER CROPS		MAXIMUM SEEDS OF OTHER CROP GRASS SPECIES		
	FNDT. REG.	FNDT. CERT.	FNDT. REG.	FNDT. CERT.	FNDT. REG.	FNDT. CERT.	FNDT. REG.	FNDT. CERT.	FNDT. (i) REG. (i)	CERT. (a)	FNDT. SEEDS/LB.	REG. SEEDS/LB.	CERT. %
BLUEGRASS													
Big	(A) 70	70	90	90	10	10	.05	.3	.1	.5	45 /lb.	454 /lb.	.25
Canby	(A) 70	70	90	90	10	10	.05	.3	.1	.5	45 /lb.	454 /lb.	.25
Kentucky	(A) 80	80	97	97	3	3	.05	.3	.1	.5	45 /lb.	454 /lb.	.25
Canada, Upland	(A) 80	80	96	92	4	8	.05	.3	.1	.5	45 /lb.	907 /lb.	.25
BROMEGRASS													
Smooth & Meadow	(C) 80	85	95	95	5	5	.05	.3 (c)	.1	.5	9 /lb.	91 /lb.	.25
Mountain & Sweet	(C) 85	85	95	95	5	5	.3	.3 (c)	.1	1.0	9 /lb.	91 /lb.	.25
DEERTONGUE	(C) 50	50	97	95	3	5	.50	.5 (c)	1.0	1.0	1%		

PERMANENT

CROP AND TYPE OF REPRODUCTION AS PER WAC 16-302-330	MINIMUM % GERM (d)(n)		MINIMUM % PURE		MAXIMUM % INERT		MAXIMUM % WEEDS (b)		MAXIMUM % OTHER CROPS		MAXIMUM SEEDS OF OTHER CROP GRASS SPECIES			
	FNDT.		FNDT.		FNDT.		FNDT.		FNDT. (i)	CERT.	FNDT.	REG.	CERT.	
	REG.	CERT.	REG.	CERT.	REG.	CERT.	REG.	CERT.	REG. (i)	(a)	SEEDS/LB.	SEEDS/LB.	%	
FESCUE														
Tall & Meadow	(C)	80	85	95	97	5	3	.03	.3 (c)	.1	.5	18 /lb.	91 /lb.	.25
Hard & Sheep (m)	(C)	80	85	95	97	5	3	.03	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
Chewings Red, Idaho and other Fescue	(C)	80	90	95	97	5	3	.03	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
ORCHARDGRASS														
	(C)	80	85	85	90	15	10	.03	.3 (c)	.1	.5	27 /lb.	91/lb.	.25
			80 for	penlate	& latar									
RYEGRASS														
Pennfine	(C)	80	85	96 (k)	97 (k)	4	3	.1	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
			90 (l)	96 (k)	97 (k)	4	3	.1	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
TIMOTHY														
		80	85	97	97	3	3	.1	.3	.1	.5	9 /lb.	45 /lb.	.25
WHEATGRASS (n)														
Beardless	(C)	80	85	90	90	10	10	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Bluebunch	(C)	80	85	90	90	10	10	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
(Intermediate)	(C)	80	85	95	95	5	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Intermediate, Tall Pubescent	(C)	80	85	95	95	5	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Western, R/S														
Streambank,	(C)	80	85	90	90	10	10	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Thickspike	(S)	80	85	90	95	10	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Slender	(C)	80	85	90	95	10	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Crested & Siberian														
INDIAN														
RICEGRASS	(C)	80(j)	80 (j)	95	90	5	10	.3	.5	.5	1.0	9 /lb.	45 /lb.	.25
PUCCINELLIA (n)														
distans	(C)	80	80	90	95	5	5	.3	.5	.5	1.0	45 /lb.	454 /lb.	.25
WILD RYE (n)														
	(C)	80	80	90	90	10	10	.1	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
BENTGRASS														
	(C)	85	85	98	98	2	2	.3	.4 (f) (g)	.2	.6 (h)			
REDTOP														
	(C)	80	80	92	92	8	8	.3	.5 (f)	.5	.2			
Ann.														
CANARYGRASS	(C)	85	85	99	99	1	1	.1	.3	1/lb.	3/lb.			
GREEN (n)	(C)	80	80	80	80	20	20	.1	.3(c)	.1	.5	-	-	-
NEEDLEGRASS														
SWITCHGRASS	(C)	60	60	90	90	10	10	.5	1.5	.1	.25			

The following (a) - (n) are notes to the above table.

- (a) Not to exceed .25% other grass species for blue tag seed.
- (b) Grass seed must not contain more than 45/lb. for registered seed 91/lb. for certified seed, singly or collectively, of objectionable weed seeds. (See (f) of this subsection for certified bentgrass and redtop exemption.) Grass seed shall be free of the seed of prohibited noxious weeds.
- (c) A tolerance of 0.5% may be allowed for samples containing weedy bromus spp provided the total of all other weed seeds does not exceed 0.3%.
- (d) A standard tetrazolium (two hundred seed) test may be used in lieu of germination test. NOTE: State and federal seed laws require seed be labeled on a germination test.
- (e) A tolerance of 0.8% may be allowed in registered and certified wheatgrass containing small grain seed provided the total of all other crop seed does not exceed 0.1% for registered class and 0.5% for certified class.
- (f) Certified seed must not contain over 907 seeds per pound, singly or collectively, of the following weeds: Plantago spp., Big Mouse-ear Chickweed, Yarrow, Spotted Cat's Ear, and Dandelion.
- (g) A maximum of .50% weed seed may be allowed in certified bentgrass containing silver hairgrass provided the total of all other weed seed does not exceed .40%.
- (h) 1.50% other fine bentgrasses and .50% redtop may be allowed in certified bentgrass containing a minimum of 98.00% total bentgrass.

- (i) A crop exam is required for all registered and foundation class grass seeds.
- (j) Or 70% by Tz test.
- (k) Maximum other ryegrass allowed as determined by fluorescence test: Foundation 0.1%, registered 1%, certified 2% for annual and 3% for perennial containing a minimum of 97% total ryegrass. Acceptable fluorescence levels for specific varieties available upon request.
- (l) 85% minimum germination allowed on ryegrass varieties as designated by the breeder or variety owner. See list maintained by the seed program.
- (m) An ammonia test is required on hard and sheep fescue to determine presence of other Fescue sp. Other fine-leaved fescue found in the ammonia test will be included with other crop not other grass species.
- (n) Total viability as allowed in WAC 16-302-170 can be substituted for germination percentage.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-302-390 Inspection and final grass seed certification fees—Options. Inspection and final grass seed certification fees are based on the following options:

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(a) **Option A** - certification is based on pounds of seed sampled, and billed at completion of required laboratory tests, the fees are as listed in WAC 16-303-330 (5)(a):

(b) **Option B** - certification is based on dealers requesting sampling and tagging privileges. Seed dealers must sign a memorandum of agreement with the department that expires on June 30 of each year. The memorandum may be terminated by the director if the dealer violates certification standards or requirements of memorandum. Payment of fees is the responsibility of the conditioner under this program. Upon termination or nonrenewal of the memorandum of agreement, the dealer is responsible for Option A fees on all certified seed not tagged at termination date. A dealer choosing this program must handle all certified grasses in his warehouse under this program for the entire crop year.

Fees are ((as established in chapter 16-303 WAC)) listed in WAC 16-303-330 (5)(b).

Variety	Minimum Purity	Minimum Germination	Maximum* Other Crop	Maximum** Weed
Kentucky Bluegrass	97%	80%	0.1%	.02%
Red Fescue	98%	90%	0.1%	.02%
Chewings Fescue	98%	90%	0.1%	.02%
Tall Fescue	98%	85%	0.1%	.02%

* Must be free of ryegrass, orchardgrass, timothy, Agrostis sp., black medic, Poa trivialis, brome, reed canarygrass, tall fescue, clover, and meadow foxtail. Maximum allowable Canada bluegrass .02%. When the base sample is one of these kinds, the species will not be considered a contaminant (i.e., tall fescue in tall fescue).

** Must be free of Big, Canby and Sandberg bluegrass, dock, chickweed, crabgrass, plantain, short-awn foxtail, annual bluegrass, velvetgrass, rattail fescue and noxious weed seeds as listed under WAC 16-302-100 and 16-302-105.

(2) Seed standards for sod quality ryegrass seed are as follows:

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-302-410 Standards for sod quality seed. (1)

Except for ryegrass sod quality seed, seed standards for sod quality grass seed are as follows:

Variety	Minimum Purity	Germination****	Other Crop*	Maximum((**))Weed***
Ryegrass**	98%	90%	0.10%	.02%

* Must be free of black medic, orchardgrass, timothy, Agrostis sp., Poa trivialis, brome, reed canarygrass, tall fescue, clover and meadow foxtail. Maximum allowable Canada bluegrass 0.02%.

** Maximum fluorescence levels as determined by breeder or variety owner.

*** Must be free of Big, Canby and Sandberg bluegrass, rattail fescue, dock, chickweed, crabgrass, plantain, annual bluegrass, velvetgrass, short-awn foxtail, and noxious weed seeds as listed under WAC 16-302-100 and 16-302-105. An additional 0.07% of weedy Bromus spp. will be allowed.

**** 85% minimum germination allowed on ryegrass varieties as designated by the breeder or variety owner. See list maintained by the seed program.

Purity	Class		
	Foundation	Registered	Certified
Pure seed (min.)	98.0%	98.0%	98.0%
Inert material (max.)	2.0%*(*)	2.0%*(*)	2.0%*(*)
Other crop (max.)	0.01%	0.03%	0.08%
Weed seed (max.)	0.10%	0.10%	0.10%
Prohibited or restricted noxious weed seeds	none found	none found	none found
Germination (min.)	85.0%	85.0%	85.0%

() Inert matter must not contain more than 0.5% of material other than seed fragments of the variety under consideration.

(3) A sod seed analysis certificate is the basis of determining if a lot meets sod quality standards. This certificate is issued by the certifying agency and represents a purity analysis, a twenty-five gram noxious all weed all crop exam, a ten gram Poa annua check and a germination test on an official sample except a 50-gram noxious all weed all crop exam is required for fescues and ryegrass.

(4) In addition to a seed certification tag, seed meeting sod quality certified seed standards will be tagged with a special "sod quality seed" tag.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-302-490 Seed standards for rapeseed certification. Seed standards for the production of rapeseed are as follows:

Purity	Foundation	Registered	Certified
Pure seed (Min.)	99.00%	99.00%	99.00%
Other crop and/or varieties (Max.)	9/lb	9/lb	18/lb
Inert matter (Max.)	1.00%	1.00%	1.00%
Weed seed (Max.)	91/lb	91/lb	181/lb
Prohibited noxious weeds (1)	None found	None found	None found

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-302-435 Sudangrass lot standards for certification. Lot standards for certification of sudangrass are as follows:

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Purity	Foundation	Registered	Certified
Objectionable weeds (2)	(Max.) 5/lb	9/lb	18/lb
Chemical analysis (3)			
Germination	(Min.) 85.00%	85.00%	85.00%

Note:

- (1) None found means none found during normal inspection procedures. None found is not a guarantee that the lot is free of noxious weed seeds.
- (2) Objectionable weed seeds are defined as restricted noxious listed in WAC ((16-301-125)) 16-301-050 plus: Brassica nigra, Sinapis arvensis, Brassica juncea, and Raphanus raphanistrum.

- (3) Erucic acid content shall be less than 2% and glucosinolate content shall not be greater than thirty micromoles unless other tolerances are described by the plant breeder for each variety.
- (4) Erucic acid and glucosinolate analysis must be conducted on clean seed.
- (5) Erucic acid and glucosinolate analysis must be conducted ((is)) at a WSDA approved laboratory.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-302-685 Small grains standards for seed certification. (1) Land, isolation, and field standards for small grains (barley, oat, rye, triticale, and wheat) seed certification are:

CLASS	FIELD STANDARDS				
	LAND STANDARDS MINIMUM YEARS	ISOLATION STANDARDS MINIMUM FEET	OFF-TYPE MAXIMUM HEAD RATIO	OTHER CROP MAXIMUM HEAD RATIO	WILD OAT MAXIMUM PLANTS/ACRE
Foundation	2*	((3**)) 90 same genus** 3 different genus	None found	None found***	None found
Registered	1*	3**	1/148,000	1/148,000***	5
Certified	1*	3**	1/49,000	1/49,000***	5

* Waived if the previous crop is grown from an equal or higher certified class of seed of the same variety.

** Refers to distance from other small grain fields. Foundation class fields must be isolated ninety feet from fields of the same genus. In addition, each rye field for certification must be isolated by three feet from fields producing a certified class of the same variety, and by six hundred sixty feet from other rye fields. Each triticale field for certification must be isolated by three feet from fields producing a certified class of the same variety, and by three hundred feet from other triticale, rye and wheat fields for foundation and registered class, and three feet for certified class, unless otherwise stated by plant breeder.

*** Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; no vetch is permitted.

(****) 1/lb for certified class oat.

(*****) A certification certificate is issued upon receipt of either an official AOSA tetrazolium or germination test which meets minimum Washington viability standards. NOTE: State and federal seed laws require seed be labeled based on a germination test.

Note: For all classes the purity analysis is based on 100 grams examined. For registered and certified classes, noxious weed, vetch, off-type, and other small grain((s)) determinations are based on 500 grams examined. For foundation class, noxious weed, vetch, off-type, and other small grain determinations are based on 1000 grams examined.

(2) Small grains - seed standards:

Class	Foundation	Registered	Certified
Pure seed (min.)	98%	98%	98%
Inert (max.)	2%	2%	2%
off-type(*) (max.)	None found	2/lb	4/lb
Other small grain(*) (max.)	None found	1/lb	2/lb
Other crop(**) (max.)	None found	0.03%	0.05%
Weed seed (max.)	0.01%	0.01%	0.03%
Objectionable weed seed(***) (max.)	None found	None found	1/lb None found (****)
Wild oat (max.)	None found	None found	(****)
Viability(*****) (min.)	85%	85%	85%

(*) The combination of other small grain and off-type must not exceed 2/lb for registered class, and 4/lb for certified class. The tolerance for rye or triticale, is none found in barley, oat, or wheat. The tolerance for rye is none found in triticale. The tolerance for triticale is none found in rye.

(**) Excluding off-type and other small grain. No vetch is allowed in small grain seed

(***) Excluding wild oat.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-302-440 Standards for verification of turf seed ingredients.

**WSR 02-12-061
PERMANENT RULES
DEPARTMENT OF AGRICULTURE**

[Filed May 30, 2002, 11:31 a.m.]

Date of Adoption: May 30, 2002.

Purpose: Amend WAC 16-303-200 Seed program testing fees, 16-303-210 Fees for special seed tests, 16-303-230 Official seed sampling or similar service, 16-303-250 Miscellaneous charges for seed services, 16-303-300 Phytosanitary certification of seed—Fees, 16-303-310 Organization for economic cooperation and development scheme for varietal certification (OCED) fees, 16-303-317 Annual and rough bluegrass quarantine fees, 16-303-320 Certification fees for

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seed certified by the department except grasses, and 16-303-330 Certification fees for grass seed. These amendments increase by the amount allowed by the Office of Financial Management (OFM) fiscal growth rate factor for fiscal year 2002 (2.79%) and are necessary to ensure that fees charged for seed program services are sufficient to recover operating costs.

Citation of Existing Rules Affected by this Order: Amending WAC 16-303-200, 16-303-210, 16-303-230, 16-303-250, 16-303-300, and 16-303-310.

Statutory Authority for Adoption: Chapters 15.49 and 34.05 RCW.

Adopted under notice filed as WSR 02-09-060 on April 15, 2002.

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 6, 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 6, Repealed 0.

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

May 28, 2002

William E. Brookreson

Acting Director

AMENDATORY SECTION (Amending WSR 01-01-015, filed 12/6/00, effective 1/6/01)

WAC 16-303-200 Seed program testing fees. Seed testing fees are as follows:

(1) FIELD CROPS:

	((MINIMUM- SAMPLE SIZE	PURITY	GERMINATION	FZ
alfalfa	4-oz	14.00	12.00	22.00
alkaligrass	4-oz	18.00	11.00	22.00
barley	1.25-lb	14.00	12.00	22.00
beets, sugar	1.25-lb	19.00	21.00	22.00
bentgrass	2-oz	32.00	17.00	22.00
bermudagrass	4-oz	18.00	11.00	22.00
black-medie	4-oz	14.00	12.00	22.00
bluegrass	4-oz	22.00	15.00	22.00
brassica-sp.	6-oz	34.00	17.00	22.00
brome-mountain	6-oz	23.00	12.00	22.00
brome-smooth,- meadow	6-oz	23.00	12.00	22.00
buckwheat	1.25-lb	14.00	12.00	22.00
canarygrass	8-oz	18.00	11.00	22.00
elover	4-oz	14.00	12.00	22.00

	((MINIMUM- SAMPLE SIZE	PURITY	GERMINATION	FZ
fescue	4-oz	22.00	12.00	22.00
flax-lewis	4-oz	14.00	12.00	22.00
foxtail	4-oz	14.00	11.00	22.00
garbanzo-bean	1.25-lb	13.00	12.00	N/A
indian-ricegrass	6-oz	18.00	11.00	22.00
junegrass	6-oz	18.00	11.00	22.00
lentil	1.25-lb	14.00	12.00	N/A
little-bluestem	4-oz	21.00/hr	11.00	22.00
lupine	1.25-lb	14.00	12.00	N/A
milkvetch	1.25-lb	14.00	12.00	22.00
millet	1.25-lb	14.00	12.00	N/A
needle-&-thread	6-oz	18.00	11.00	22.00
needlegrass,-green	6-oz	18.00	11.00	22.00
oatgrass	6-oz	18.00	11.00	N/A
oats	1.25-lb	14.00	12.00	22.00
orchardgrass	4-oz	25.00	13.00	22.00
peas	1.25-lb	13.00	12.00	N/A
prairie-sandreed	6-oz	18.00	11.00	22.00
primrose	4-oz	14.00	12.00	N/A
redtop	2-oz	32.00	17.00	22.00
rice	1.25-lb	14.00	12.00	N/A
rye	1.25-lb	14.00	12.00	22.00
ryegrass,-peren- nial	4-oz	22.00	11.00	22.00
ryegrass,-annual	4-oz	22.00	11.00	22.00
safflower	1.25-lb	14.00	12.00	N/A
sainfoin	1.25-lb	14.00	12.00	N/A
sand-dropseed	4-oz	18.00	11.00	22.00
sand-lovegrass	4-oz	18.00	11.00	22.00
sideoats-grama	4-oz	21.00/hr	11.00	22.00
small-burnett	8-oz	14.00	12.00	N/A
sorghum	1.25-lb	14.00	12.00	N/A
sudangrass	8-oz	14.00	12.00	22.00
sunflower	1.25-lb	14.00	12.00	N/A
swiss-chard	1.25-lb	34.00	18.00	N/A
switchgrass	4-oz	18.00	11.00	22.00
timothy	4-oz	18.00	11.00	22.00
trefoil	4-oz	14.00	12.00	N/A
triticale	1.25-lb	14.00	12.00	22.00
vetch	1.25-lb	18.00	12.00	22.00
wheat	1.25-lb	14.00	12.00	22.00
wheatgrass,- beardless				
slender				
thickspike	6-oz	38.00	15.00	22.00
wheatgrass,- bluebunch	6-oz	38.00	15.00	22.00
wheatgrass,- erected	4-oz	26.00	15.00	22.00
wheatgrass,- tall				
intermediate				
pubescent	6-oz	38.00	15.00	22.00
wheatgrass,- western	6-oz	38.00	15.00	22.00

PERMANENT

((MINIMUM-				
SAMPLE SIZE	PURITY	GERMINATION	TZ	
wildrye	6-oz	18.00	11.00	22.00
zoysia	4-oz	18.00	11.00	22.00))
MINIMUM				
SAMPLE SIZE	PURITY	GERMINATION	TZ	
alfalfa	4 oz	14.39	12.33	22.61
alkaligrass	4 oz	18.50	11.30	22.61
barley	1.25 lb	14.39	12.33	22.61
beets, sugar	1.25 lb	19.53	21.58	22.61
bentgrass	2 oz	32.89	17.47	22.61
bermudagrass	4 oz	18.50	11.30	22.61
black medic	4 oz	14.39	12.33	22.61
bluegrass	4 oz	22.61	15.41	22.61
brassica sp.	6 oz	34.94	17.47	22.61
brome-mountain	6 oz	23.64	12.33	22.61
brome-smooth,				
meadow	6 oz	23.64	12.33	22.61
buckwheat	1.25 lb	14.39	12.33	22.61
canarygrass	8 oz	18.50	11.30	22.61
clover	4 oz	14.39	12.33	22.61
fescue	4 oz	22.61	12.33	22.61
flax-lewis	4 oz	14.39	12.33	22.61
foxtail	4 oz	14.39	11.30	22.61
garbanzo bean	1.25 lb	13.36	12.33	N/A
indian ricegrass	6 oz	18.50	11.30	22.61
junegrass	6 oz	18.50	11.30	22.61
lentil	1.25 lb	14.39	12.33	N/A
little bluestem	4 oz	21.58/hr	11.30	22.61
lupine	1.25 lb	14.39	12.33	N/A
milkvetch	1.25 lb	14.39	12.33	22.61
millet	1.25 lb	14.39	12.33	N/A
needle & thread	6 oz	18.50	11.30	22.61
needlegrass, green	6 oz	18.50	11.30	22.61
oatgrass	6 oz	18.50	11.30	N/A
oats	1.25 lb	14.39	12.33	22.61
orchardgrass	4 oz	25.69	13.36	22.61
peas	1.25 lb	13.36	12.33	N/A
prairie sandreed	6 oz	18.50	11.30	22.61
primrose	4 oz	14.39	12.33	N/A
redtop	2 oz	32.89	17.47	22.61
rice	1.25 lb	14.39	12.33	N/A
rye	1.25 lb	14.39	12.33	22.61
ryegrass, peren-				
nial	4 oz	22.61	11.30	22.61
ryegrass, annual	4 oz	22.61	11.30	22.61
safflower	1.25 lb	14.39	12.33	N/A
sainfoin	1.25 lb	14.39	12.33	N/A
sand dropseed	4 oz	18.50	11.30	22.61
sand lovegrass	4 oz	18.50	11.30	22.61
sideoats grama	4 oz	21.58/hr	11.30	22.61
small burnett	8 oz	14.39	12.33	N/A
sorghum	1.25 lb	14.39	12.33	N/A
sudangrass	8 oz	14.39	12.33	22.61
sunflower	1.25 lb	14.39	12.33	N/A
swiss chard	1.25 lb	34.94	18.50	N/A
switchgrass	4 oz	18.50	11.30	22.61

MINIMUM				
SAMPLE SIZE	PURITY	GERMINATION	TZ	
timothy	4 oz	18.50	11.30	22.61
trefoil	4 oz	14.39	12.33	N/A
triticale	1.25 lb	14.39	12.33	22.61
vetch	1.25 lb	18.50	12.33	22.61
wheat	1.25 lb	14.39	12.33	22.61
wheatgrass,				
beardless				
slender				
thickspike	6 oz	39.06	15.41	22.61
wheatgrass,				
bluebunch	6 oz	39.06	15.41	22.61
wheatgrass,				
crested	4 oz	26.72	15.41	22.61
wheatgrass,				
tall				
intermediate				
pubescent	6 oz	39.06	15.41	22.61
wheatgrass,				
western	6 oz	39.06	15.41	22.61
wildrye	6 oz	18.50	11.30	22.61
zoysia	4 oz	18.50	11.30	22.61

(2) VEGETABLES:

((MINIMUM				
SAMPLE SIZE	PURITY	GERMINATION	TZ	
asparagus	1.25 lb	14.00	12.00	N/A
beans	1.25 lb	13.00	12.00	N/A
beets	1.25 lb	19.00	18.00	N/A
cantaloupe	1.25 lb	14.00	12.00	N/A
carrot	4 oz	14.00	12.00	38.00
celery	4 oz	14.00	12.00	N/A
chard	4 oz	14.00	21.00	21.00
corn	1.25 lb	14.00	12.00	N/A
cucumber	1.25 lb	14.00	12.00	N/A
dill	4 oz	14.00	12.00	N/A
eggplant	4 oz	14.00	12.00	N/A
endive	4 oz	14.00	12.00	N/A
leek	8 oz	14.00	12.00	N/A
lettuce	4 oz	14.00	12.00	N/A
okra	4 oz	14.00	12.00	N/A
onion	8 oz	14.00	12.00	N/A
parsley	4 oz	14.00	12.00	N/A
parsnip	4 oz	14.00	12.00	N/A
pepper	8 oz	14.00	12.00	N/A
pumpkin	1.25 lb	14.00	12.00	N/A
radish	1.00 lb	14.00	12.00	N/A
spinach,				
New-Zealand	8 oz	14.00	21.00	N/A
spinach	8 oz	14.00	21.00	N/A
squash	1.25 lb	14.00	12.00	N/A
tomato	4 oz	14.00	12.00	N/A
turnip	6 oz	14.00	12.00	22.00
watermelon	1.25 lb	14.00	12.00	N/A))

PERMANENT

MINIMUM				MINIMUM				
	SAMPLE SIZE	PURITY	GERMINATION	TZ	SAMPLE SIZE	PURITY	GERMINATION	TZ
asparagus	1.25 lb	14.39	12.33	N/A	okra	4 oz	14.39	12.33
beans	1.25 lb	13.36	12.33	N/A	onion	8 oz	14.39	12.33
beets	1.25 lb	19.53	18.50	N/A	parsley	4 oz	14.39	12.33
cantaloupe	1.25 lb	14.39	12.33	N/A	parsnip	4 oz	14.39	12.33
carrot	4 oz	14.39	12.33	39.06	pepper	8 oz	14.39	12.33
celery	4 oz	14.39	12.33	N/A	pumpkin	1.25 lb	14.39	12.33
chard	4 oz	14.39	21.58	21.58	radish	1.00 lb	14.39	12.33
corn	1.25 lb	14.39	12.33	N/A	spinach			
cucumber	1.25 lb	14.39	12.33	N/A	New Zealand	8 oz	14.39	21.58
dill	4 oz	14.39	12.33	N/A	spinach	8 oz	14.39	21.58
eggplant	4 oz	14.39	12.33	N/A	squash	1.25 lb	14.39	12.33
endive	4 oz	14.39	12.33	N/A	tomato	4 oz	14.39	12.33
leek	8 oz	14.39	12.33	N/A	turnip	6 oz	14.39	12.33
lettuce	4 oz	14.39	12.33	N/A	watermelon	1.25 lb	14.39	12.33

AMENDATORY SECTION (Amending WSR 01-01-015, filed 12/6/00, effective 1/6/01)

WAC 16-303-210 Fees for special seed tests. Fees for special seed tests are as follows: (Standard noxious exam size unless otherwise specified.)

Test	Fee	Other Considerations
(1) All states noxious weed examination	\$(10.00) <u>10.27</u>	
(2) Analysis of partially cleaned, uncleaned or field run seed with excessive inert, or crop or weed seeds	\$(21.00) <u>21.58</u> hourly rate	
(3) Brassica seed chemical identification	\$(10.00) <u>10.27</u>	
(4) Cold (vigor) test for wheat	\$(50.00) <u>51.39</u>	
(5) Crop and weed exam (Required for all foundation and registered class grass seeds)	Purity fee minus \$(5.00) <u>5.13</u>	Hourly rate will be assessed when applicable; hourly rate applies when a larger amount is requested
(6) Fescue seed fluorescence test	\$(15.00) <u>15.41</u>	Test required on certified samples
(7) Fluorescence test (400 seed test)	\$(13.00) <u>13.36</u>	
(8) Miscellaneous services	\$(21.00) <u>21.58</u> hourly rate	
(9) Pest and disease	\$(17.00) <u>17.47</u>	
(10) Poa annua check		
Bentgrass (5 grams)	\$(17.00) <u>17.47</u>	
Bluegrass (5 grams)	\$(17.00) <u>17.47</u>	
Other grasses (10 grams)	\$(17.00) <u>17.47</u>	
(11) Rules test—Canadian		
Alfalfa, clover	\$(21.00) <u>21.58</u>	GERMINATION \$(12.00) <u>12.33</u>
Kentucky bluegrass	\$(32.00) <u>32.89</u>	\$(15.00) <u>15.41</u>
Peas, lentils	\$(21.00) <u>21.58</u>	\$(12.00) <u>12.33</u>
Bentgrass	\$(47.00) <u>48.31</u>	\$(17.00) <u>17.47</u>
(12) Rules test—I.S.T.A.		
Alfalfa, clover	\$(21.00) <u>21.58</u>	GERMINATION \$(15.00) <u>15.41</u>
Kentucky bluegrass	\$(32.00) <u>32.89</u>	\$(15.00) <u>15.41</u>
Peas, lentils	\$(21.00) <u>21.58</u>	\$(15.00) <u>15.41</u>
(13) Samples requiring special preparation for germination, for example pelleted seeds	\$(21.00) <u>21.58</u>	Additional Charge

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Test	Fee	Other Considerations
(14) Seed Count	\$(17.00) <u>17.47</u>	
(15) Sod analysis check (25 gram exam to evaluate if a lot appears to be sod quality)	\$(19.00) <u>19.53</u>	Phone report only
(16) Sod seed analysis (A special test of turf grasses for those who need a detailed examination of seed before purchase and/or use)	Bluegrass	\$(60.00)
	Fescue	<u>61.67</u>
	Ryegrass	\$(42.00)
		<u>43.17</u> \$(34.00) <u>34.94</u>
(17) Sodium Hydroxide test for presence of red and/or white wheat	\$(10.00) <u>10.27</u>	
(18) Soil exam or similar (A visual examination of a representative sample)	\$(17.00) <u>17.47</u>	Reported on seed analysis certificate
(19) Undesirable grass species examination (UGS test)	\$(12.00) <u>12.33</u>	
(20) Variety separation of Kentucky bluegrass If separated at time of purity analysis	\$(19.00) <u>19.53</u>	
	\$(9.00) <u>9.25</u>	

AMENDATORY SECTION (Amending WSR 01-01-015, filed 12/6/00, effective 1/6/01)

WAC 16-303-230 Official seed sampling or similar service. (1) The fee for official seed sampling or similar service is as follows:

Crop	Fee	Minimum charge
Peas, beans, small grains or seeds of similar size	\$ 0.05 Per cwt.	\$(21.00) <u>21.58</u>
For all other kinds	\$ 0.15 Per cwt.	\$(21.00) <u>21.58</u>

(2) If a special trip is required to provide a service, the person requesting the service may be charged at the rate of ~~\$(17.00)~~ 17.47 per hour travel time plus a mileage fee set by the Washington State Office of Financial Management in addition to the specific fee for service. All standby time is charged at the rate of ~~\$(21.00)~~ 21.58 per man-hour.

AMENDATORY SECTION (Amending WSR 01-01-015, filed 12/6/00, effective 1/6/01)

WAC 16-303-250 Miscellaneous charges for seed services. (1) Fees for miscellaneous department seed services are as follows:

Service	Fee
Rush samples (including phone or FAX report if requested at time sample is submitted)	\$(12.00) <u>12.33</u>
Phone reports on test result, per call	\$(3.50) <u>3.59</u> per call

Service

Fee

Preliminary report on germination	\$(8.00) <u>8.22</u>
Phone report only	\$(1.50) <u>1.54</u>
Additional mailing of report	\$(2.50) <u>2.56</u> each destination
((Recopies)) <u>Additional copies</u> of reports	\$(2.50) <u>2.56</u> (minimum fee)
Revised reports	\$(5.00) <u>5.13</u> (minimum fee - or hourly fee when applicable)
Fee for special handling service, for example Federal Express, Air Parcel or air freight	\$(3.50) <u>3.59</u>
Fee for facsimile transmission of documents	\$(3.50) <u>3.59</u> per document
Travel time - additional or special requested trips	\$(17.00) <u>17.47</u>
Mileage - additional or special requested trips	As established by the Washington State Office of Financial Management

(2) Test plot examinations or consultant work in seed plots, seed fields, seed conditioning plants, etc., shall be at the rate of ~~\$(21.00)~~ 21.58 per hour plus mileage and travel time at the rate of \$17.47 per hour traveled.

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AMENDATORY SECTION (Amending WSR 01-01-015, filed 12/6/00, effective 1/6/01)

WAC 16-303-300 Phyto-sanitary certification of seed—Fees. (1) Fees for phyto-sanitary certification of seed are as follows:

Service	Fee	Other Considerations
Phyto-sanitary certificate	\$(21.00) <u>21.58</u> each	
Field inspection—All seed except wheat seed (for each required inspection)	\$(5.00) <u>5.13</u> per acre	\$(20.00) <u>20.55</u> minimum fee payable with application
Field inspection—Wheat seed only (for each required inspection)	\$(2.00) <u>2.05</u> per acre or fraction thereof	Payable with application
Area inspection	\$.05 per cwt.	\$(20.00) <u>20.55</u> minimum fee per certificate \$(150.00) <u>154.18</u> maximum fee per certificate Billed at time certificate is issued
Late fee—		
Application	\$(30.00) <u>30.83</u> each	
Sampling (When Required)—		
Beans, peas, lentils, and cereal grains	\$.05 per cwt.	
Other crops	\$.15 per cwt.	
Serology test	Fee as established by the testing laboratory.	
Laboratory analysis of plant material to verify disease	An additional fee of actual cost shall be charged when necessary to examine plant material and/or seed	

AMENDATORY SECTION (Amending WSR 01-01-015, filed 12/6/00, effective 1/6/01)

WAC 16-303-310 Organization for economic cooperation and development scheme for varietal certification (O.E.C.D.) fees. In addition to fees required by applicable Washington certification rules, the following fees shall apply to all seed tagged O.E.C.D and is payable by the person requesting O.E.C.D. certificate. The certifying agency may require fees paid in advance:

Service	Fee	Other Considerations
O.E.C.D. certificate	\$(10.00) <u>10.27</u> each	
O.E.C.D. grow out test	\$(46.00) <u>47.28</u> each entry	No charge for control entry

AMENDATORY SECTION (Amending WSR 01-01-015, filed 12/6/00, effective 1/6/01)

WAC 16-303-317 Annual and rough bluegrass quarantine fees. Fees for sampling and analysis for the presence of annual or rough bluegrass are those fees established in this chapter and:

(1) Annual Bluegrass - inspection fee for nursery plantings for the presence of annual bluegrass is ~~\$(50.00)~~ 51.39 per acre or portion thereof. The tagging fee is ~~\$(0.50)~~ 0.51 cwt. with a minimum fee of ~~\$(10.00)~~ 10.27.

(2) Rough Bluegrass - inspection fee for nursery plantings is ~~\$(50.00)~~ 51.39 per acre or portion thereof.

AMENDATORY SECTION (Amending WSR 01-01-015, filed 12/6/00, effective 1/6/01)

WAC 16-303-320 Certification fees for seed certified by the department except grasses. Fees for seed certification services for seed certified by the department other than grasses are as follows. Fees apply to both new and renewal applications:

Seed	Application Fee 1/	Seedling producing or field inspection Fee 2/	Late Application Penalty Fee	Reinspection Fee (other than isolation)	Production Fee (includes sampling and tagging)	Seed shipped Out-of-State (uncleaned)
Alfalfa, Red clover, White clover and Trefoil	\$(15.00) <u>15.41</u> per variety per grower	\$(1.75) <u>1.79</u> /acre	\$(30.00) <u>30.83</u>	\$(40.00) <u>41.11</u> ea. field	\$(0.50) <u>0.51</u> /cwt. 5/	\$0.19/cwt.
Bean	\$(15.00) <u>15.41</u> per variety per grower	\$(1.75) <u>1.79</u> /acre 3/ (one inspection) \$(3.50) <u>3.59</u> /acre 4/ (two inspections)	\$(30.00) <u>30.83</u>	\$(40.00) <u>41.11</u> ea. field	\$(0.50) <u>0.51</u> /cwt.	\$0.19/cwt.
Corn	\$(15.00) <u>15.41</u> for each separate combination/or isolation	\$(25.00) <u>25.69</u> first acre \$(10.00) <u>10.27</u> ea. additional acre except hybrid corn \$(3.50) <u>3.59</u> ea. additional acre	—	—	—	—

PERMANENT

Seed	Application Fee 1/	Seedling producing or field inspection Fee 2/	Late Application Penalty Fee	Reinspection Fee (other than isolation)	Production Fee (includes sampling and tagging)	Seed shipped Out-of-State (uncleaned)
Sudangrass	\$ ((15.00)) <u>15.41</u> per field	\$ ((1.75)) <u>1.79</u> /acre	\$ ((30.00)) <u>30.83</u> per field	—	\$ ((0.40)) <u>0.41</u> /cwt.	—
Rapeseed	\$ ((15.00)) <u>15.41</u> per variety per grower	\$ ((1.75)) <u>1.79</u> /acre (one inspection)	\$ ((15.00)) <u>15.41</u> per grower	\$ ((20.00)) <u>20.55</u> ea. field	\$ ((0.50)) <u>0.51</u> /cwt.	—

- 1/ Refer to WAC 16-302-050 for seed certification application due dates.
- 2/ Refundable if acreage is withdrawn before inspection. Except for bean seed, required of seedling fields to be harvested for certification the year of planting. Notification of seeding field to be harvested for certification and required fees are due July 31.
- 3/ One inspection is required for Great Northern Red Mexican, pinto, pink, and small white bean.
- 4/ Includes windrow inspection which is required for certification of snap beans, kidney beans, and eligibility for shipment into Idaho.
- 5/ Sampling and production fees are billed at completion of tests. If none of the seed is tagged, ten cents of the ~~((fifty))~~ fifty-one cents per cwt. production fee is refundable.

- (c) Inspection fee per field. \$~~((30.00))~~
30.83
- (3) Annual grasses inspection fee per acre \$ ~~((1.75))~~
1.79
- (4) Reinspection: Other than isolation—each field \$~~((40.00))~~
41.11

(5) Inspection and final certification fees: Inspection and final certification fees are based on pounds sampled and billed upon completion of required tests (Option A). Those dealers requesting sampling and tagging privileges and/or participation in Option B must sign a memorandum of agreement that shall expire on June 30 of each year. The memorandum may be terminated by the director if the conditioner violates certification standards or requirements of memorandum.

- (a) Option A: When based on pounds sampled, and billed at completion of required laboratory tests, the fees are:
 - (i) Final certification fee \$ ~~((0.80))~~
0.82

per one hundred pounds. (If no seed is tagged, twenty cents of the final certification fee is refundable upon request.)

- (ii) Seed shipped out-of-state for conditioning per one hundred pounds (unclean weight) \$ 0.30
- (iii) Service fee for out-of-state origin (per cwt.) \$ 0.30

(iv) Blend fee is as established by blend rule, and in addition to above fees. However, blend fee is not applicable to salvage blends.

(v) Payment of fees is the responsibility of the person signing the application. However, conditioner may assume this responsibility.

AMENDATORY SECTION (Amending WSR 01-01-015, filed 12/6/00, effective 1/6/01)

WAC 16-303-330 Certification fees for grass seed.

Certification fees for grass seed except Sudangrass are as follows:

(1) Application fees:

(a) Seedling application fee:

Per variety, per field \$~~((15.00))~~
15.41

(b) Late seedling penalty fee: (Per kind) \$~~((30.00))~~
30.83

(c) Seedling producing application fee:

Per field, per grower \$~~((15.00))~~
15.41

Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees shall be due July 31:

(2) Renewal applications:

(a) Renewal application fee:

Per variety, per grower \$~~((15.00))~~
15.41

(b) Late renewal penalty fee: (Per variety) \$~~((30.00))~~
30.83

This additional fee shall be charged for renewal applications received after May 1.

PERMANENT

WSR 02-12-062
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed May 31, 2002, 10:11 a.m.]

(b) Option B: When based on pounds tagged after required laboratory tests are completed, the fee is:

(i) Final certification fee	\$ ((1.10)) <u>1.13</u>
per one hundred pounds. (Minimum fee per tagging)	\$ ((10.00)) <u>10.27</u>
(ii) Service fee for out-of-state origin	\$ ((0.65)) <u>0.66</u>

per one hundred pounds.

(iii) Blend fee (in addition to fee established by blend rule) is payable upon completion of blend on total weight of blend, and is as follows:

(A) Washington origin certified seed used in blend	\$ ((1.00)) <u>1.02</u>
per one hundred pounds.	

(B) Out-of-state origin certified seed used in blend	\$ ((0.60)) <u>0.61</u>
per one hundred pounds except that those fees listed in (a) and (b) above are not applicable to certified seed that is tagged and sealed, and on which final fees have been paid.	

(C) A refund or credit is issued for the percent of the blend lot not tagged. (For example, if forty percent of the blend is not tagged, forty percent of the fees charged under Option B above are refundable.)

(6) Payment of fees is the responsibility of the conditioner. A conditioner choosing this program must handle all certified grasses in his warehouse under this program for the entire crop year. Upon termination or nonrenewal of Option B memorandum of agreement, conditioner is responsible for Option A fees on all certified seed not tagged at termination date.

(7) Fees for services such as O.E.C.D. and sod quality, etc., are in addition to the fees listed in these standards.

(8) Fees for reissue of tags are ten cents per tag with a minimum fee of ten dollars and twenty-seven cents.

(9) The seed processor is responsible for seed certification fees including sampling, testing, production and final certification fees, and may request the responsibility for additional fees.

Date of Adoption: May 31, 2002.

Purpose: Add the definition of "used vehicle" and "bona fide retail purchaser/lessee" to the definition section and further define dealer certification requirements for dealer license applications and renewals due to the implementation of RCW 46.70.041 (1)(l) and 46.70.079 effective July 1, 2002.

Citation of Existing Rules Affected by this Order: Amending WAC 308-66-110 and 308-66-120.

Statutory Authority for Adoption: RCW 46.70.160.

Adopted under notice filed as WSR 02-09-057 on April 15, 2002.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

May 31, 2002
 Fred Stephens
 Director

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-110 Definitions. For the purpose of administering chapter 46.70 RCW, the following terms shall be construed in the following manner:

(1) "Offering" the sale of a vehicle shall include the distribution by any means of a list, with or without prices, of vehicles for sale.

(2) "Soliciting" the sale of a vehicle shall include an offer to effect the purchase or sale of a vehicle on behalf of another person.

(3) "Normal business hours" or "reasonable times" shall include, but not be limited to, the hours from 10:00 a.m. through 4:00 p.m. for five days each week. All hours during which the place of business is open for the purpose of bartering, trading or selling vehicles are normal business hours or reasonable times as long as the dealer is open for business at regular intervals. Whenever a dealer closes his place of business during normal business hours, a sign must be posted on the main door of the business stating the time that he will next be open for business or where he may be contacted.

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(4) An "employee" of a dealer is a person on the payroll who appears on the record of the dealer as an employee for whom social security, withholding tax, and all deductions required by law have been made.

(5) A "broker" shall mean any person, partnership, corporation, or association acting independently, who for a commission, fee or any other form of compensation arranges or engages in the wholesale or retail purchase, sale or lease with option to purchase, of a vehicle.

(6) An "employee identification card" is a card that may be issued by a licensed dealer to an employee, identifying such employee as being in the employ of such dealer. The department will prescribe the form of the card.

(7) A "demonstration permit" is a permit issued by a dealer to a prospective customer entitling the prospective customer to operate a particular vehicle for demonstration purposes.

(8) Current service agreement - The agreement between a vehicle manufacturer or vehicle distributor and a seller, stipulating that the seller will provide warranty adjustments for the owners of said manufacturer's or distributor's new vehicles which qualify for adjustments under the said manufacturer's or distributor's warranty.

(9) New vehicle warranty - The warranty extended by a manufacturer or distributor to the first retail purchaser.

(10) "Closing" shall mean the process of completion of sale transaction.

(11) "Completion of sale" in the case of a consigned vehicle shall mean purchaser has possession of vehicle, all liens against vehicle are paid, seller has sale proceeds, and warranty of title to vehicle has been accomplished.

(12) "Listing" shall mean a contract between a seller of a used mobile/manufactured home and a listing dealer for the dealer to locate a willing purchaser of that listed used mobile/manufactured home.

(13) "Seller," as it relates to listing dealers, shall mean a person who lists a used mobile/manufactured home with a listing dealer.

(14) "Purchaser," as it relates to listing dealers, shall mean a person who agrees to buy a used mobile/manufactured home listed through a listing dealer.

(15) "Consignment" shall mean an arrangement whereby a vehicle dealer accepts delivery or entrustment of a vehicle and agrees to sell the vehicle on behalf of another.

(16) "Consignee" shall mean a vehicle dealer who accepts delivery or to whom a vehicle is entrusted for the purpose of sale on behalf of another.

(17) "Consignor" shall mean a person who delivers or entrusts a vehicle to a dealer for the purpose of sale.

(18) "Remanufactured" shall mean to remake or reprocess into a finished product by a large scale industrial process.

(19) "Guaranteed title" as it relates to a consigned vehicle shall mean a guarantee by the consignor to convey title to the consignee upon sale of the vehicle. The consignment agreement between the consignor and consignee shall comply with the provisions of WAC 308-66-155.

(20) "Used vehicle" in keeping with RCW 46.04.660, and for purposes of the requirement for a service agreement

in RCW 46.70.101 (1)(a)(vii), a vehicle will be considered used if it meets the following requirements:

(a) It has been titled or registered to a bona fide retail purchaser/lessee for a period of 90 days or more; and

(b) The vehicle has been operated (driven) to the extent that its odometer registers 3,000 miles or more.

However, the requirements of (a) and (b) of this subsection will not apply if a bona fide retail purchaser/lessee sells, trades, or otherwise disposes of the vehicle prior to its having met those requirements. To document such an exemption, the subsequent wholesaling and retailing dealer must keep, as a dealer business record, a notarized affidavit from either the bona fide retail purchaser/lessee, or in the case of an imported vehicle, a notarized affidavit from the importer of the vehicle. That affidavit will be prescribed by the department and must confirm that the retail purchaser/lessee was a bona fide retail purchaser/lessee.

(21) A "bona fide retail purchaser/lessee" is one who purchases or leases a vehicle for the purpose of using it, rather than for the purposes of resale or lease.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-120 Dealer's license application. (1)

Each application shall contain in addition to the information required by RCW 46.70.041:

(a) The names and residential addresses of all owners of ten percent or more of the assets of the firm;

(b) The name and address of the principal place of business of the firm;

(c) The names and addresses of each and every sub-agency of the firm, if any;

(d) A current balance sheet of assets and liabilities which shall have been prepared within ninety days of its submission;

(e) A statement of whether or not the applicant or any partner, member, officer, director, owner of ten percent or more of the assets of the firm, was the holder of a license issued pursuant to chapter 46.70 RCW which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled;

(f) A detailed list of all dealerships previously operated by each person named on the application and with which each person presently or was formerly connected or employed.

(2) An applicant shall appear for a personal interview if requested by the department.

(3) The department may require a credit report for each party named on each application for a dealer's license.

(4) An applicant shall provide as evidence of leasehold or ownership interest of business location either:

(a) A copy of the rental or lease agreement between the applicant and landowner showing the business location by commonly known address, or

(b) A copy of the county assessor's record showing ownership of the business location, the applicant's name and the commonly known address.

(5) The bank reference for verifying financial condition consisting of:

- (a) The name of applicant's bank, a person to contact at that bank concerning applicant's financial condition, or
 - (b) A letter of credit current within last 90 days, or
 - (c) A flooring agreement, if with a financial institution, or
 - (d) A line of credit with a financial institution.
- (6) The department may require an applicant for a vehicle dealer license to provide evidence that the business location conforms to all zoning and land use ordinances.
- (7) A corporation applicant shall provide the corporation number and corporation name issued by the secretary of state's office authorizing the company to do business within this state.

(8) The name and address on the license application and all required supporting documents must be the same. The sign at the certified location must identify the doing business as name (dba), if any, and that name shall appear on all documents as the applicant's name. The business telephone listing must also reflect the business name or the doing business as name.

(9) A certification of completion in the dealer education program:

(a) At least one principal of each company applying for an original vehicle dealer license must receive certification in the dealer education program required by RCW 46.70.041 (1)(i).

(b) The department encourages as many principals of each company as possible to obtain such certification.

(c) For annual dealer license renewals, either a company principal or a managing employee may complete the continuing education program. The continuing education certificate will indicate that the dealership has fulfilled the requirement.

(d) Certifications for either original or renewal applications will be valid for twelve months.

WSR 02-12-065

PERMANENT RULES

WASHINGTON STATE LOTTERY

[Filed May 31, 2002, 3:14 p.m.]

Date of Adoption: May 17, 2002.

Purpose: To clarify that generic promotional and advertising materials, which do not promote a specific on-line game or a specific Scratch ticket theme, do not require disclosure of purchasing a winning ticket.

Citation of Existing Rules Affected by this Order: Amending WAC 315-06-040.

Statutory Authority for Adoption: RCW 67.70.040.

Adopted under notice filed as WSR 02-07-072 on May 17 [March 18], 2002.

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 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.

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

May 31, 2002

Mary Jane Ferguson

Rules Coordinator

AMENDATORY SECTION (Amending WSR 01-12-040, filed 5/30/01, effective 6/30/01)

WAC 315-06-040 Disclosure of probability of purchasing a winning ticket. (1) The estimated average probability of purchasing a winning ticket shall be conspicuously displayed on:

(a) The back of tickets for a specific game;

(b) All printed promotional and advertising materials for a specific game, including but not limited to, brochures, posters, billboards, placards, and point-of-sale displays.

(2) The estimated average probability of purchasing a winning ticket shall be communicated in television and radio commercials for a specific game.

(3) The estimated average probability of purchasing a winning ticket for each category of prize in a specific game shall be conspicuously displayed as part of:

(a) The "how-to-play" brochure which explains the procedures for the lottery's on-line games; and

(b) The brochures of instructions to lottery retailers for the conduct of specific scratch games.

(4) The disclosure required by this section shall not apply to generic promotional and advertising materials publicizing the Washington state lottery which do not promote a specific on-line game or a specific scratch ticket theme.

WSR 02-12-068

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed May 31, 2002, 4:01 p.m., effective June 1, 2002]

Date of Adoption: May 30, 2002.

Purpose: These rule changes are necessary to implement the policy for the sixty month time limit of TANF/SFA cases.

Amending WAC 388-484-0005 There is a five year (sixty month) time limit for TANF/SFA and GA-S cash assistance; and new sections WAC 388-484-0006 TANF/SFA time limit extension and 388-310-0350 WorkFirst—Other exemptions from mandatory participation.

Citation of Existing Rules Affected by this Order: Amending WAC 388-484-0005.

PERMANENT

Statutory Authority for Adoption: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050.

Adopted under notice filed as WSR 02-09-075 and 02-09-076 on April 16, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 1, Repealed 0.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 1, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The first group of TANF/SFA clients will have received sixty months of TANF/SFA cash aid effective August 1, 2002. The department must authorize TANF/SFA time limit extensions in June and July 2002 to ensure continued cash aid for these low-income families. This action is required by state statute.

Effective Date of Rule: June 1, 2002.

May 30, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-04-016, filed 1/26/01, effective 2/1/01)

WAC 388-484-0005 There is a five year (sixty-month) time limit for TANF, SFA and GA-S cash assistance. (1) What is the sixty-month time limit?

(a) You can receive cash assistance for temporary assistance for needy families (TANF), state family assistance (SFA), and general assistance for pregnant women (GA-S) for a lifetime limit of sixty months. The time limit applies to cash assistance provided by any combination of these programs, and whether or not it was received in consecutive months.

(b) If you receive cash assistance for part of the month, it counts as a whole month against the time limit.

(c) If you have received cash assistance from another state on or after August 1, 1997, and it was paid for with federal TANF funds, those months will count against your time limit.

(d) The time limit does not apply to diversion cash assistance, support services, food assistance or Medicaid.

(2) When did the sixty-month time limit go into effect?

The sixty-month time limit applies to cash assistance received on or after August 1, 1997 for TANF and SFA. Although the GA-S program no longer exists, the time limit

applies to GA-S cash assistance received from May 1, 1999 through July 31, 1999.

(3) Does the time limit apply to me?

The sixty-month time limit applies to you for any month in which you are a parent or other relative as defined in WAC 388-454-0010, or a minor parent emancipated through court order or marriage.

(4) Do any exceptions to the time limits apply to me?

The department does not count months of assistance towards the sixty-month time limit if you are:

(a) A nonneedy adult caretaker relative who is not a member of the assistance unit and you are receiving cash assistance on behalf of a child;

(b) An unemancipated pregnant or parenting minor living in a department approved living arrangement as defined by WAC 388-486-0005; or

(c) An American Indian or Native Alaskan adult and you are living in Indian country, as defined under 18 U.S.C. 1151, or an Alaskan Native village and you are receiving TANF, SFA, or GA-S cash assistance during a period when at least fifty percent of the adults living in Indian country or in the village were not employed. See WAC 388-484-0010.

(5) What happens if a member of my assistance unit has received sixty months of TANF, SFA, and GA-S cash benefits?

Once any adult or emancipated minor in the assistance unit has received sixty months of cash assistance, the entire assistance unit becomes ineligible for TANF or SFA cash assistance (~~(--Some people may be--)~~, unless you are eligible for an extended period of cash assistance ((based on hardship criteria to be developed by the department)) called a TANF/SFA time limit extension under WAC 388-484-0006.

(6) What can I do if I disagree with how the department has counted my months of cash assistance?

(a) If you disagree with how the department has counted your months of cash assistance, you may ask for a hearing within ninety days of receiving notice of the count.

(b) If your cash assistance is terminated after sixty months and you ask for a hearing as provided under chapter 388-02 WAC, your cash assistance will be continued during the course of your initial administrative appeal. You (~~(must repay the cash assistance, however,))~~ may be required to repay up to sixty days of cash assistance if the department's decision is found to be correct as described in WAC 388-410-0001 (3)(b).

NEW SECTION

WAC 388-484-0006 TANF/SFA time limit extensions. (1) What happens after I receive sixty or more months of TANF/SFA cash assistance?

After you receive sixty or more months of TANF/SFA cash assistance, you may qualify for additional months of cash assistance. We call these additional months of TANF/SFA cash assistance a TANF/SFA time limit extension.

(2) Who is eligible for a TANF/SFA time limit extension?

You are eligible for a TANF/SFA time limit extension if you are on TANF or otherwise eligible for TANF and:

(a) You qualify for one of the exemptions listed in WAC 388-310-0350; or

(b) You:

(i) Are participating satisfactorily in the WorkFirst program (see chapter 388-310 WAC for a description of WorkFirst participation requirements); or

(ii) Meet the family violence option criteria in WAC 388-61-001 and are participating satisfactorily in specialized activities listed in your individual responsibility plan.

(c) If you are refusing to participate as required and you do not have a good reason under WAC 388-310-1600(4), you do not qualify for a regular TANF/SFA time limit extension but your family may qualify for a Child SafetyNet Payment extension, described in WAC 388-310-1650.

(3) Who reviews and approves an extension?

(a) Your case manager or social worker will review your case and we will use the case staffing process to determine which extension type will be approved. Case staffing is a process to bring together a team of multidisciplinary experts including relevant professionals and you to identify issues, review case history and information, and recommend solutions.

(b) This review will not happen until after you have received at least fifty-two months of assistance but before you reach your time limit.

(c) During the case staffing, we will tell you about the different extensions. If you are in sanction (see WAC 388-310-1600), we will explain the consequences of continued nonparticipation and tell you the steps you must take to end the sanction. We will explain that continued failure to participate will result in your getting a Child SafetyNet Payment with additional restrictions after the sixtieth month.

(d) After the case staffing and before you reach your time limit, the department will send you a notice that tells you whether your extension was approved, how to request a fair hearing if you disagree with the decision, and any changes to your IRP that were made as a result of the case staffing.

(4) Do my WorkFirst participation requirements change if I receive a TANF/SFA time limit extension?

Your participation requirements do not change. You must still meet all of the WorkFirst participation requirements listed in chapter 388-310 WAC while you receive a TANF/SFA time limit extension.

(5) Do my benefits change if I receive a TANF/SFA time limit extension?

(a) You are still a TANF/SFA recipient. If you are:

(i) Receiving a regular TANF/SFA time limit extension, your cash assistance, services, or supports will not change as long as you continue to meet all other TANF/SFA eligibility requirements.

(ii) Receiving a Child SafetyNet Payment, your benefits will be different and are described in WAC 388-310-1650.

(b) During the TANF/SFA time limit extension, you must continue to meet all other TANF/SFA eligibility requirements. If you no longer meet TANF/SFA eligibility criteria during your extension, your benefits will end.

(6) What happens if I stop participating in WorkFirst activities as required during a TANF/SFA time limit extension?

If you do not participate in the WorkFirst activities required in your individual responsibility plan, and you do not have a good reason under WAC 388-310-1600(4), the department will follow the sanction rules in WAC 388-310-1600, and will move you into Child SafetyNet Payment which will reduce your benefits (see WAC 388-310-1650).

(7) How long will a TANF/SFA time limit extension last?

(a) We will review your TANF/SFA time limit extension and your case periodically for changes in family circumstances:

(i) If you are extended under WAC 388-484-0006 (2)(a) then we will review your extension at least every twelve months;

(ii) If you are extended under WAC 388-484-0006 (2)(b) then we will review your extension at least every six months;

(iii) If you are extended under WAC 388-484-0006 (2)(c) then we will review your extension at least every twelve months.

(b) Your TANF/SFA time limit extension may be renewed for as long as you continue to meet the criteria to qualify.

(c) If during the extension period we get proof that your circumstances have changed, we may review your case and change the type of TANF/SFA time limit extension.

NEW SECTION

WAC 388-310-0350 WorkFirst—Other exemptions from mandatory participation. (1) When am I exempt from mandatory participation?

You are exempt from mandatory participation if you are:

(a) An older needy caretaker relative:

(i) You are fifty-five years of age or older and caring for a child and you are not the child's parent; and

(ii) Your age is verified by any reliable documentation (such as a birth certificate or a driver's license).

(b) An adult with a severe and chronic disability:

(i) The disability must be a severe and chronic mental, physical, emotional, or cognitive impairment that prevents you from participating in work activities and is expected to last at least twelve months; or

(ii) You have been assessed by a DSHS SSI facilitator as likely to be approved for SSI or other benefits and are applying for SSI or another type of federal disability benefit (such as Railroad Retirement or Social Security Disability); and

(iii) Your disability is verified by documentation from the division of developmental disabilities (DDD), division of vocational rehabilitation (DVR), home and community services division (HCS), division of mental health (MHD), and/or regional support network (RSN), or evidence from another medical or mental health professional; and

(iv) Your SSI application status may be verified through the SSI facilitator and/or state data exchange.

(c) Required in the home to care for a child with special needs when:

(i) The child has a special medical, developmental, mental, or behavioral condition; and

(ii) The child is determined by a public health nurse, physician, mental health provider, school professional, other medical professional, HCS, MHD, and/or a RSN to require specialized care or treatment that significantly interferes with your ability to look for work or work.

(d) Required to be in the home to care for another adult with disabilities when:

(i) The adult with disabilities cannot be left alone for significant periods of time; and

(ii) No adult other than yourself is available and able to provide the care; and

(iii) The adult with the disability is related to you; and

(iv) The disability is verified by documentation from DDD, DVR, HCS, MHD, and/or a RSN, or evidence from another medical or mental health professional.

(2) Who reviews and approves an exemption?

(a) If it appears that you may qualify for an exemption or you ask for an exemption, your case manager or social worker will review the information and we will use the case staffing process to determine whether the exemption will be approved. Case staffing is a process to bring together a team of multidisciplinary experts including relevant professionals and the client to identify participant issues, review case history and information, and recommend solutions.

(b) If additional medical or other documentation is needed to determine if you are exempt, your IRP will allow between thirty days and up to ninety if approved to gather the necessary documentation.

(c) Information needed to verify your exemption should meet the standards for verification described in WAC 388-490-0005. If you need help gathering information to verify your exemption, you can ask us for help. If you have been identified as needing NSA services, under chapter 388-472 WAC, your accommodation plan should include information on how we will assist you with getting the verification needed.

(d) After the case staffing, we will send you a notice that tells you whether your exemption was approved, how to request a fair hearing if you disagree with the decision, and any changes to your IRP that were made as a result of the case staffing.

(3) Can I participate in WorkFirst while I am exempt?

(a) You may choose to participate in WorkFirst while you are exempt.

(b) Your WorkFirst case manager may refer you to other service providers who may help you improve your skills and move into employment.

(c) If you decide later to stop participating, and you still qualify for an exemption, you will be put back into exempt status with no financial penalty.

(4) Does an exemption from participation affect my sixty-month time limit for receiving TANF/SFA benefits?

An exemption from participation does not affect your sixty-month time limit (described in WAC 388-484-0005) for receiving TANF/SFA benefits. Even if exempt from partici-

pation, each month you receive a TANF/SFA grant counts toward your sixty-month limit.

(5) How long will my exemption last?

Unless you are an older caretaker relative, your exemption will be reviewed at least every twelve months to make sure that you still meet the criteria for an exemption. Your exemption will continue as long as you continue to meet the criteria for an exemption.

(6) What happens when I am no longer exempt?

If you are no longer exempt, then:

(a) You will become a mandatory participant under WAC 388-310-0400; and

(b) If you have received sixty or more months of TANF/SFA, your case will be reviewed for an extension. (See WAC 388-484-0006 for a description of TANF/SFA time limit extensions.)

WSR 02-12-069

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed May 31, 2002, 4:05 p.m.]

Date of Adoption: May 29, 2002.

Purpose: WAC 388-290-0125, 388-290-0190, 388-290-0200, 388-290-0225, and 388-290-0245 are being revised to allow the department to pay child care subsidies to seasonal day camps that are accredited by the American Camping Association (ACA), when an eligible family chooses to have their children attend.

WAC 388-290-0015, 388-290-0020, 388-290-0035, 388-290-0040, 388-290-0045, 388-290-0050, 388-290-0055, 388-290-0095, 388-290-0105, 388-290-0120, 388-290-0125, 388-290-0130, 388-290-0135, 388-290-0190, 388-290-0200, 388-290-0205, 388-290-0225, 388-290-0230, 388-290-0240, 388-290-0245 and 388-290-0270 are being revised to clarify language and correct typographical errors.

Citation of Existing Rules Affected by this Order: Amending WAC 388-290-0015, 388-290-0020, 388-290-0035, 388-290-0040, 388-290-0045, 388-290-0050, 388-290-0055, 388-290-0095, 388-290-0105, 388-290-0120, 388-290-0125, 388-290-0130, 388-290-0135, 388-290-0190, 388-290-0200, 388-290-0205, 388-290-0225, 388-290-0230, 388-290-0240, 388-290-0245, and 388-290-0270.

Statutory Authority for Adoption: RCW 74.04.050, 74.13.085.

Adopted under notice filed as WSR 02-08-060 on April 1, 2002.

Changes Other than Editing from Proposed to Adopted Version: In WAC 388-290-0015 (1)(h): The words "or training" were added to the end of the sentence in subsection (1)(h); this had inadvertently been left off the sentence in the proposed version.

In WAC 388-290-0055(2): "The WCCC program" was deleted and replaced with "We."

In WAC 388-290-0055 (2) and (3): The words "for the child's attendance in child care" were added after "WCCC payments."

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 21, 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 21, Repealed 0.

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

May 29, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

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 02-13 issue of the Register.

WSR 02-12-070
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed May 31, 2002, 4:08 p.m.]

Date of Adoption: May 31, 2002.

Purpose: To discourage clients from seeking treatment for nonemergency medical conditions at hospital emergency rooms when less costly alternatives, e.g., a visit to a doctor's office or medical clinic, are available.

Citation of Existing Rules Affected by this Order: Amending WAC 388-502-0160 Billing a client.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.055, ESSB 6153 - Washington State Omnibus Operating Budget 2001-2003 (chapter 7, Part II, Laws of 2001).

Adopted under notice filed as WSR 02-09-079 on April 17, 2002.

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

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

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

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

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

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

May 31, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-21-023, filed 10/8/01, effective 11/8/01)

WAC 388-502-0160 Billing a client. (1) A provider may not bill, demand, collect, or accept payment from a client or anyone on the client's behalf for a covered service. The client is not responsible to pay for a covered service even if MAA does not pay the provider because the provider failed to satisfy the conditions of payment in MAA billing instructions, this chapter, and other chapters regulating the specific type of service provided.

(2) The provider is responsible for verifying whether the client has medical coverage for the date of service and to check the limitations of the client's medical program.

(3) A provider may bill a client only if one of the following situations apply:

(a) The client is enrolled in medical assistance managed care and the client and provider comply with the requirements in WAC 388-538-095;

(b) The client is not enrolled in medical assistance managed care, and the client and provider sign an agreement regarding payment for the service. The agreement must be translated or interpreted into the client's primary language and signed before the service is rendered. The provider must give the client a copy and maintain the original in the client's file for department review upon request. The agreement must include each of the following elements to be valid:

(i) A statement listing the specific service to be provided;

(ii) A statement that the service is not covered by MAA;

(iii) A statement that the client chooses to receive and pay for the specific service; and

(iv) The client is not obligated to pay for the service if it is later found that the service was covered by MAA at the time it was provided, even if MAA did not pay the provider for the service because the provider did not satisfy MAA's billing requirements.

(c) The client or the client's legal guardian was reimbursed for the service directly by a third party (see WAC 388-501-0200);

(d) The client refuses to complete and sign insurance forms, billing documents, or other forms necessary for the provider to bill insurance for the service. This provision does not apply to coverage provided by MAA;

(e) The provider has documentation that the client represented himself/herself as a private pay client and not receiving medical assistance when the client was already eligible for and receiving benefits under a MAA medical program. This documentation must be signed and dated by the client or the client's representative. The provider must give a copy to the client and maintain the original documentation in the cli-

ent's file for department review upon request. In this case, the provider may bill the client without fulfilling the requirements in subsection (3)(b) of this section regarding the agreement to pay. However, if the patient later becomes eligible for MAA coverage of a provided service, the provider must comply with subsection (4) of this section for that service; ((e))

(f) The bill counts toward a spenddown liability, emergency medical expense requirement, deductible, or copayment required by MAA; or

(g) The client received medical services in a hospital emergency room for a condition that was not an emergency medical condition. In such cases, a three-dollar copayment may be imposed on the client by the hospital, except when:

(i) Reasonable alternative access to care was not available;

(ii) The "indigent person" criteria in WAC 246-453-040(1) applies;

(iii) The client was eighteen years of age or younger;

(iv) The client was pregnant or within sixty days post-pregnancy;

(v) The client is an American Indian or Alaska Native;

(vi) The client was enrolled in a MAA managed care plan, including primary care case management (PCCM);

(vii) The client was in an institution such as a nursing facility or residing in an alternative living facility such as an adult family home, assisted living facility, or boarding home; or

(viii) The client receives waived services such as community options program entry system (COPEs) and community alternatives program (CAP).

(4) If a client becomes eligible for a covered service that has already been provided because the client:

(a) Applied to the department for medical services later in the same month the service was provided (and is made eligible from the first day of the month), the provider must:

(i) Not bill, demand, collect, or accept payment from the client or anyone on the client's behalf for the service; and

(ii) Promptly refund the total payment received from the client or anyone on the client's behalf, and then bill MAA for the service;

(b) Receives a delayed certification as defined in WAC 388-500-0005, the provider must:

(i) Not bill, demand, collect, or accept payment from the client or anyone on the client's behalf for the service; and

(ii) Promptly refund the total payment received from the client or anyone on the client's behalf, and then bill MAA for the service; or

(c) Receives a retroactive certification as defined in WAC 388-500-0005, the provider:

(i) Must not bill, demand, collect, or accept payment from the client or anyone on the client's behalf for any unpaid charges for the service; and

(ii) May refund any payment received from the client or anyone on the client's behalf, and after refunding the payment, the provider may bill MAA for the service.

(5) Hospitals may not bill, demand, collect, or accept payment from a medically indigent, GA-U, or ADATSA client, or anyone on the client's behalf, for inpatient or outpatient hospital services during a period of eligibility, except for

spenddown and under the circumstance described in subsection (3)(g) of this section.

(6) A provider may not bill, demand, collect, or accept payment from a client, anyone on the client's behalf, or MAA for copying or otherwise transferring health care information, as that term is defined in chapter 70.02 RCW, to another health care provider. This includes, but is not limited to:

(a) Medical charts;

(b) Radiological or imaging films; and

(c) Laboratory or other diagnostic test results.

WSR 02-12-072

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 02-04—Filed June 3, 2002, 11:32 a.m.]

Date of Adoption: June 1, 2002.

Purpose: Upgrade emission testing procedures for diesel cars and light trucks. Clarify that all emission tests are valid for at least twelve months. Require automotive repair businesses to be able to check the on-board diagnostic system of 1996 and newer vehicles if they wish to be on the list of shops given to owners of failed vehicles. Remove obsolete language.

Citation of Existing Rules Affected by this Order: Amending WAC 173-422-020, 173-422-030, 173-422-031, 173-422-060, 173-422-065, 173-422-070, 173-422-075, 173-422-190, and 173-422-195.

Statutory Authority for Adoption: RCW 70.120.120.

Adopted under notice filed as WSR 02-09-066 on April 15, 2002.

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 9, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 9, 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.

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

June 1, 2002

Linda Hoffman

Deputy Director

for Tom Fitzsimmons

Director

AMENDATORY SECTION (Amending Order 93-35, filed 2/28/95, effective 3/31/95)

WAC 173-422-020 Definitions. Unless a different meaning is clearly indicated by context, the following definitions will apply:

(1) "Appropriate repair" means the diagnosis of the cause(s) of an emission test failure and/or the repair of one or more of these causes. An appropriate repair should reduce at least one emission test reading or diagnose and/or repair an emission problem identified by the on-board diagnostic (OBD) system.

(2) "Certificate of acceptance" means an official form, issued by someone authorized by the department, which certifies that the following conditions have been met:

- (a) The vehicle failed an emission inspection; and
- (b) The vehicle failed a reinspection; and
- (c) ~~((The vehicle has been in use for more than five years or fifty thousand miles; and~~

~~((d)))~~ All primary emission control components installed by the vehicle manufacturer, or its appropriate replacement, are installed and operative; and

~~((e)))~~ (d) The recipient has provided original receipts listing and providing the cost of each appropriate repair performed by an authorized emission specialist between the initial and last inspection; and

~~((f)))~~ (e) The total cost of the appropriate repairs must equal or exceed:

Pre-1981 vehicles	\$100
1981 and newer	\$150

~~((If needed to prevent federal sanctions, the minimum total cost of appropriate repairs required to obtain a certificate of acceptance may be increased to four hundred fifty dollars.~~

~~Before increasing the repair cost requirement ecology shall evaluate ways to alleviate the economic hardships resulting from vehicle repair costs incurred by vehicle owners in an effort to comply with this regulation.))~~

(3) "Certificate of compliance" means an official form, issued by someone authorized by the department, which certifies that the recipient's vehicle on inspection complied with applicable emission inspection standards.

(4) "Authorized emission specialist" means an individual who has been issued a certificate of instruction by the department as authorized in RCW 70.120.020 (2)(a) and has maintained the certification by meeting requirements of WAC 173-422-190(2).

(5) "Dealer" means a motor vehicle dealer, as defined in chapter 46.70 RCW as amended, that is licensed pursuant to chapter 46.70 RCW.

(6) "Department" means the department of ecology.

(7) "Emission contributing area" means a land area within whose boundaries are registered motor vehicles that contribute significantly to the violation of motor vehicle related air quality standards in a noncompliance area.

(8) "Fleet" means a group of fifteen or more motor vehicles owned or leased concurrently by one owner assigned a fleet identifier code by the department of licensing.

(9) "Gross vehicle weight rating (GVWR)" means the manufacturer stated gross vehicle weight rating.

(10) "Motor vehicle" means any self-propelled vehicle required to be licensed pursuant to chapter 46.16 RCW.

(11) "Noncompliance area" means a land area within whose boundaries any air quality standard for any air contaminant from the emissions of motor vehicles will probably be exceeded.

(12) "PPM" means parts per million by volume.

(13) "Primary emission control components" means the components of the vehicle installed by the manufacturer for the purpose of reducing emissions or its replacement or modification which is acceptable to the United States Environmental Protection Agency. These components are ~~((the fuel inlet restrictor)), but are not limited to,~~ the catalytic converter or thermal reactor, the air injection system components, the thermostatic air cleaner, the exhaust gas recirculation system components, the evaporative emission system components including the gas cap, the positive crankcase ventilation system components and the electronic control unit components that control the air/fuel mixture and/or ignition timing including all related sensors.

The primary emission control components of a vehicle with a different engine than the engine originally installed shall be an Environmental Protection Agency certified engine/emission control combination for that vehicle or its newer model.

AMENDATORY SECTION (Amending Order 95-11, filed 10/9/96, effective 11/9/96)

WAC 173-422-030 Vehicle emission inspection requirement.

All motor vehicles, not specifically exempted by WAC 173-422-170, which are registered or reregistered within the boundaries of an emission contributing area, as specified in WAC 173-422-050, are subject to the vehicle emission inspection requirements of this chapter. In addition, the department may require an emission inspection of a motor vehicle, except military tactical vehicles, operated for more than sixty days a year on a federal installation located within an emission contributing area, or a vehicle garaged at a location within an emission contributing area, or a vehicle which has previously passed an emission inspection but has been identified using on road testing as likely to no longer comply with the inspection standards. Neither the department of licensing ~~((nor its agents)), county auditors nor subagents appointed under RCW 46.01.140~~ may change the registered owner or may issue or renew a motor vehicle license for any vehicle registered in an emission contributing area, as that area is established under RCW 70.120.150, unless the application for issuance or renewal is: (1) Accompanied by a valid certificate of compliance issued pursuant to RCW 70.120.080 or 70.120.170 or a valid certificate of acceptance issued pursuant to RCW 70.120.070; or (2) exempted from this requirement pursuant to RCW 46.16.015(2). ~~((The certificates must have a date of validation which is within six months of the date of application for the vehicle license, license renewal or registered owner change. However, (a) an emission inspection used to change the registered owner may also be used to renew the current license; (b) an emission inspection used to~~

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obtain the current license may also be used to change the registered owner.) Certificates ((for fleet or owner tested vehicles may)) must have a date of validation which is within twelve months of the assigned license renewal date.

AMENDATORY SECTION (Amending Order 00-15, filed 11/1/00, effective 12/2/00)

WAC 173-422-031 Vehicle emission inspection schedules. (1) Vehicles defined in RCW 46.16.015(2) or WAC 173-422-170 are exempt from emission inspections. Vehicles five through twenty-five years old, other than state and local government vehicles, shall be inspected every other year as described in the table below. This inspection schedule does not apply to vehicles that have already been ((inspected during the current licensing period due to a change of ownership)) issued a certificate of compliance or a certificate of acceptance within twelve months of the assigned license renewal date.

<u>Year</u>	<u>Model Year of Vehicles Needing Inspection</u>
((2000	1976, 1978, 1980, 1982, 1984, 1986, 1988, 1990, 1992, 1994
2001	1977, 1979, 1981, 1983, 1985, 1987, 1989, 1991, 1993, 1995, 1996))
2002	1978, 1980, 1982, 1984, 1986, 1988, 1990, 1992, 1994, 1997
2003	1979, 1981, 1983, 1985, 1987, 1989, 1991, 1993, 1995, 1996, 1998
2004	1980, 1982, 1984, 1986, 1988, 1990, 1992, 1994, 1997, 1999
2005	1981, 1983, 1985, 1987, 1989, 1991, 1993, 1995, 1996, 1998, 2000
2006	1982, 1984, 1986, 1988, 1990, 1992, 1994, 1997, 1999, 2001
2007	1983, 1985, 1987, 1989, 1991, 1993, 1995, 1996, 1998, 2000, 2002
2008	1984, 1986, 1988, 1990, 1992, 1994, 1997, 1999, 2001, 2003
2009	1985, 1987, 1989, 1991, 1993, 1995, 1996, 1998, 2000, 2002, 2004
2010	1986, 1988, 1990, 1992, 1994, 1997, 1999, 2001, 2003, 2005
<u>2011</u>	<u>1987, 1989, 1991, 1993, 1995, 1996, 1998, 2000, 2002, 2004, 2006</u>
<u>2012</u>	<u>1988, 1990, 1992, 1994, 1997, 1999, 2001, 2003, 2005, 2007</u>

(2) State and local government vehicles five through twenty-five years old shall be inspected yearly as described in the table below.

<u>Year</u>	<u>Model Year of Vehicles Needing Inspection</u>
((2000	1975 through 1995
2001	1976 through 1996))

2002	1977 through 1997
2003	1978 through 1998
2004	1979 through 1999
2005	1980 through 2000
2006	1981 through 2001
2007	1982 through 2002
2008	1983 through 2003
2009	1984 through 2004
2010	1985 through 2005
<u>2011</u>	<u>1986 through 2006</u>
<u>2012</u>	<u>1987 through 2007</u>

AMENDATORY SECTION (Amending Order 95-11, filed 10/9/96, effective 11/9/96)

WAC 173-422-060 Gasoline vehicle emission standards. Gasoline motor vehicles subject to this chapter shall:

(1) When tested using the exhaust emission testing procedures described in (II) Two Speed Idle Test ((~~or (III) Loaded Test~~)) of Appendix B Test Procedures of Subpart S-Inspection/Maintenance Program Requirements of Part 51 of Chapter 1, Title 40 of the Code of Federal Regulations adopted November 1, 1992, meet the applicable exhaust emission standards from the following table during both the idle and higher speed mode ((~~prior to receiving a certificate of compliance~~)).

Two Speed Idle Test Exhaust Emission Standards

<u>Model Year</u>	<u>CO(%)*</u>	<u>HC (ppm)*</u>
<u>80 and earlier</u>	<u>3.0</u>	<u>600</u>
<u>81 and newer (0-8500 GVWR)</u>	<u>1.2</u>	<u>220</u>
<u>81 and newer (Greater than 8500 GVWR)</u>	<u>3.0</u>	<u>400</u>

* Carbon monoxide (CO) and hydrocarbons (HC), measured as a percentage (%) or parts per million (ppm) of the exhaust volume.

(2) When tested using the acceleration simulation mode (ASM) procedure specified in WAC 173-422-070 meet the following standards during that mode and the applicable standard from WAC 173-422-060(1) during the idle mode ((~~to receive a certificate of compliance. ASM testing will not start in a region until ecology has considered all comments on the need for ASM testing obtained at a public hearing held in that region.~~

Compliance with the NOx standards will not be required of vehicles tested in a region until the following conditions are met:

(a) ~~Ecology has determined that a reduction of NOx emissions in that region will assist in attaining or maintaining the national air quality standard for ozone.~~

(b) ~~Ecology has considered all comments received at a public hearing held in that region.~~

(c) ~~For at least twenty-four months prior, the vehicle emission test reports have included the NOx reading).~~

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ASM Mode Exhaust Emission Standards

Model Year Test Weight (lbs.)	CO(%)*	HC(ppm)	((NOx(ppm)*))
((1968-1974 cars and trucks (0-8500 lbs. GVWR)			
1750	7.3	690	None
1875	6.8	650	
2000	6.5	620	
2125	6.1	580	
2250	5.8	550	
2375	5.5	520	
2500	5.2	500	
2625	5.0	470	
2750	4.7	450	
2875	4.5	430	
3000	4.3	410	
3125	4.2	400	
3250	4.0	400	
3375	3.9	400	
3500	3.7	400	
3635	3.6	400	
cars 3750 & greater	3.5	400	
trucks 3750 & greater	4.0	500))	
((1975-))1980 and earlier model year cars and trucks (0-8500 lbs. GVWR)			
1750	4.2	400	((None))
1875	4.0	380	
2000	3.8	350	
2125	3.6	340	
2250	3.4	320	
2375	3.2	300	
2500	3.0	290	
2625	2.9	270	
2750	2.8	260	
2875	2.7	250	
3000	2.6	240	
3125	2.5	230	
3250	2.4	220	
3375	2.3	220	
3500	2.2	210	
3625	2.1	200	
cars 3750 & greater	2.1	200	
trucks 3750 & greater	2.5	300	
1981 & ((newer)) later model year cars and trucks (0-8500 lbs. GVWR)			
1750	1.8	250	((1500
1875	1.7	240	1500

Model Year Test Weight (lbs.)	CO(%)*	HC(ppm)	((NOx(ppm)*))
2000	1.6	220	1500
2125	1.5	210	1500
2250	1.5	200	1500
2375	1.4	190	1500
2500	1.3	180	1500
2625	1.3	180	1500
2750	1.2	170	1500
2875	1.2	160	1500
3000	1.1	160	1500
3125	1.1	150	1500
3250	1.0	150	1500
3375	1.0	150	1500
3500	1.0	150	1500
3625	1.0	150	1500
cars 3750 & greater	1.0	150	1500
trucks 3750 & greater	1.5	200	2000))

* ((The concentration of the gases,)) Carbon monoxide (CO) and hydrocarbons (HC), ((oxides of nitrogen (NOx))) measured as ((either)) a percentage (%) or parts per million (ppm) of the exhaust volume.

(3) ((If a 1971 or newer model year vehicle,)) The gasoline filler cap must not leak more than 60 cubic centimeters per minute at a pressure of 30 inches of water. ((Gas cap checking will not start in a region until ecology has considered all comments on the need for gas cap checking obtained at a public hearing held in that region.))

(4) Standardized on-board diagnostic (OBD) systems (also known as OBDII) were required by Environmental Protection Agency starting with 1996 model gasoline vehicle cars and light trucks. If a 1996 or newer model vehicle is equipped with an Environmental Protection Agency certified on-board diagnostic (OBD) system, the information stored in the on-board computer must indicate that all emission-related functional checks have been completed except for 1996 to 2000 model year vehicles that can have up to two readiness monitors not set to ready, or 2001 or newer model year vehicles that have one readiness monitor not set to ready, and no malfunctions detected that would command the malfunction indicator light to be illuminated.

((Exhaust Emission Standards

Model Year	CO(%)*	HC (ppm)*
68-74	6.0	900
75-80	3.0	600
81-99 (0-8500 GVWR)	1.2	220
81-99 (Greater than 8500 GVWR)	3.0	400

* The concentration of the gases, carbon monoxide (CO) and hydrocarbons (HC), measured as either a percentage (%) or parts per million (ppm) of the exhaust volume.)

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AMENDATORY SECTION (Amending Order 93-35, filed 2/28/95, effective 3/31/95)

WAC 173-422-065 Diesel vehicle exhaust emission standards. (1) Diesel motor vehicles subject to this chapter shall meet the following opacity standards when using the snap-acceleration test procedures specified in WAC 173-422-075.

Model Year	Opacity (%)
((1968—1973	70))
((1974—)) 1991 <u>and earlier</u>	((60)) <u>55</u>
1992 and later	40

(2) When using the Acceleration Simulation Mode (ASM) test procedures specified in WAC 173-422-070 adapted for the testing of diesel cars or light trucks (0-8500 pounds gross vehicle weight rating), these vehicles shall meet a 20% opacity standard.

AMENDATORY SECTION (Amending Order 95-11, filed 10/9/96, effective 11/9/96)

WAC 173-422-070 Gasoline vehicle exhaust emission testing procedures. All persons certified by, or under contract to, the department to conduct motor vehicle emission inspections shall use the exhaust emission testing procedures described in (II) Two Speed Idle Test ~~((or (III) Loaded Test))~~ of Appendix B-Test Procedures of Subpart S-Inspection/Maintenance Program Requirements of Part 51 of chapter 1, Title 40 of the Code of Federal Regulations adopted November 1, 1992, except that the department may require that the following Acceleration Simulation Mode (ASM) test procedure replace the ~~((eruse))~~ 2500 rpm mode of the ~~((loaded))~~ Two Speed Idle Test. Equivalent procedures may be approved by the department.

Variations to the procedures specified may be established by the department for all or certain vehicles. Vehicles, not repaired as required by an emission recall for which owner notification was attempted after January 1, 1995, shall not be inspected until compliance with the recall is established.

Acceleration Simulation Mode (ASM)

1. Dynamometer Load: Set dynamometer horsepower load equal to [Vehicle Weight (lbs.)+ 300]/300. An Environmental Protection Agency specified loading may also be used.
2. Vehicle Gear Selection: Vehicles with automatic transmissions use Drive (not Overdrive), vehicles with manual transmissions use second gear ~~((unless))~~, Shift to the next higher gear if the engine speed exceeds 2500 revolutions per minute ~~((measured by the vehicle's tachometer or by an evaluation of the vehicle's sound) then use third gear))~~.
3. Vehicle Speed: Set vehicle speed at 25 miles per hour (mph) $1.5 \pm$ mph.

4. Pass or Fail Determinations: Once the vehicle has been operating at 25 mph for 15 seconds, begin measuring exhaust HC, CO, and CO₂, ~~((and NO_x))~~ each second. The reading for pass or fail determinations is the running average of five measurements. When a final pass or fail determination is made, this mode will be stopped and the final readings recorded.
5. Fast Pass ~~((HC, CO))~~: ~~((When NO_x is not measured, the vehicle will pass after 15 or more seconds of measurements if: Both))~~ Once HC and CO readings are ~~((passing, and three successive one second measurements are))~~ equal to or less than the HC and CO standards and are within 20 ppm HC and 0.20% CO of each other.
6. ~~((Fast Pass (HC, CO, NO_x): When NO_x is measured, the vehicle will pass after 45 or more seconds of measurements if the HC, CO and NO_x readings are equal to or less than the standards.~~
- 7.) Fast Fail: The vehicle will fail after 15 or more seconds of measurements when ~~((=))~~ the HC reading exceeds 1800 ppm, or the CO reading exceeds 9.0 percent.
- ~~((8.))~~ Full Term Pass/Fail: The vehicle will pass or fail the ASM mode after 90 seconds of measurements unless emission readings are declining at a rate that indicates that a failing vehicle will pass within the next 30 seconds. Then the failing vehicle will receive up to an additional 30 seconds of measurements ~~((will be taken))~~ before the ~~((vehicle fails))~~ final pass/fail determination is made.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 93-10, filed 2/8/94, effective 3/11/94)

WAC 173-422-075 Diesel vehicle inspection procedure. Diesel vehicles shall be tested using the following snap-acceleration test procedure ~~((=~~

~~((1) With the transmission in neutral, move the accelerator pedal from normal idle as rapidly as possible to the full power position, and hold in this position until the speed governor limits the engine speed or the engine might exceed the maximum speed allowed by the vehicle manufacturer.~~

~~((2) Fully release the accelerator pedal so the engine decelerates to normal idle.~~

~~((3) Measure the smoke opacity with an opacity meter which meets the requirements specified in WAC 173-422-095 continuously during the test.~~

~~((4) Record the peak opacity reading.~~

~~((5) Repeat the previous steps up to ten times if necessary to obtain a peak opacity reading and two peak readings immediately following it that are equal to or less than the standard established in WAC 173-422-065))~~ unless the department requires the Acceleration Simulation Mode

(ASM) test procedure specified in WAC 173-422-070 adapted for the testing of diesel cars or light trucks (0-8500 pounds gross vehicle weight rating) be used in lieu of the snap-acceleration test procedure.

Prior to beginning the test verify the engine is within its normal operating temperature range, all vehicle accessories including air conditioning are off, the parking brake and an engine brake or retarder is off, the transmission is in neutral (and clutch released if manual transmission).

(1) The vehicle shall receive at least three preliminary snap-acceleration test cycles until consistent engine operation is achieved. The snap-acceleration test cycle consists of moving the accelerator pedal from normal idle as rapidly as possible to the full power position, then fully releasing the throttle so the engine returns to idle.

(2) Then perform additional snap-acceleration test cycles while measuring the smoke opacity with an opacity meter which meets the requirements specified in WAC 173-422-095. The engine must be allowed to remain at idle for at least ten seconds between snap-acceleration test cycles. If a subsequent snap-acceleration cycle is not begun within 45 seconds, the entire sequence of snap-acceleration test cycles must be restarted. The three preliminary snap-acceleration test cycles described in (1) need not be repeated.

(3) Record peak opacity readings from each snap-acceleration test cycle up to nine times if necessary to obtain a peak opacity reading and two consecutive peak readings that are equal to or less than the standard established in WAC 173-422-065.

If a peak opacity reading and two consecutive peak readings that are equal to or less than the standard established in WAC 173-422-065 are not obtained, the vehicle fails the test.

(4) Steps 2 and 3 are repeated for any additional exhaust pipes.

AMENDATORY SECTION (Amending Order 95-11, filed 10/9/96, effective 11/9/96)

WAC 173-422-190 Emission specialist authorization.

(1) To become an authorized emission specialist an individual shall:

(a) Pass a course of study, approved by the department; and

(b) Agree in writing to meet the requirements of subsection (2) of this section and all requirements of law or regulation regarding the serving of motor vehicle emission control systems or the motor vehicle emission inspection program.

(2) To maintain certification, an authorized emission specialist shall:

(a) Successfully complete a department-approved course on emission repair within ninety days of being required to do so by the department unless an extension has been granted in writing by the department; and

(b) Sign, including the specialist identification number, all receipts and other forms required by the department for emission repairs or adjustments performed. These receipts must be prenumbered, preprinted with the business's name and address and clearly itemize all appropriate repairs performed by the specialist; and

(c) Record on all receipts:

(i) The vehicle's emission readings after appropriate repairs or the diagnosis and/or repair of problem(s) identified by the on-board diagnostic (OBD) during an emission inspection; and

(ii) A vehicle description including the license number and vehicle identification number (VIN); and

(iii) Any missing or inoperative primary emission control components; and

(iv) Any further recommended appropriate repairs; and

(d) Not tamper with emission control systems, including adjusting an engine outside of the manufacturer's specifications (chapter 173-421 WAC); and

(e) Not obtain or attempt to obtain a certificate of compliance, a certificate of acceptance (repair waiver) or an exemption from the inspection requirements by providing false information or by any fraudulent means (chapter 173-422 WAC); and

(f) Not aid or abet any individual in committing a violation of chapter 173-421 or 173-422 WAC.

(3) The certification of an authorized emission specialist may be revoked for a first violation of chapter 173-421 WAC or WAC 173-422-145, for a period of no more than one year, and may be permanently revoked for a second violation of chapter 173-421 or 173-422 WAC.

The certification of an authorized emission specialist may be temporarily revoked for violation of subsection (2) of this section and may be permanently revoked for continued willful violation of subsection (2) of this section.

An authorized emission specialist whose certification is revoked permanently or temporarily may appeal to the pollution control hearings board as provided for in RCW 43.21B.310.

(4) An authorized emission specialist whose certification has been temporarily revoked may reapply for certification twelve months after the date of revocation by applying to the department and meeting all requirements of subsection (1) of this section. An application for certification by a permanently revoked authorized emission specialist will be denied.

AMENDATORY SECTION (Amending Order 93-35, filed 2/28/95, effective 3/31/95)

WAC 173-422-195 Listing of authorized emission specialists. (1) A list of authorized emission specialists will be available to the public. Specialists will be listed under one employer's business name when the business is approved for listing. The list will be updated by the department at least once every six months.

(2) The employer's business name and address will be listed by the department, when the employer agrees in writing to:

(a) Require the use of a properly maintained and correctly calibrated exhaust analyzer and a scan tool capable of communicating with the on-board diagnostic (OBD) systems installed on all U.S. Environmental Protection Agency certified 1996 model year and newer gasoline vehicles to diagnosis emission test failures and as a final check for emission repairs or adjustments;

(b) Have all emission repairs or adjustments performed by an authorized emission specialist;

(c) Require the authorized emission specialist to sign the customer's receipt for emission repairs or adjustments, and to record the vehicle's emission readings or which problem(s) identified by the on-board diagnostic (OBD) system during an emission inspection that have been diagnosed and/or repaired on the receipt after the work is completed;

(d) Require that all employees not aid or abet any person to tamper with emission control systems, including adjusting a vehicle outside of the manufacturer's specifications (chapter 173-421 WAC); and

(e) Require that all employees not aid or abet any person to obtain a fraudulent certificate of compliance, certificate of acceptance or an exemption from the inspection requirement (repair waiver) (chapter 173-422 WAC).

(f) Notify the department when an authorized emission specialist begins or ends employment.

(3) An employer may be removed from the authorized emission specialist list for a first violation of chapter 173-421 or 173-422 WAC for a period of no more than one year and may be permanently removed after a second violation of chapter 173-421 or 173-422 WAC.

An employer may be temporarily removed from the authorized emission specialist list when failing to comply with the requirements of subsection (2) of this section and may be permanently revoked for continued and willful violation of subsection (2) of this section.

(4) An employer who has been temporarily removed from the authorized emission specialist list may reapply for listing twelve months after the date of removal from the listing by applying to the department and meeting all requirements of subsection (2) of this section. An application for listing from an employer permanently removed from the authorized emission specialist list will be denied.

(5) An employer who is removed from an authorized emission specialist list or denied listing in an authorized emission specialist list may appeal to the pollution control hearings board as provided for in RCW 43.21B.310.

(6) (a) An employer approved for listing may display the "state authorized emission specialist" sign available from the department. Any employer advertising or providing of information to the public based on the department's certification of an authorized emission specialist must be discontinued immediately when the employer no longer meets the requirements.

(b) An employer violating (a) of this subsection shall be subject to a civil penalty not to exceed two hundred fifty dollars for each violation.

(c) A civil penalty imposed by the department may be appealed to the pollution control hearings board as provided for in RCW 43.21B.310.

Purpose: WAC 415-04-017 is being amended to provide more information to the public. WAC 415-08-015 is being amended to correct a statutory reference and to make the title more clear. WAC 415-08-420 is being amended to correct a typographical error. WAC 415-108-040 is being repealed because it duplicates the essence of RCW 41.40.068 and is also covered by the appeals chapter, chapter 415-08 WAC. WAC 415-111-450 and 415-501-495 are being amended to eliminate court order requirements prohibited by a court rule, GR 22 (GR 22 can be found online at <http://www.courts.wa.gov/rules>, under Rules of General Application).

Citation of Existing Rules Affected by this Order: Repealing WAC 415-108-040; and amending WAC 415-04-017, 415-08-015, 415-08-420, 415-111-450, and 415-501-495.

Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority: RCW 41.50.060, 41.50.770, 41.50-780, chapter 42, Laws of 2001.

Adopted under notice filed as WSR 02-09-055 on April 15, 2002.

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 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 3, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 1.

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.

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

May 31, 2002

John Charles

Director

AMENDATORY SECTION (Amending WSR 01-18-018, filed 8/24/01, effective 9/24/01)

WAC 415-04-017 What is not covered by this chapter? You may not use the petition process to request review of administrative decisions that address the following matters, including, but not limited to:

(1) Overpayments if the procedures in RCW 41.50.135 or 41.50.138 apply.

(2) Deferred compensation plan payments because of an unforeseeable emergency (see WAC 415-08-015).

(3) Law enforcement officers' and fire fighters' (LEOFF) Plan 1 appeals of disability board decisions that the LEOFF administrator reviews. For more information about LEOFF Plan 1 disability board appeals, please refer to RCW 41.26.140 (reexaminations of disability beneficiaries), RCW 41.26.200 (right to appeal); WAC 415-104-035 (jurisdiction), WAC 415-104-045 (who can appeal, and deadline),

WSR 02-12-084
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed June 4, 2002, 2:14 p.m.]

Date of Adoption: May 31, 2002.

WAC 415-104-050 (how DRS will handle the appeal), and WAC 415-104-060 (records reviewed on appeals).

AMENDATORY SECTION (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

~~WAC 415-08-015 ((Appeal of denial for pay out of accumulated deferred compensation deferrals.))~~ Appealing a denied request for an in-service deferred compensation withdrawal. WAC ((415-524-010)) 415-501-510 and Section 457 of the Internal Revenue Code authorize ((pay outs)) distributions from the deferred compensation plan due to an unforeseeable emergency. If your application for a pay out is denied, you are entitled to have that decision reviewed.

(1) **Filing deadline.** You must apply for review in writing within sixty days of the date you receive the denial.

(2) **Contents of review application.** Your application must contain the items listed in WAC 415-08-023.

(3) **Type of proceeding.** Within twenty days of receipt of your application, the department will notify you in writing that it will conduct either:

(a) A brief adjudicative proceeding under RCW 34.05.482 through 34.05.494; or

(b) A full adjudicative proceeding under this chapter.

(4) **Brief adjudicative proceeding.**

(a) The director's designee will serve as presiding officer. The presiding officer will:

(i) Review the agency's view of the matter, as expressed in the documentation denying your request for a withdrawal;

(ii) Review the materials you have previously submitted, as well as any additional material you wish to submit;

(iii) Give each party an opportunity to be informed of the other's view of the matter;

(iv) Make a decision on the request; and

(v) Within ten days, give the parties a brief written statement of the reasons for the decision and information about any internal review available.

(b) If the presiding officer makes an unfavorable determination in your case, you may request an administrative review provided you do so within twenty-one days after you are served with the presiding officer's written determination. If you seek administrative review, the reviewing officer will be a different person than the presiding officer.

(c) If you do not seek administrative review, you may seek judicial review within thirty days after you are served with the written determination (see RCW 34.05.542).

(5) **Full adjudicative proceeding.** If the department conducts a full adjudicative proceeding, that proceeding will be governed by the Administrative Procedure Act((;)) (chapter 34.05 RCW), and rules adopted thereunder; and chapters 10-08 and 415-08 WAC. The department will be represented in the proceeding by an assistant attorney general.

AMENDATORY SECTION (Amending WSR 96-11-036, filed 5/7/96, effective 6/7/96)

WAC 415-08-420 Presentation of evidence—Burden of proof. (1) The presiding officer shall determine the proper order of presentation of evidence.

(2) The person appealing or requesting a hearing((s)) shall have the burden of proof in the matter.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 415-108-040 Appeals—Disability cases.

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-111-450 How does a court-ordered division of property affect my Plan 3 account? (1) The department will honor orders that provide for a property division of your retirement benefit only if the order:

(a) Is entered by a court of competent jurisdiction;

(b) Is filed with the department within ninety days of the order's entry by the court;

(c) Establishes the right of a separated or former spouse to a portion of your retirement benefit;

(d) Provides the name((; address;)) and date of birth((; and Social Security number)) of the separated or former spouse; and

(e) Incorporates the following statutory language in RCW 41.50.670(2) in which the first paragraph pertains to your defined benefit account and the second paragraph pertains to your defined contribution account (emphasis added):

If (the obligor) receives **periodic retirement payments** as defined in RCW 41.50.500, the department of retirement systems shall pay to (the obligee) dollars from such payments or percent of such payments. If the obligor's debt is expressed as a percentage of his or her periodic retirement payment and the obligee does not have a survivorship interest in the obligor's benefit, the amount received by the obligee shall be the percentage of the periodic retirement payment that the obligor would have received had he or she selected a standard allowance.

If (the obligor) requests or has requested a **withdrawal of accumulated contributions** as defined in RCW 41.50.500, or becomes eligible for a lump sum death benefit, the department of retirement systems shall pay to (the obligee) dollars plus interest at the rate paid by the department of retirement systems on member contributions. Such interest to accrue from the date of this order's entry with the court of record.

(2) You must provide the address and Social Security number of both you and your separated or former spouse to the department before the department will honor a domestic relations order (DRO). This information can be submitted in a cover letter, in another document, or by other means arranged with the department.

(3) **Periodic retirement payments under RCW 41.50.670(2) (paragraph 1).** If the property division order requires the department to pay a portion of your "periodic retirement payments" to your separated or former spouse, the department will pay the required portion (((if any))) out of your periodic defined benefit payments.

PERMANENT

(a) If you die before periodic retirement payments begin, the department's obligation to pay a portion of your periodic payments to your separated or former spouse ceases.

(b) If your separated or former spouse dies before your periodic retirement payments begin, the department will pay you the full amount of your periodic retirement allowance.

~~((3))~~ **(4) Distribution (withdrawal) of accumulated contributions or lump sum death benefit under RCW 41.50.670(2) (paragraph 2).** If the property division order requires the department to pay a portion of a distribution of "accumulated contributions" or a portion of a "lump sum death benefit" to your spouse or former spouse, the department will pay the required portion (if any) out of your defined contribution member account, subject to the provisions in this rule.

~~((4))~~ **(5) Provisions for management of accounts:**

(a) When the property division order is filed with the department, the department will create a separate account and transfer the amount specified in the order from your defined contribution member account into the new account.

(b) Your separated or former spouse assumes the responsibility to manage the separate account, consistent with the requirements in subsection ~~((6))~~ **(7)** of this section, but may not contribute to the account.

(c) You retain the responsibility to manage the funds remaining in your defined contribution account, and may continue to contribute to the account.

(d) If your separated or former spouse dies before you request a distribution, the money in the separate account will be transferred back into your defined contribution account.

~~((5))~~ **(6) Distribution provisions.**

(a) When you request a distribution from your defined contribution account:

(i) The money in your defined contribution account will be disbursed to you pursuant to your distribution choice.

(ii) Your separated or former spouse (if living) must begin distribution(s) from the separate account pursuant to the distribution options in WAC 415-111-310. (However, if your separated or former spouse has died prior to your request for distribution, the money in the separate account will have been transferred back into your defined contribution account under subsection ~~((4))~~ **(5)(d)**.)

(iii) If you die before the money in your defined contribution account is fully disbursed, the balance of the account will be paid to your designated beneficiary(ies).

(iv) If your separated or former spouse dies before the money in the separate account is fully disbursed, the balance of the separate account will be paid to the beneficiary(ies) designated by your separated or former spouse for the separate account.

(b) If you die before receiving a distribution from your defined contribution account:

(i) Your beneficiary(ies) must apply for the lump sum death benefit from your defined contribution account; and

(ii) The money in your defined contribution account must be paid to at least one of your designated beneficiary(ies); then

(iii) Your separated or former spouse (if living) must begin distribution(s) from the separate account pursuant to

the distribution options in WAC 415-111-310. (However, if your separated or former spouse has predeceased you, the money in the separate account will have been transferred back into your defined contribution account under subsection ~~((4))~~ **(5)(d)**.)

~~((6))~~ **(7) In managing the separate account pursuant to subsection (4)(b) of this section, your separated or former spouse may:**

(a) Transfer money between investment programs (state-managed or self-directed); and

(b) Transfer money among the investment options in the self-directed program (SELF).

~~((7))~~ **(8)** If you and your former spouse filed a property division order with the department while you were a member of Plan 2 and you later transfer to Plan 3, at the time of your transfer, the department will create a separate account. The department will comply with the property division order as provided in this rule.

AMENDATORY SECTION (Amending WSR 02-01-121, filed 12/19/01, effective 1/1/02)

WAC 415-501-495 Domestic relations orders. (1) The department will honor certain domestic relations orders (DRO) entered by a court of competent jurisdiction.

(2) The department will honor a DRO only if it:

(a) Establishes a right of a spouse or former spouse to a portion of a participant's deferred compensation account pursuant to a division of property;

(b) Clearly states either the dollar amount or a percentage of the account (~~on a specific date~~) to be transferred to the account of the spouse or former spouse from the participant's account; and

(c) Provides the name(~~, address,~~) and date of birth(~~, and Social Security number~~) of the participant and the spouse or former spouse.

(3) You must provide the address and Social Security number of both you and your separated or former spouse to the department before the department will honor a DRO. This information can be submitted in a cover letter, in another document, or by other means arranged with the department.

(4) To implement a DRO, the department will establish a separate account for the spouse or former spouse in the amount specified in subsection (2)(b) of this section. The amount will initially be invested in the savings pool. Thereafter, the spouse or former spouse may provide investment instructions under WAC 415-501-450.

~~((4))~~ **(5)** The participant's spouse or former spouse may choose a method of distribution, including a direct rollover.

~~((5))~~ **(6)** If a DRO filed with the department prior to January 1, 2002, provides that distribution to the former spouse is not available until the participant separates from service, the department will comply with the express terms of the order unless it is subsequently amended.

WSR 02-12-085
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed June 4, 2002, 2:15 p.m., effective June 13, 2002]

Date of Adoption: May 31, 2002.

Purpose: In the 2002 legislative session, the legislature changed the qualifying month for PERS Plan 3, "Phase 1" employees to June 2002, and changed the qualifying month for PERS Plan 3 "Phase 2" employees to either June 2002 or February 2003 (see SB 6376, amending RCW 41.40.795, codified in chapter 159, Laws of 2002). This WAC is being amended to reflect that legislative change. During the review, we also identified a few housekeeping changes; we are also making these changes.

Citation of Existing Rules Affected by this Order: Amending WAC 415-108-980.

Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority: RCW 41.40.795 as amended (effective June 13, 2002).

Adopted under notice filed as WSR 02-09-056 on April 15, 2002.

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

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

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

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

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

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The amendment to RCW 41.40.795 becomes effective June 13, 2002. The rule must to into effect June 13, 2002, to coincide with the statute's effective date.

Effective Date of Rule: June 13, 2002.

May 31, 2002

John Charles

Director

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-108-980 Will I receive a transfer payment when I transfer to Plan 3? (1) PERS Plan 3 will be implemented on March 1, 2002. If you transfer from PERS Plan 2 to PERS Plan 3 during ((your transfer period, and establish any service credit in)) the Phase 1 transfer period and establish service credit in June 2002, or transfer during the Phase 2 transfer period and establish service credit in either June 2002 or February 2003, you will receive a transfer payment

to be added to your member account on or after June 1, 2003, once the department receives the transfer information from your employer. The transfer period and payment amount you will receive is based upon your employer type and your account balance as of March 1, 2002.

(a) You will receive a payment of one hundred and ten percent of your **transfer basis** if you are employed in an eligible position by a Phase 1 employer and you transfer to Plan 3 during the Phase 1 transfer period. State agencies and institutes of higher education are Phase 1 employers.

(b) You will receive a payment of one hundred and eleven percent of your **transfer basis** if you are employed in an eligible position by a Phase 2 employer and you transfer to Plan 3 during the Phase 2 transfer period. All other employers are Phase 2 employers.

(2) Your **transfer basis** is your total accumulated contributions (and interest) on March 1, 2002, less fifty percent of any contributions you made under RCW 41.50.165(2).

(3) If you request to transfer but die before payment is made, the transfer payment will be paid immediately to your defined contribution account. These moneys will be distributed when payment is made from your account to your estate, or the person or persons, trust or organization you nominated by the most recent written beneficiary designation filed with the department.

Examples:

Phase 1 Employer (110%) (state agencies and institutes of higher education)

- Al works for a Phase 1 employer and makes \$2,000 a month.
- On March 1, 2002, Al's defined benefit (DB) account balance is \$10,000.
- On June 1, 2002, Al transfers to PERS Plan 3 and chooses contribution rate option A (5%).
- On June 1, 2002, the department transfers approximately \$10,185 to Al's new defined contribution (DC) account. The transfer amount is the sum of:
 - ◆ Al's \$10,000 account balance on March 1, 2002;
 - ◆ Approximately \$50 in contributions between March 1st and June 1st; and
 - ◆ Approximately \$135 in interest in Plan 2 at 5.5% annually, compounded quarterly.
- Al continues working for his Phase 1 employer through June 2003, including the month of ~~((February))~~ June 2002.
- In June 2003, after he receives his transfer payment, Al will have approximately **\$22,385** in his DC account. Here is how:
 - ◆ In June 2002, when Al transferred to Plan 3, he started with approximately \$10,185 in his DC account.
 - ◆ He then made twelve monthly contributions of \$100 (5% of a \$2,000 salary, June 2002 through May 2003) for a total of \$1,200.
 - ◆ In June 2003, he receives a transfer payment of \$11,000 (110% of \$10,000, his account balance on March 1, ~~((2001))~~ 2002).
 - ◆ The total is approximate because it will depend on earnings or losses on the investments of the orig-

inal amount transferred the previous year, and the contributions made to date.

Phase 2 Employer (111%) (local government)

- Peggy works for a Phase 2 employer and makes \$2,000 a month.
- On March 1, 2002, Peggy's defined benefit (DB) account balance is \$10,000.
- On November 1, 2002, Peggy transfers to PERS Plan 3 and chooses contribution rate option A (5%).
- On November 1, 2002, the department transfers approximately \$10,560 to Peggy's new defined contribution (DC) account. The transfer amount is the sum of:
 - ◆ Peggy's \$10,000 account balance on March 1, 2002;
 - ◆ Approximately \$140 in contributions between March 1st and November 1st;
 - ◆ Approximately \$420 in interest in Plan 2 at 5.50% annually, compounded quarterly.
- Peggy continues working for her Phase 2 employer through June 2003, including the month of February 2003*.
 - * A Phase 2 employee can establish service credit in either June 2002 or February 2003.
- In June 2003, after she receives her transfer payment, Peggy will have approximately **\$22,360** in her DC account. Here is how:
 - ◆ In November 2002, when Peggy transferred to Plan 3, she started with approximately \$10,560 in her DC account.
 - ◆ She then made monthly contributions of \$100 (5% of a \$2,000 salary) for a total of \$700.
 - ◆ In June 2003, she receives a transfer payment of \$11,100 (111% of \$10,000, her account balance on March 1, (~~2001~~) 2002).
 - ◆ The total is approximate because it will depend on earnings or losses on the investments of the original amount transferred the previous year, and the contributions made to date.

(4) Terms defined:

Phase 1 employer: WAC 415-108-425.

Phase 2 employer: WAC 415-108-425.

Phase 1 transfer period: WAC (~~(415-108-420)~~) 415-108-425.

Phase 2 transfer period: WAC (~~(415-108-420)~~) 415-108-425.

Service: RCW 41.40.010 (9)(b).

Transfer basis: RCW 41.40.795 (1)(b).

Transfer period: RCW 41.40.795 (1)(a).

WSR 02-12-093

PERMANENT RULES

ATTORNEY GENERAL'S OFFICE

[Filed June 4, 2002, 2:51 p.m.]

Date of Adoption: June 4, 2002.

Purpose: (1) Amend definition of "settlement" to include the category of vehicle reacquired by manufacturers

through dispute resolution program other than that established by statute when the program uses standards equivalent to chapter 19.118 RCW. (2) and (3) Make editorial and procedural revisions to reflect procedural changes regarding activities of the New Motor Vehicle Arbitration Board and the Lemon Law Administration.

Citation of Existing Rules Affected by this Order: Amending WAC 44-10-010, 44-10-050, 44-10-060, 44-10-070, 44-10-080, 44-10-100, 44-10-110, 44-10-120, 44-10-130, 44-10-140, 44-10-150, 44-10-160, 44-10-170, 44-10-200, 44-10-210, 44-10-221, 44-10-222, 44-10-300, and 44-10-310.

Statutory Authority for Adoption: RCW 19.118.080(2), 19.118.061.

Adopted under notice filed as WSR 02-10-060 on April 26, 2002.

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 20, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 19, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 20, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

June 4, 2002

Paul N. Corning, Administrator
Lemon Law Administration

AMENDATORY SECTION (Amending WSR 00-08-068, filed 4/3/00, effective 5/4/00)

WAC 44-10-010 Definitions. Terms, when used in this chapter, shall have the same meaning as terms used in chapter 19.118 RCW. The following definitions shall supplement or aid in the interpretation of the definitions set forth in chapter 19.118 RCW.

"Arbitration special master" means the individual or group of individuals selected by the board to hear and decide special issues timely brought before the board.

"Attorney general" or "attorney general's office" means the person duly elected to serve as attorney general of the state of Washington and delegates authorized to act on his or her behalf.

"Intervening transferor" means any person or entity which receives, buys or otherwise transfers the returned new motor vehicle prior to the first retail transfer, sale or lease subsequent to being repurchased or replaced by the manufacturer.

"Lemon Law administration" means the section within the attorney general's office, consumer protection division,

designated by the attorney general to be responsible for the implementation of chapter 19.118 RCW and related rules.

"Lemon Law resale documents" refers to the following:

(1) "Lemon Law resale windshield display" means a document created and provided by the attorney general which identifies that: (a) The vehicle was reacquired by the manufacturer after a determination, settlement or adjudication of a dispute; (b) the vehicle has one or more nonconformities or serious safety defects, or was out-of-service thirty or more days due to diagnosis or repair of one or more nonconformities; and (c) the defects or conditions causing the vehicle to be reacquired by the manufacturer.

(2) "Lemon Law resale disclosure": Means a document created and provided by the attorney general which identifies that: (a) The vehicle was reacquired by the manufacturer after a settlement, determination or adjudication of a dispute; (b) the vehicle has one or more nonconformities or serious safety defects, or was out-of-service thirty or more days due to diagnosis or repair of one or more nonconformities; and (c) the defects or conditions causing the vehicle to be reacquired by the manufacturer. The document will provide space for the manufacturer to indicate if each nonconformity or serious safety defect has been corrected and is warranted by the manufacturer.

(3) "Notice of out-of-state disposition of a reacquired vehicle" refers to a document created and provided by the ~~((attorney general))~~ Lemon Law administration which requires the manufacturer, agent or dealer to identify the destination state and the dealer, auction, other person or entity to whom the manufacturer sells or otherwise transfers the reacquired vehicle when the vehicle is taken to another state for any disposition, including: resale, transfer or destruction.

"Person" includes every natural person, firm, partnership, corporation, association, or organization.

"Settlement" means the resolution of a dispute, under chapter 19.118 RCW, between the consumer and manufacturer after the new motor vehicle arbitration board has accepted the consumer's request for arbitration and which results in the manufacturer reacquiring the new motor vehicle directly or indirectly through an agent or a motor vehicle dealer. Settlement includes a consumer's acceptance of a decision or award for repurchase or replacement of a vehicle issued by a manufacturer sponsored dispute resolution program where the basis of the program's standards decision making are specifically related to, or identified as, some or all of the provisions of chapter 19.118 RCW and which results in the manufacturer reacquiring the new motor vehicle directly, through an agent or a motor vehicle dealer.

"Similar law of another state" refers to the law of another state which creates remedies for a manufacturer's failure to conform a vehicle to its warranty and under which the vehicle was reacquired by the manufacturer.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-050 Assignment to board. (1) After initial screening by the attorney general, all requests for arbitration which appear to be timely, complete and to have met the jurisdictional requirements of chapter 19.118 RCW shall be

assigned to the board which will record the date it receives the assignment in the request for arbitration file.

(2) The board must determine if it will accept the request for arbitration or reject the request for arbitration, for the reasons set forth in RCW 19.118.090, within three business days after the attorney general has forwarded the request for arbitration to the board.

(3) The board shall record the date of acceptance or rejection of the request for arbitration. The acceptance of the request shall commence the running of the forty-five calendar day period in which a hearing must be conducted.

(4) Upon acceptance of a request, the board shall immediately ~~((send))~~ notify the Lemon Law administration. A notice of acceptance for arbitration will be sent to the consumer and manufacturer by certified mail/return receipt requested and shall inform the parties that a hearing shall be held within forty-five calendar days. The parties shall be sent formal notice of the actual hearing date by certified mail/return receipt requested, at least ten calendar days before the hearing. The designated manufacturer contact shall be sent a copy of the consumer's request and a manufacturer's statement form with the notice of acceptance.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-060 Powers and duties of arbitration special master. (1) An arbitration special master may be appointed by the arbitration board to hear and decide preliminary and post-hearing issues which are within the arbitration board's authority. Requests for an arbitration special master may be made ~~((to the board by either party))~~ in writing by either party to the Lemon Law administration. The request will be reviewed to determine whether issues identified in the special master request will be forwarded to the board or denied. Post-hearing arbitration special masters shall not resolve matters previously presented in the arbitration hearing and addressed in the arbitration decision, or extend the time for compliance beyond the time necessary to hear and notify the parties of a decision about the issues in dispute or requiring clarification.

(2) Issues which may be decided by the arbitration special master include but are not limited to: Motions to quash subpoenas, disputes related to requests to view the vehicle, ~~((requests to set aside default determinations,))~~ disputes relating to an arbitration award including specification of the award amounts which could not have been or were not resolved at the arbitration hearing or matters necessary for compliance with the arbitration decision such as: time and place for compliance, condition of the vehicle to be returned, clarification or recalculation of refund amounts or a determination that an offered vehicle is reasonably equivalent to the vehicle being replaced. The arbitration special master may conduct telephonic conferences with a party or parties, as appropriate, and may request additional written information in order to rule on issues.

(3) An arbitration special master shall not extend the forty day period during which the manufacturer must comply with the arbitration decision except where the arbitration special master makes a finding that:

(a) The dispute could not have been brought to the board allowing sufficient time to conclude compliance within the forty day compliance period; and

(b) The manufacturer's position in the dispute is supported by the special master's decision.

(4) Arbitration special masters shall sign a written oath prior to their appointment as arbitration special master attesting to their impartiality. There shall be no ex parte communication initiated by a party with an arbitration special master.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-070 Manufacturer's statement. (1) The manufacturer shall provide information relevant to the resolution of the dispute to the consumer and board on a form created by the ~~((attorney general))~~ Lemon Law administration. The manufacturer's statement form shall be completely answered and shall include, but not be limited to, the following information:

(a) A statement of any affirmative defenses, and any legal or factual issues to be raised at the hearing. Any issues or affirmative defenses not raised in documents filed prior to the hearing may be excluded or limited by the arbitrator at the hearing; except as provided in WAC 44-10-080(6).

(b) The name, title, and business address of any person(s) the manufacturer plans to call as witnesses or from whom affidavits or written testimony will be presented;

(c) A statement identifying the year, make, model, options, color and any other significant information pertaining to the vehicle or vehicles it intends to offer as a reasonably equivalent replacement vehicle if the consumer prevails and requests replacement. If the manufacturer believes in good faith that replacement is impossible, or unreasonable, or cannot be provided timely pursuant to compliance requirements the manufacturer must raise such issue in its statement.

(2) The manufacturer must exercise its option to request a viewing of the consumer's motor vehicle by including a request to view the vehicle in the manufacturer's statement.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-080 Manufacturer's option to request a viewing of motor vehicle. (1) A manufacturer may request a viewing of the vehicle to aid in preparation of its defense. The request for a viewing of the vehicle must be indicated in the manufacturer's statement.

(2) The manufacturer and the consumer shall attempt to arrange a mutually agreeable time and location for such viewing. If after reasonable good faith attempts to arrange a viewing, a mutually agreeable time and location is not established, the manufacturer may request ~~((from))~~ ~~((board that a arbitration special master))~~ Lemon Law administration program manager to set a time and location for viewing.

(3) ~~((The arbitration special master, upon such request,))~~ Upon receipt of a request to set a viewing, the Lemon Law administration program manager shall establish a time and location for viewing that is reasonably convenient for the parties. The location may be the consumer's residence if other

locations are not reasonably convenient for the parties. The consumer must be present during the viewing, unless the consumer expressly waives in writing the right to be present.

(4) The viewing is not meant to be another attempt to repair the vehicle and no repair procedures shall be conducted.

(5) The manufacturer may perform limited nonrepair diagnostic examinations and inspection procedures, such as test driving the vehicle or attaching a testing device to the vehicle. The results of any diagnostic procedures or data gathered as a result of such procedures shall be supplied to the consumer as soon as it is available.

(6) If the viewing of the vehicle reveals any affirmative defenses or legal or factual issues not previously raised in the manufacturer's statement or consumer's request for arbitration, either party may file amendments with the Lemon Law administration within three business days of the viewing, or, no later than three business days prior to the hearing date, whichever is earlier.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-100 Subpoenas. (1) A party's request for a subpoena to be issued on behalf of the board must be received by the ~~((arbitration board no later than fourteen calendar days prior to the arbitration hearing date))~~ Lemon Law administration with the consumer's request for arbitration or the manufacturer's statement to be considered. A consumer may submit a request for a subpoena within three business days of receipt of a manufacturer's statement. The board shall make a determination of whether the documents and records sought by the party are reasonably related to the dispute and notify the ~~((attorney general))~~ Lemon Law administration of the ~~((request within two (2) business days of receiving the request))~~ determination.

(2) A subpoena issued by the attorney general shall identify the party causing the issuance of the subpoena, designate that the subpoena is issued by the attorney general pursuant to RCW 19.118.080, state the purpose of the proceeding, and command the person to whom it is directed to produce at the time and place set in the subpoena the designated documents or records under his or her control.

(3) Service of the subpoena may be made be certified mail, return receipt requested or by overnight express delivery.

(4) A person to whom a subpoena is directed may submit a written request to suspend or limit the terms of the subpoena to the ~~((board before the time specified in the subpoena for compliance))~~ Lemon Law administration within five business days of receipt of the subpoena and shall notify the party who requested the subpoena, of the request to suspend or limit it. The request must be accompanied by a short statement setting forth the basis for the request. ~~((Upon requests made to the board, the board shall notify the party who requested the subpoena.))~~ The ~~((board))~~ Lemon Law administration program manager may suspend or modify the subpoena or shall ~~((immediately))~~ assign the request to be heard at the arbitration hearing ~~((or before an arbitration special master who may suspend or modify the subpoena)).~~

~~(5) ((A party or nonparty subject to the subpoena must comply or submit a request to suspend or limit the subpoena within five business days of receipt of the subpoena. The request shall be heard within five business days to hear and rule on the request.~~

(6)) Where the ~~((arbitration special master))~~ Lemon Law administration program manager upholds or modifies the subpoena, the responding person or party shall comply with the date set in the subpoena or within five business days, whichever is greater.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-110 Scheduling of arbitration hearings. The board has the authority to schedule the arbitration hearing at its discretion ~~((and))~~. The Lemon Law administration shall notify the parties of the date, time and place by certified letter mailed at least ten calendar days prior to the hearing. Hearings may be scheduled during business hours, Monday through Thursday evenings, or Saturdays. If for any reason an arbitration hearing must be rescheduled, the board or the Lemon Law administration shall promptly notify the parties by mail or telephone.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-120 Withdrawal. A consumer may withdraw a request for arbitration at any time.

A withdrawal shall be granted without prejudice, although upon notice to the ~~((board))~~ Lemon Law administration of withdrawal, the thirty month period in which the consumer must submit a request for arbitration shall resume running. A consumer who has withdrawn may resubmit the claim for arbitration. However, if the consumer withdraws the second request, the withdrawal shall be considered a withdrawal with prejudice and the consumer shall not be allowed to resubmit the claim for arbitration.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-130 Defaults. (1) A party who fails to appear at the arbitration hearing will be considered in default.

(2) If a manufacturer defaults the arbitrator shall hold the hearing. The arbitrator shall make a decision based on the evidence presented by the consumer, and any files or documentation contained in the record including the manufacturer's statement and other evidence or documentation submitted by the manufacturer.

(3) If the consumer defaults it shall be considered a withdrawal with prejudice of the request for arbitration. The hearing shall be canceled if the consumer defaults.

(4) The default shall be final unless within twenty-four hours of the hearing time, the manufacturer or consumer contacts the ~~((board))~~ Lemon Law administration to request that the default be set aside. The request shall include evidence of an unforeseeable circumstance that resulted in the failure of the party to appear. Such request shall be considered by the

~~((arbitration special master))~~ Lemon Law administration program manager who will hear arguments from both parties on the request to set aside the default which may be conducted via telephone conference call. If the ~~((arbitration special master sets aside the))~~ default is set aside, a new hearing shall be scheduled within ten calendar days of the original hearing date, and the parties shall be informed of the new date and time at least five business days prior to the hearing date when possible.

(5) If both parties default, the disposition of the case shall be handled as if only the consumer defaulted pursuant to WAC 44-10-130(3).

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-140 Representation of parties. (1) Any party to the arbitration hearing may be represented by counsel. If either party opts to be so represented, said party shall immediately notify the ~~((board))~~ Lemon Law administration and the other party of the name and address of the attorney.

(2) The consumer may be represented by himself or herself or by legal counsel, but may not be represented by a non-attorney. However, a person, acting as an interpreter, may assist a party in the presentation of the case if such assistance is necessary because of a mental or physical handicap or language barrier which would preclude the party from adequately representing himself or herself.

(3) A manufacturer may be represented by legal counsel, authorized employee or agent.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-150 Settlement of dispute. (1) Both parties shall notify the ~~((board))~~ Lemon Law administration of a resolution for settlement of the dispute after the request for arbitration has been accepted by the arbitration board. The ~~((attorney general))~~ Lemon Law administration shall verify the terms of the settlement or resolution. The disclosure of terms is for statutorily required record keeping only. The settlement or agreement to otherwise resolve the dispute is not subject to approval by the board or the attorney general.

(2) Notice of settlement or agreement to resolve the dispute shall be treated procedurally as if the consumer had withdrawn from the arbitration process, as set forth in WAC 44-10-120.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-160 Use of technical expert. (1) ~~((An adequate pool of automotive and motorcycle technical experts shall be maintained by the board.))~~ A technical expert is assigned by the board to advise and consult with an arbitrator. Technical experts shall not be directly involved in the manufacture, distribution, sale, or warranty service of any motor vehicle.

(2) Either party may request that a technical expert be assigned to a dispute. Such assignment, however, shall be at

the discretion of the board. The board may upon their own volition assign a technical expert to a dispute.

(3) If a technical expert is assigned to a dispute, and is requested by the arbitrator to perform an inspection of the vehicle, other than as part of the arbitration hearing, a notice of the time, date and location of the technical expert's inspection of the vehicle will be provided to both parties. This section does not confer a right, for either party, to be present during the inspection of the vehicle, however, either party may be present. Any written report or results of the expert's inspection shall be supplied to the parties as soon as it is available. The technical expert shall be present at the hearing or shall be available by telephone at the time of hearing, and may be examined by either party or the arbitrator.

(4) The expert shall sign a written oath attesting to his or her impartiality prior to the commencement of each arbitration hearing to which he or she has been assigned.

AMENDATORY SECTION (Amending WSR 00-08-068, filed 4/3/00, effective 5/4/00)

WAC 44-10-170 Powers and duties of arbitrators. (1) Arbitrators shall have the duty to conduct fair and impartial hearings, to take all necessary actions to avoid delay in the disposition of proceedings, to maintain order, and to meet the sixty day time frame required by RCW 19.118.090 for the rendering of a decision. They shall have all powers necessary to meet these ends including, but not limited to, the power:

(a) To consider any and all evidence offered by the parties which the arbitrator deems necessary to an understanding and determination of the dispute;

(b) To regulate the course of the hearings and the conduct of the parties, their representatives and witnesses;

(c) To schedule vehicle inspection by the technical experts, if deemed necessary, at such time and place as the arbitrator determines;

(d) To continue the arbitration hearing to a subsequent date if, at the initial hearing, the arbitrator determines that additional information is necessary in order to render a fair and accurate decision. Such continuance shall be held within ten calendar days of the initial hearing;

(e) To impose sanctions for failure of a party to comply with a subpoena pursuant to RCW 19.118.080 (2)(b);

(f) To calculate and order the joint liability for compliance obligations of motor home manufacturers, when applicable, as part of an arbitration decision when ordering repurchase or replacement of a new motor vehicle.

(2) The board (~~shall maintain an adequate pool of trained arbitrators and~~) is responsible for the assignment of arbitrators to arbitration hearings. The selection and assignment of arbitrators is not subject to the approval of either party.

(3) Arbitrators must not have a personal interest in the outcome of any hearing, nor be acquainted with any of the participants except as such acquaintance may occur in the hearing process, nor hold any prejudice toward any party. Arbitrators shall not be directly involved in the manufacture, distribution, sale, or warranty service of any motor vehicle. Arbitrators shall maintain their impartiality throughout the course of the arbitration proceedings.

(a) An arbitrator shall sign a written oath prior to the commencement of each arbitration hearing to which he or she has been assigned, attesting to his or her impartiality in that case.

(b) There shall be no direct communication between the parties and the arbitrators other than at the arbitration hearing. Any other oral or written communications between the parties and the arbitrators shall be channeled through the board. Any prohibited contact shall be reported by the arbitrators to the board and noted in the case record.

AMENDATORY SECTION (Amending WSR 00-08-068, filed 4/3/00, effective 5/4/00)

WAC 44-10-200 The arbitration decision. (1) The arbitration board shall (~~send~~) issue the decision (~~to the parties~~) in each case within sixty calendar days of acceptance of the request for arbitration:

(a) All decisions shall be written, in a form to be provided by the (~~attorney general~~) Lemon Law administration, dated and signed by the arbitrator, and sent by certified mail to the parties;

(b) The date (~~of mailing of~~) on which the board provides the arbitration decision to the Lemon Law administration shall determine compliance with the sixty day requirement to issue an arbitration decision;

(c) The written decision shall contain findings of fact and conclusions of law as to whether the motor vehicle meets the statutory standards for refund or replacement;

(i) If the consumer prevails and has elected repurchase of the vehicle, the decision shall include the statutory calculations used to determine the monetary award;

(ii) If the consumer prevails and has elected replacement of the vehicle, the decision shall identify or describe a reasonably equivalent replacement vehicle and any refundable incidental costs;

(iii) If the consumer prevails and the manufacturer is represented by counsel, the decision shall include a description of the awarded reasonable costs and attorneys' fees incurred by the consumer in connection with board proceedings.

Reasonable costs and attorneys' fees shall be determined by the arbitrator based on an affidavit of costs and fees prepared by the consumer's attorney and submitted no later than the conclusion of the arbitration hearing. The affidavit may be amended for post-hearing costs and fees. The amended affidavit of costs and fees must be delivered to the manufacturer's designated representative by certified mail or personal service and a copy submitted to the (~~arbitration board~~) Lemon Law administration by the consumer's attorney within thirty days of the consumer's acceptance of the decision but in no case after a manufacturer's compliance with a decision;

(d) Upon receipt of the board's decision, the Lemon Law administration will distribute it to the parties by certified mail.

(2) Upon request of a party, an arbitrator shall make factual findings and modify the offset total where the wear and tear on those portions of the motor home designated, used, or maintained primarily as a mobile dwelling, office, or commercial space is significantly greater or significantly less than that which could be reasonably expected based on the mile-

age attributable to the consumer's use of the motor home in an arbitration decision awarding repurchase or replacement of a new motor vehicle originally purchased or leased at retail after June 30, 1998. An arbitrator will consider the actual amount of time that portions of the motor home were in use as dwelling, office or commercial space. The arbitrator shall not consider wear and tear resulting from:

(a) Defects in materials or workmanship in the manufacture of the motor home including the dwelling, office or commercial space;

(b) Damage due to removal of equipment pursuant to RCW 19.118.095 (1)(a); or

(c) Repairs.

The modification to the reasonable offset for use may not result in the addition or reduction of the offset for use calculation by more than one-third. The modification shall be specified as a percentage for reduction or addition to the offset calculation. The modification to the reasonable offset for use shall apply to the offset calculation at the time of repurchase or replacement of the motor home.

(3)(a) If a motor home manufacturer:

(i) Has met or exceeded the reasonable number of attempts to diagnose or repair the vehicle as set forth in RCW 19.118.041 (3)(a) or (b); or

(ii) Is responsible for sixty or more applicable days out of service by reason of diagnosis or repair as set forth in RCW 19.118.041 (3)(c), the motor home manufacturer is independently liable for compliance with a decision awarding repurchase or replacement of the motor home.

(b) If a motor home manufacturer has not met the criteria set forth in (a)(i) and (ii) of this subsection, but has contributed to the combined total of sixty or more days out of service by reason of diagnosis or repair as set forth in RCW 19.118.041 (3)(c), the manufacturer is jointly liable with the other liable motor home manufacturers for compliance with a decision awarding repurchase or replacement of the motor home.

(c) If a motor home manufacturer has met or exceeded the reasonable number of attempts to diagnose or repair the vehicle as set forth in RCW 19.118.041 (3)(a) or (b), and the manufacturer, together with one or more other motor home manufacturers, contributed to a combined total of sixty or more days out of service by reason of diagnosis or repair as set forth in RCW 19.118.041 (3)(c), the motor home manufacturer is jointly and severally liable for compliance with a decision awarding repurchase or replacement of the motor home.

(d) In a decision awarding repurchase or replacement of a motor home, and that allocates compliance liability, an arbitrator will identify the motor home manufacturer's minimum percentage of contribution to compliance with the award. In determining the allocation of liability among jointly liable motor home manufacturers, the arbitrator will consider a motor home manufacturer's contribution to the total number of applicable days out of service as a factor.

(e) When applicable as set forth in RCW 19.118.090(5), the arbitrator must allocate liability for the consumer's costs and attorneys' fees among the liable motor home manufacturers represented by counsel. The arbitrator will specify the liable motor home manufacturer's minimum percentage of contribution to compliance with the award. The motor home

manufacturer's minimum percentage of contribution for the consumer's costs and attorneys' fees may be different from the minimum percentage of contribution of the motor home manufacturer's compliance obligation due to other liable motor home manufacturers' lack of representation by counsel.

(f) An arbitrator must specify in the decision that the lack of compliance, late or delayed compliance, or the filing of an appeal by another liable motor home manufacturer will not affect a motor home manufacturer's independent liability for compliance with a decision awarding repurchase or replacement of the motor home.

(g) At the conclusion of the arbitration hearing regarding a motor home purchased or leased after June 30, 1998, a motor home manufacturer may present testimony and other evidence regarding the allocation of liability for compliance with arbitration decisions awarding repurchase or replacement of the motor home. If the motor home manufacturers agree amongst themselves to terms for the allocation of liability for compliance obligations, the arbitrator must include the terms in the arbitration decisions awarding repurchase or replacement of the motor home if the terms are consistent with the arbitration decisions, specific, complete and not otherwise contrary to chapter 19.118 RCW.

(4) Included with the copy of the arbitration decision sent to the consumer shall be a form to be completed by the consumer, indicating acceptance or rejection of the decision ~~((The board shall forward))~~ and general information to the consumer explaining the consumer's right to appeal the decision to superior court. The consumer must return the form to the ~~((board))~~ Lemon Law administration within sixty calendar days from the date of the consumer's receipt of the decision or the decision will be deemed to have been rejected as of the sixty-first day.

(5) The consumer shall have one hundred twenty calendar days from the date of the rejection of the decision to file a petition of appeal in superior court. At the time of filing an appeal, the consumer shall deliver by certified mail or by personal service a conformed copy of the petition to the attorney general.

(6) If the consumer accepts a decision which awards repurchase or replacement, the ~~((board))~~ Lemon Law administration shall send a copy of the form completed by the consumer indicating acceptance by certified mail for the board to the manufacturer and shall include a manufacturer's intent form.

A verification of compliance form shall be sent to the consumer by the ~~((attorney general's office))~~ Lemon Law administration. The verification of compliance form shall be completed and returned to the ~~((attorney general))~~ Lemon Law administration by the consumer upon the manufacturer's compliance with the decision.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-210 Technical corrections. (1) The board or the Lemon Law administration program manager may make "technical corrections" to an arbitration decision. "Technical corrections" shall generally be defined as compu-

tational corrections, typographical corrections, or other minor corrections.

(2) A party may submit ~~((to the board))~~ a written request for technical corrections to the Lemon Law administration setting forth the requested correction(s) and reason(s). Such request must be received ~~((by the board))~~ within ten calendar days of the ~~((mailing))~~ party's receipt of the ~~((arbitrator's written))~~ decision.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-221 Resale documents—Attorney general procedures. (1) When a vehicle has been determined by the new motor vehicle arbitration board, or has been adjudicated in a superior or appellate court of this state, as having one or more nonconformities or serious safety defects that have been subject to a reasonable number of attempts by the manufacturer to conform the vehicle to the warranty:

(a) The ~~((attorney general))~~ Lemon Law administration will provide the manufacturer with the "Lemon Law resale documents" necessary to resell or otherwise transfer the vehicle together with instructions regarding compliance with RCW 19.118.061 and applicable rules;

(b) The ~~((attorney general))~~ Lemon Law administration will provide the manufacturer with the required documents by certified mail at the conclusion of the period pursuant to RCW 19.118.090(9) for a manufacturer to file an appeal or upon notice from the manufacturer of receipt of the vehicle, whichever occurs first.

(2) When a vehicle is the subject of a "settlement" under chapter 19.118 RCW:

(a) ~~The~~ ~~((attorney general))~~ Lemon Law administration will provide the manufacturer with the "Lemon Law resale documents" necessary to resell or otherwise transfer the vehicle together with instructions regarding compliance with the RCW 19.118.061 and applicable rules;

(b) ~~The~~ ~~((attorney general))~~ Lemon Law administration will provide the manufacturer with the required documents by certified mail upon notice of the settlement by the parties or upon receipt from a manufacturer sponsored dispute resolution program of a decision or award, and notice of the consumer's acceptance of the award for repurchase or replacement of a vehicle where the basis of the program's decision-making standards are specifically related to or identified as some or all of the provisions of chapter 19.118 RCW and which will result in the manufacturer reacquiring the new motor vehicle directly, through an agent or a motor vehicle dealer.

(3) When a vehicle is the subject of final determination, adjudication or settlement under a "similar law of another state":

(a) The ~~((attorney general))~~ Lemon Law administration will provide the manufacturer, agent, motor vehicle dealer or other transferor with the resale documents necessary to resell or otherwise transfer the vehicle together with instructions regarding compliance with this section;

(b) The ~~((attorney general))~~ Lemon Law administration will provide the manufacturer, agent, motor vehicle dealer or other transferor with the resale documents by certified mail

upon receiving a written request for Lemon Law resale documents, which includes a description of the defects or conditions causing the vehicle to be reacquired by the manufacturer.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-222 Manufacturer duties upon receipt of a returned vehicle. The manufacturer must:

(1) Notify the ~~((attorney general's office))~~ Lemon Law administration and the department of licensing upon receipt of the vehicle from the consumer due to a determination, adjudication or settlement pursuant to chapter 19.118 RCW and chapter 44-10 WAC.

(2) Attach the "Lemon law resale windshield display," as provided by the ~~((attorney general))~~ Lemon Law administration, to the lower center of the front windshield of the vehicle in a manner so as to be readily visible from the exterior of the vehicle.

(3) Correct and warrant a serious safety defect.

(4) Notify the ~~((attorney general's office))~~ Lemon Law administration and the department of licensing of correction of a nonconformity or serious safety defect and execute ~~((a "notice of correction and warranty" as provided by the attorney general))~~ the appropriate section of the Lemon Law resale documents.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-300 Imposition of fine for manufacturer noncompliance with an arbitration decision. (1) Pursuant to RCW 19.118.090, the ~~((attorney general))~~ Lemon Law administration program manager may impose a fine against a manufacturer if, after forty calendar days from the manufacturer's receipt of notice of consumer's acceptance of an arbitration decision, the manufacturer has not complied with the decision, notwithstanding any arbitration special master hearing or findings. Notice of the imposition of fine shall be to the manufacturer by certified mail or personal service.

(2) ~~((The attorney general may impose))~~ A fine against the manufacturer for noncompliance may be imposed according to the following schedule for each day after the forty day calendar period:

DAYS 1 THROUGH 10	\$ 300.00 PER DAY
DAYS 11 THROUGH 20	\$ 500.00 PER DAY
DAYS 21 THROUGH 30	\$ 700.00 PER DAY
DAYS 31 AND ON	\$1000.00 PER DAY

The foregoing fines shall accrue until the manufacturer complies or until one hundred thousand dollars has accrued, whichever occurs first.

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

WAC 44-10-310 Request for review of imposition of fine. (1) The manufacturer shall have ten days from the date of receipt of notice of imposition of fine to request a review

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of imposition of fine (~~by the attorney general~~). The manufacturer's request for review of imposition of fine shall be sent to the Lemon Law administration in writing and shall state the reasons for the manufacturer's noncompliance with the arbitrator's decision within the forty calendar day period.

(2) Upon receipt of a request for review of imposition of fine, the (~~attorney general~~) Lemon Law administration shall have ten days to conduct a review or request additional information from the parties or other persons regarding manufacturer noncompliance.

(3) The review shall be limited to determining whether the manufacturer has shown by clear and convincing evidence that any delay or failure of the manufacturer to comply within forty calendar days following the manufacturer's receipt of notice of consumer's acceptance was beyond the manufacturer's control or was acceptable to the consumer as evidenced by a written statement signed by the consumer. No other issues shall be considered in the review.

(4) The (~~attorney general~~) Lemon Law administration shall issue a written review determination which shall be delivered to the manufacturer by certified mail or personal service.

(5) If (~~the attorney general determines~~) it is determined that the manufacturer's noncompliance was beyond the manufacturer's control or was acceptable to the consumer as evidenced by a written statement from the consumer, the imposition of fine shall be rescinded. The imposition of fine shall be affirmed (~~by the attorney general~~) where the manufacturer has failed to show clear and convincing evidence as required by WAC 44-10-310(3). If the imposition of fine is affirmed, the manufacturer shall be liable for a fine according to the schedule specified in WAC 44-10-300(2) including all days during the pendency of review under this section and until compliance with the arbitrator's decision or until one hundred thousand dollars has accrued, whichever comes first.

(6) If a fine is rescinded under WAC 44-10-310(5) the (~~attorney general~~) Lemon Law administration program manager may impose a fine against the manufacturer where the manufacturer fails to comply with the agreement between the manufacturer and the consumer, or when the manufacturer fails to comply immediately after the circumstances no longer exist which made compliance beyond the control of the manufacturer. Notice of such fine shall be by certified mail or personnel service to the manufacturer and shall be imposed according to the schedule in WAC 44-10-300(2), and imposition of such fine is subject to review by the (~~attorney general~~) Lemon Law administration upon request of the manufacturer under WAC 44-10-310.

WSR 02-12-098
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 5, 2002, 8:33 a.m., effective August 1, 2002]

Date of Adoption: June 5, 2002.

Purpose: Chapter 296-24 WAC, Safety standards for general safety and health; chapter 296-32 WAC, Safety stan-

dards for telecommunications; chapter 296-62 WAC, General occupational health standards; chapter 296-79 WAC, Safety standards for pulp, paper, and paperboard mills and converters; chapter 296-155 WAC, Safety standards for construction work; chapter 296-305 WAC, Safety standards for firefighters; and chapter 296-307 WAC, Safety standards for agriculture.

Miscellaneous Minor and Technical Changes - Chapter 296-24 WAC, General safety and health standards; chapter 296-32 WAC, Safety standards for telecommunications; chapter 296-62 WAC, General occupational health standards; chapter 296-79 WAC, Safety standards for pulp, paper, and paperboard mills and converters; chapter 296-155 WAC, Safety standards for construction; chapter 296-305 WAC, Safety standards for firefighters; and chapter 296-307 WAC, Safety standards for agriculture are being amended to make them at-least-as-effective-as OSHA requirements.

Chapter 296-24 WAC
General Safety and Health Standards

Chapter 296-24 WAC, PART H-2—Safe Practices of Abrasive Blasting Operations, Ventilation.

- Reworded the title of PART H-2.

WAC 296-24-012 (20)(1), Definitions applicable to all sections of this chapter.

- Corrected a typo.

WAC 296-24-14001(2), Color code—Marking physical Hazards—Scope.

- Deleted an obsolete date.

WAC 296-24-23003(1), Handling and storage—Cranes, derricks, etc.—General requirements.

- Added OSHA mandated national consensus standard.

WAC 296-24-51009 (7)(f), Storage and handling of anhydrous ammonia—Basic rules.

- Added OSHA mandated national consensus standard.

WAC 296-24-51011(1), Systems utilizing stationary, pier-mounted or skid-mounted above ground or underground, nonrefrigerated storage.

- Corrected a reference.

WAC 296-24-51015 (1)(a), Storage and handling of anhydrous ammonia—Systems utilizing portable DOT containers.

- Updated national consensus standard to the latest revision.

WAC 296-24-60205 (3)(c) and (4), Fire suppression equipment—Equipment.

- Deleted obsolete dates.

WAC 296-24-63499, Fire suppression equipment—Appendix D—Availability of publications incorporated by references in WAC 296-24-58505 Fire brigades.

- Updated a phone number.

WAC 296-24-67513(1), Abrasive blasting operations—Construction and maintenance of the exhaust ventilation systems.

- Corrected a typo on the identification of a national consensus standard.

WAC 296-24-67515(3), Note—Personal protective equipment.

- Deleted the note.

Chapter 296-32 WAC

Safety Standards for Telecommunications

WAC 296-32-250(2), Tools and personal protective equipment—General.

- Updated a national consensus standard reference.

WAC 296-32-280(3), Ladders.

- Deleted an obsolete date.

Chapter 296-62 WAC

General Occupational Health Standards

WAC 296-62-07302 (2)(a) and (b), List of carcinogens.

- Corrected a reference.

WAC 296-62-07304(4), Carcinogens—Definitions.

- Changed the definition of a "closed system" to be at least-as-effective-as OSHA's requirements.

WAC 296-62-07312 (1), (2)(a) and (b), Carcinogens—Reports.

- Deleted obsolete dates and changed an address.

WAC 296-62-07314 (3)(b), Medical surveillance—Records.

- Eliminated a redundancy.

WAC 296-62-07421(7), Housekeeping.

- Corrected a reference.

WAC 296-62-07501 (3)(c), Airborne contaminants.

- Corrected a reference.

WAC 296-62-07527, Appendix B substance technical guidelines - (3)—Benzene.

- Corrected a typo.

WAC 296-62-07540 (7)(b)(i), Formaldehyde—Respirator program.

- Corrected a reference.

WAC 296-62-14105, Definitions—Entry permit (permit).

- Corrected a reference.

WAC 296-62-14110 (7)(d), General requirements.

- Corrected a reference.

WAC 296-62-14155(1), Employee participation.

- Corrected a reference.

WAC 296-62-14171 Appendix A, Permit-required confined space decision flow chart.

- Corrected several references.

Chapter 296-79 WAC

Safety Standards for Pulp, Paper, and Paperboard Mills and Converters

WAC 296-79-140 (6)(a), Installation, inspection, and maintenance of pipes, piping systems, and hoses.

- Made the referenced national consensus standard a requirement rather than a recommendation, as mandated by OSHA.

Chapter 296-155 WAC

Safety Standards for Construction

WAC 296-155-24525, Appendix B to Part C-1—Fall restraint and fall arrest (employer information only).

- Deleted a reference.

WAC 296-155-441(2), Applicability.

- Corrected a reference.

WAC 296-155-525 (6)(a) and (10)(l), Cranes and derricks.

- Corrected a typo and a reference.

WAC 296-155-530(4), Cranes, derricks, hoists, elevators, and conveyors—Material hoists, personnel hoists, and elevators.

- Changed the wording in this section to match the wording in WAC 296-79-080(1).

WAC 296-155-66405, Appendix C—Timber shoring for trenches.

- Corrected a typo.

WAC 296-155-66411, Appendix F—Selection of protective systems.

- Corrected a reference.

WAC 296-155-960 [(1)](d), Rollover protective structures and overhead protection—Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in construction.

- Changed incorrect subdivision "(ii)" to "(d)."

Chapter 296-305 WAC

Safety Standards for Firefighters

WAC 296-305-04001 (7)(b), (e) and (8), Respiratory equipment protection.

- Corrected a reference.

WAC 296-305-05003(2), Confined space rescue operations.

- Corrected a reference.

Chapter 296-307 WAC

Safety Standards for Agriculture

WAC 296-307-039, First-aid rule summary.

- Corrected a typo.

WAC 296-307-08009, Rollover protective structures (ROPS) for tractors—What requirements apply to the testing and performance of ROPS used on agricultural tractors?

- Corrected a reference to OSHA.

Citation of Existing Rules Affected by this Order: Amending chapter 296-24 WAC, PART H-2—Safe Practices of Abrasive Blasting Operations, Ventilation, WAC 296-24-012 Definitions applicable to all sections of this chapter, 296-24-14001 Color code—Marking physical hazards—Scope, 296-24-23003 Handling and storage—Cranes, derricks, etc.—General requirements, 296-24-51009 Storage and handling of anhydrous ammonia—Basic rules, 296-24-51011 Systems utilizing stationary, pier-mounted or skid-mounted above ground or underground, nonrefrigerated storage, 296-24-51015 Storage and handling of anhydrous ammonia—Systems utilizing portable DOT containers, 296-24-60205 Fire suppression equipment—Equipment, 296-24-63499 Fire suppression equipment—Appendix D—Availability of publications incorporated by references in WAC 296-24-58505 Fire brigades, 296-24-67513 Abrasive blasting operations—Construction and maintenance of the exhaust ventilation systems, 296-24-67515 Personal protective equipment, 296-32-250 Tools and personal protective equipment—General, 296-32-280 Ladders, 296-62-07302 List of carcinogens, 296-62-07304 Carcinogens—Definitions, 296-62-07312 Carcinogens—Reports, 296-62-07314 Medical surveillance—Records, 296-62-07421 Housekeeping, 296-62-07501 Airborne contaminants, 296-62-07527 Appendix B—Substance technical guidelines—Benzene, 296-62-07540 Formaldehyde—Respirator program, 296-62-14105 Definitions—Entry permit (permit), 296-62-14110 General requirements, 296-62-14155 Employee participation, 296-62-14171 Appendix A—Permit-required confined space decision flow chart, 296-79-140 Installation, inspection, and maintenance of pipes, piping systems, and hoses, 296-155-24525 Appendix B to Part C-1—Fall restraint and fall arrest (employer information only), 296-155-441 Applicability, 296-155-525 Cranes and derricks, 296-155-530 Cranes, derricks, hoists, elevators, and conveyors—Material hoists, personnel hoists, and elevators, 296-155-66405 Appendix C—Timber shoring for trenches, 296-155-66411 Appendix F—Selection of protective systems, 296-155-960 Rollover protective structures (ROPS) and overhead protection—Protective frame test procedures and performance requirements for wheel-type agricultural and industrial tractors used in construction, 296-305-04001 Respiratory equipment protection, 296-305-05003 Confined space rescue operations, 296-307-039 First-aid rule summary, 296-307-08009 Rollover protective structures (ROPS) for tractors—What requirements apply to the testing and performance of ROPS used on agricultural tractors?

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, [49.17].050.

Adopted under notice filed as WSR 02-05-077 on February 20, 2002.

Changes Other than Editing from Proposed to Adopted Version: One minor change was made after the CR-105 filing to fix an incorrect reference.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 30, 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 7, 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 37, Repealed 0.

Effective Date of Rule: August 1, 2002.

June 5, 2002

Gary Moore

Director

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-012 Definitions applicable to all sections of this chapter.

Note: Meaning of words. Unless the context indicates otherwise, words used in this chapter shall have the meaning given in this section.

(1) "Approved" means approved by the director of the department of labor and industries or his/her authorized representative: Provided, however, That should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories or the Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH), the provisions of WAC 296-24-006 shall apply.

(2) "Authorized person" means a person approved or assigned by the employer to perform a specific type of duty or duties or to be at a specific location or locations at the job site.

(3) "Competent person" means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective action to eliminate them.

(4) "Department" means the department of labor and industries.

(5) "Director" means the director of the department of labor and industries, or his/her designated representative.

(6) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: Provided, That any person, partnership, or business entity not having employees, and who is covered by the industrial insurance act shall be considered both an employer and an employee.

(7) "First-aid" means, for purposes of this section, the extent of treatment that could be expected to be given by a person trained in basic first-aid, using supplies from a first-

aid kit. Tests, such as x-rays, shall not be confused with treatment.

(8) "Hazard" means that condition, potential or inherent, which can cause injury, death, or occupational disease.

(9) "Hospitalization" means to be sent to; to go to; or be admitted to a hospital or an equivalent medical facility and receive medical treatment beyond that which would be considered as first-aid treatment, regardless of the length of stay in the hospital or medical facility.

(10) "Qualified" means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter, the work, or the project.

(11) "Safety factor" means the ratio of the ultimate breaking strength of a member or piece of material or equipment to the actual working stress or safe load when in use.

(12) "Safety and health standard" means a standard which requires the adoption or use of one or more practices, means, methods, operations, or processes reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

(13) "Shall" means mandatory.

(14) "Should" means recommended.

(15) "Standard safeguard" means a device designed and constructed with the object of removing the hazard of accident incidental to the machine, appliance, tool, building, or equipment to which it is attached.

Standard safeguards shall be constructed of either metal or wood or other suitable material or a combination of these. The final determination of the sufficiency of any safeguard rests with the director of the department of labor and industries.

(16) "Suitable" means that which fits, or has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

(17) "Working day" means a calendar day, except Saturdays, Sundays, and legal holidays as set forth in RCW 1.16.050, as now or hereafter amended, and for the purposes of the computation of time within which an act is to be done under the provisions of this chapter, shall be computed by excluding the first working day and including the last working day.

(18) "Worker," "personnel," "person," "employee," and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, mean an employee of an employer who is employed in the business of his/her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is his/her personal labor for an employer whether by manual labor or otherwise.

(19) "Work place" means any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all work places covered by industrial insurance under Title 51 RCW, as now or hereafter amended.

(20) Abbreviations used in this chapter:

(a) "ANSI" means American National Standards Institute.

(b) "API" means American Petroleum Institute.

(c) "ASA" means American Standards Association.

(d) "ASAE" means American Society of Agricultural Engineers.

(e) "ASHRE" means American Society of Heating and Refrigeration Engineers.

(f) "ASME" means American Society for Mechanical Engineers.

(g) "ASTM" means American Society for Testing and Materials.

(h) "AWS" means American Welding Society.

(i) "BTU" means British thermal unit.

(j) "BTUH" means British thermal unit per hour.

(k) "CFM" means cubic feet per minute.

(l) "CFR" means Code of Federal ((Register)) Regulations.

(m) "CGA" means Compressed Gas Association.

(n) "CIE" means Commission Internationale de l'Eclairage.

(o) "DOT" means department of transportation.

(p) "FRP" means fiberglass reinforced plastic.

(q) "GPM" means gallons per minute.

(r) "ICC" means Interstate Commerce Commission.

(s) "ID" means inside diameter.

(t) "LPG" means liquefied petroleum gas.

(u) "MCA" means Manufacturing Chemist Association. (New name: Chemical Manufacturers Association.)

(v) "NBFU" means National Board of Fire Underwriters.

(w) "NEMA" means National Electrical Manufacturing Association.

(x) "NFPA" means National Fire Protection Association.

(y) "NTP" means normal temperature and pressure.

(z) "OD" means outside diameter.

(aa) "PSI" means pounds per square inch.

(bb) "PSIA" means pounds per square inch atmospheric.

(cc) "PSIG" means pounds per square inch gauge.

(dd) "RMA" means Rubber Manufacturers Association.

(ee) "SAE" means Society of Automotive Engineers.

(ff) "TFI" means The Fertilizer Institute.

(gg) "TSC" means Trailer Standard Code.

(hh) "UL" means Underwriters' Laboratories, Inc.

(ii) "USASI" means United States of America Standards Institute.

(jj) "USC" means United States Code.

(kk) "USCG" means United States Coast Guard.

(ll) "WAC" means Washington Administrative Code.

(mm) "WISHA" means Washington Industrial Safety and Health Act of 1973.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-14001 Scope. (1) These specifications apply to the design, application, and use of signs or symbols (as included in WAC 296-24-14005 through 296-24-14009) intended to indicate and, insofar as possible, to define specific hazards of a nature such that failure to designate them may lead to accidental injury to workers. These specifications

are intended to cover all safety signs except those designed for streets, highways, railroads, and marine regulations. These specifications do not apply to plant bulletin boards or to safety posters.

(2) All new ~~((signs))~~ and replacement~~((s of old))~~ signs ~~((after August 27, 1971 shall be in accordance with))~~ must meet the criteria contained in these specifications.

AMENDATORY SECTION (Amending WSR 00-01-176, filed 12/21/99, effective 3/1/00)

WAC 296-24-23003 General requirements. These requirements ~~((are applicable))~~ apply to all sections of this chapter containing ~~((the))~~ WAC 296-24-230 in the section number.

(1) This section contains safety requirements relating to fire protection design, maintenance, and use of:

- Fork trucks,
- Forklifts,
- Tractors,
- Platform lift trucks,
- Motorized hand trucks, and
- Other specialized industrial trucks, powered by electric motors or internal combustion engines.

This section does not apply to:

- Compressed air or nonflammable compressed gas-operated industrial trucks,
- Farm vehicles, and
- Vehicles intended primarily for earth moving or over-the-road hauling.

(2) All powered industrial trucks in use by an employer must meet the ~~((applicable))~~ specified requirements of design, construction and stability as defined by the "American National Standards Institute B56.1-1969, Safety Standards for Powered Industrial Trucks," or ASME B56.6-1992, "Safety Standard for Rough Terrain Forklift Trucks" (with Addenda), except for vehicles intended primarily for earth moving or over-the-road hauling. All new powered industrial trucks acquired and used by an employer on or after March 1, 2000, must meet the ~~((applicable))~~ specified requirements of design, construction and stability as defined in ASME B56.1-1993 or B56.6. The employer must ~~((ensure))~~ make sure that all powered industrial trucks are inspected, maintained and operated in accordance with this section and the manufacturer's ~~((recommendations and specifics))~~ specifications.

(3) Approved trucks must bear a label or some other identifying mark indicating approval by the testing laboratory as meeting the specifications and requirements of ANSI B56.1-1969.

(4) Modifications and additions which affect capacity and safe operation must not be performed without manufacturer's prior written approval. When the manufacturer has granted modification, the capacity, operation and maintenance instruction plates, tags or decals must be changed accordingly.

(5) If the truck is equipped with front-end attachment(s), including fork extensions, the employer must ensure the truck is marked to identify the attachment(s), show the approximate weight of the truck and attachment combination, and

show the maximum capacity of the truck with attachment(s) at the maximum elevation with load laterally centered.

(6) The employer must see that all nameplates and markings are in place and are maintained in a legible condition.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-24-51009 Basic rules. This section applies to all sections of this chapter which include WAC 296-24-510 in the section number unless otherwise noted.

(1) Approval of equipment and systems. Each appurtenance shall be approved in accordance with (a), (b), (c), and (d) of this subsection.

(a) It was installed before February 8, 1973 and was approved and tested, and installed in accordance with either the provisions of the American National Standard for the Storage and Handling of Anhydrous Ammonia, K61.1, or the Fertilizer Institute Standards for the Storage and Handling of Agricultural Anhydrous Ammonia, M-1, in effect at the time of installation; or

(b) It is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory; or

(c) It is a type which no nationally recognized testing laboratory does, or will undertake to accept, certify, list, label, or determine to be safe; and such equipment is inspected or tested by any federal, state, municipal, or other local authority responsible for enforcing occupational safety provisions of a federal, state, municipal or other local law, code, or regulation pertaining to the storage, handling, transport, and use of anhydrous ammonia, and found to be in compliance with either the provisions of the American National Standard for the Storage and Handling of Anhydrous Ammonia, K61.1, or the Fertilizer Institute Standards for the Storage and Handling of Agricultural Anhydrous Ammonia, M-1, in effect at the time of installation; or

(d) It is a custom-designed and custom-built unit, which no nationally recognized testing laboratory, or federal, state, municipal or local authority responsible for the enforcement of a federal, state, municipal, or local law, code or regulation pertaining to the storage, transportation and use of anhydrous ammonia is willing to undertake to accept, certify, list, label or determine to be safe, and the employer has on file a document attesting to its safe condition following the conduct of appropriate tests. The document shall be signed by a registered professional engineer or other person having special training or experience sufficient to permit him/her to form an opinion as to safety of the unit involved. The document shall set forth the test bases, test data and results, and also the qualifications of the certifying person.

(e) For the purposes of this section the word "listed" means that equipment is of a kind mentioned in a list which is published by a nationally recognized laboratory which makes periodic inspection of the production of such equipment, and states such equipment meets nationally recognized standards or has been tested and found safe for use in a specified manner. "Labeled" means there is attached to it a label, symbol, or other identifying mark of a nationally recognized testing laboratory which makes periodic inspections of the production

of such equipment, and whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner. "Certified" means it has been tested and found by a nationally recognized testing laboratory to meet nationally recognized standards or to be safe for use in a specified manner, or is of a kind whose production is periodically inspected by a nationally recognized testing laboratory, and it bears a label, tag, or other record of certification.

(f) For purposes of this section, refer to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

(2) Requirements for construction, original test and requalification of not-refrigerated containers.

(a) Containers used with systems covered in WAC 296-24-51011 and 296-24-51017 through 296-24-51021 shall be constructed and tested in accordance with the code except that construction under Table UW - 12 at a basic joint efficiency of under eighty percent is not authorized.

Containers built according to the code do not have to comply with paragraphs UG-125 to UG-128, inclusive, and paragraphs UG-132 and UG-133 of the code.

(b) Containers exceeding thirty-six inches in diameter or two hundred fifty gallons water capacity shall be constructed to comply with one or more of the following:

(i) Containers shall be stress relieved after fabrication in accordance with the code, or

(ii) Cold-formed heads, when used, shall be stress relieved, or

(iii) Hot-formed heads shall be used.

(c) Welding to the shell, head, or any other part of the container subject to internal pressure shall be done in compliance with WAC 296-24-51005(5). Other welding is permitted only on saddle plates, lugs, or brackets attached to the container by the container manufacturer.

(d) Containers used with systems covered by subsection (3)(b)(iv) of this section shall be constructed and tested in accordance with the DOT specifications.

(e) The provisions of (a) of this subsection shall not be construed as prohibiting the continued use or reinstallation of containers constructed and maintained in accordance with the 1949, 1950, 1952, 1956, 1959, 1962, 1965 and 1968 editions of the Unfired Pressure Vessel Code of the ASME or any revisions thereof in effect at the time of fabrication.

(3) Markings on nonrefrigerated containers and systems other than DOT containers.

(a) System nameplates, when required, shall be permanently attached to the system so as to be readily accessible for inspection and shall include markings as prescribed in (b) of this subsection.

(b) Each container or system covered in WAC 296-24-51011, 296-24-51017, 296-24-51019 and 296-24-51021 shall be marked as specified in the following:

(i) With a marking identifying compliance with the rules of the code under which the container is constructed.

(ii) With a notation on the container and system nameplate when the system is designed for underground installation.

(iii) With the name and address of the supplier of the container or the trade name of the container and with the date of fabrication.

(iv) With the water capacity of the container in pounds at 60°F or gallons, United States standard.

(v) With the design pressure in pounds per square inch gage.

(vi) With the wall thickness of the shell and heads.

(vii) With marking indicating the maximum level to which the container may be filled with liquid anhydrous ammonia at temperatures between 20°F and 100°F except on containers provided with fixed maximum level indicators, such as fixed length dip tubes, or containers that are filled by weight. Markings shall be in increments of not more than 20°F.

(viii) With the outside surface area in square feet.

(ix) With minimum temperature in Fahrenheit for which the container is designed.

(x) Marking specified on container shall be on the container itself or on a nameplate permanently affixed thereto.

(c) All main operating valves on permanently installed containers having a capacity of over three thousand water gallons shall be identified to show whether the valve is in liquid or vapor service. The recommended method of identification may be legend or color code as specified in (c)(i) and (ii) of this subsection:

(i) Legend: The legend **liquid** (or **liquid valve**), **vapor** (or **vapor valve**), as appropriate, shall be placed on or within twelve inches of the valve by means of a stencil tag, or decal.

(ii) Color code: Liquid valves shall be painted orange and vapor valves shall be painted yellow. The legend **orange-liquid**, **yellow-vapor** shall be displayed in one or more conspicuous places at each permanent storage location. The legend shall have letters at least two inches high and shall be placed against a contrasting background. This is in accordance with American National Standard A13.1 "Schemes for Identification of Piping Systems"—1956, Page 5.

(4) Marking refrigerated containers. (See WAC 296-24-51013(3). Marking refrigerated containers.)

(5) Location of containers.

(a) Consideration shall be given to the physiological effects of ammonia as well as to adjacent fire hazards in selecting the location for a storage container. Containers shall be located outside of buildings or in buildings or sections thereof especially approved for this purpose.

(b) Containers shall be located at least fifty feet from a dug well or other sources of potable water supply, unless the container is a part of a water treatment installation.

(c) The location of permanent storage containers shall be outside densely populated areas.

(d) Container locations shall comply with the following table:

Nominal Capacity of Container	Minimum Distances (feet) from Container to:			
	Line of Adjoining Property Which may be Built upon, Highways & Mainline of Railroad	Place of Public Assembly	Institution	Occupancy
Over 500 to 2,000	25	150	250	
Over 2,000 to 30,000	50	300	500	
Over 30,000 to 100,000	50	450	750	
Over 100,000	50	600	1,000	

(e) Storage areas shall be kept free of readily ignitable materials such as waste, weeds and long dry grass.

(6) Container appurtenances.

(a) All appurtenances shall be designed for not less than the maximum working pressure of that portion of the system on which they are installed. All appurtenances shall be fabricated from materials proved suitable for anhydrous ammonia service.

(b) All connections to containers except safety relief devices, gaging devices, or those fitted with a No. 54 drill size orifice shall have shutoff valves located as close to the container as practicable.

(c) Excess flow valves where required by these standards shall close automatically at the rated flows of vapor or liquid as specified by the manufacturer. The connections and line including valves and fittings being protected by an excess flow valve shall have a greater capacity than the rated flow of the excess flow valve.

(d) Liquid level gaging devices that require bleeding of the product to the atmosphere and which are so constructed that outward flow will not exceed that passed by a No. 54 drill size opening need not be equipped with excess flow valves.

(e) Openings from container or through fittings attached directly on container to which pressure gage connections are made need not be equipped with excess flow valves if such openings are not larger than No. 54 drill size.

(f) Excess flow and back pressure check valves where required by these standards shall be located inside of the container or at a point outside as close as practicable to where the line enters the container. In the latter case, installation shall be made in such manner that any undue stress beyond the excess flow or back pressure check valve will not cause breakage between the container and the valve.

(g) Excess flow valves shall be designed with a bypass, not to exceed a No. 60 drill size opening to allow equalization of pressures.

(h) Shutoff valves provided with an excess flow valve shall be designed for proper installation in a container connection so that the excess flow valve will close should the shutoff valve break.

(i) All excess flow valves shall be plainly and permanently marked with the name or trademark of the manufacturer, the catalog number, and the rated capacity.

(7) Piping, tubing and fittings.

(a) All piping, tubing and fittings shall be made of material suitable for anhydrous ammonia service.

(b) All piping, tubing and fittings shall be designed for a pressure not less than the maximum pressure to which they may be subjected in service.

(c) All piping shall be well supported and provision shall be made for expansion and contraction. All refrigeration system piping shall conform to the Refrigeration Piping Code (ANSI B31.5 1966 addenda B31.1a-1968), a section of the American Standard Code for Pressure Piping, as it applies to ammonia.

(d) Piping used on nonrefrigerated systems shall be at least ASTM A-53-1969 Grade B Electric Resistance Welded and Electric Flash Welded Pipe or equal. Such pipe shall be at least Schedule 40 when joints are welded, or welded and flanged. Such pipe shall be at least Schedule 80 when joints are threaded. Brass, copper, or galvanized steel pipe or tubing shall not be used.

(e) All metal flexible connections for permanent installations shall have a minimum working pressure of 250 p.s.i.g. (safety factor of 4). For temporary installations, hose meeting the requirement of subsection (8) of this section may be used.

(f) ~~Cast iron fittings (shall not be used but this shall not prohibit the use of fittings made specially for ammonia service of malleable or nodular iron such as Specification ASTM A47 or ASTM A395)) must not be used, but this does not prohibit the use of fittings made specifically for ammonia service, made of malleable, nodular, or high-strength gray iron, meeting American Society for Testing and Materials (ASTM) A47-68, ASTM 395-68, or ASTM A126-66 Class B or C.~~

(g) Provisions shall be made for expansion, contraction, jarring, vibration, and for settling.

(h) Adequate provisions shall be made to protect all exposed piping from physical damage that might result from moving machinery, the presence of automobiles or trucks, or any other undue strain that may be placed upon the piping.

(i) Joint compounds shall be resistant to ammonia.

(j) After assembly, all piping and tubing shall be tested and proved to be free from leaks at a pressure not less than the normal operating pressure of the system.

(8) Hose specification.

(a) Hose used in ammonia service and subject to container pressure shall conform to the joint Rubber Manufacturers Association and the Fertilizer Institute "Hose Specifications for Anhydrous Ammonia" (see Appendix B).

(b) Hose subject to container pressure shall be designed for a minimum working pressure of 350 p.s.i.g. and a minimum burst pressure of 1750 p.s.i.g. Hose assemblies, when made up, shall be capable of withstanding a test pressure of 500 p.s.i.g.

(c) Hose and hose connections located on the low pressure side of flow control or pressure reducing valves on devices discharging to atmospheric pressure shall be designed for the maximum low side working pressure. All connections shall be designed, constructed, and installed so that there will be no leakage when connected.

(d) Where liquid transfer hose is not drained of liquid upon completion of transfer operations, such hose shall be equipped with an approved shutoff valve at the discharge end. Provision shall be made to prevent excessive hydrostatic pressure in the hose. (See subsection (9)(j) of this section.)

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(e) On all hose one-half inch O.D. and larger, used for the transfer of anhydrous ammonia liquid or vapor, there shall be etched, cast, or impressed at five-foot intervals the following information:

"Anhydrous Ammonia"

xxx p.s.i.g. (Maximum working pressure)

Manufacturer's Name or Trademark

Year of Manufacture

(9) Safety relief devices.

(a) Every container used in systems covered by WAC 296-24-51011, 296-24-51017, 296-24-51019 and 296-24-51021 shall be provided with one or more safety relief valves of the spring-loaded or equivalent type. The discharge from safety relief valves shall be vented away from the container, upward and unobstructed to the atmosphere. All safety relief valve discharge openings shall have suitable raincaps that will allow free discharge of the vapor and prevent the entrance of water. Provision shall be made for draining condensate which may accumulate. The rate of the discharge shall be in accordance with the provisions of Appendix A.

(b) Container safety relief valves shall be set to start-to-discharge as follows, with relations to the design pressure of the container.

Containers	Minimum	Maximum*
ASME U-68, U-69	110%	125%
ASME U-200, U-201	95%	100%
ASME 1952, 1956, 1959, 1962, 1965, 1968 or 1971	95%	100%
API-ASME	95%	100%
U.S. Coast Guard (As required by USCG regulations)		
DOT (As required by DOT regulations)		

*Note: A relief valve manufacturer's tolerance of plus ten percent is permitted.

(c) Safety relief devices used in systems covered by WAC 296-24-51011, 296-24-51017, 296-24-51019 and 296-24-51021 shall be constructed to discharge at not less than the rates required in (a) of this subsection before the pressure is in excess of one hundred twenty percent (not including the ten percent tolerance referred to in (b) of this subsection) of the maximum permitted start-to-discharge pressure setting of the device.

(d) Safety relief valves shall be so arranged that the possibility of tampering will be minimized. If the pressure setting adjustment is external, the relief valves shall be provided with means for sealing the adjustment.

(e) Shutoff valves shall not be installed between the safety relief valves and the containers or systems described in WAC 296-24-51011, 296-24-51017, 296-24-51019 and 296-24-51021, except that a shutoff valve may be used where the arrangement of this valve is such as always to afford required capacity flow through the relief valves.

Note: The above exception is made to cover such cases as a three-way valve installed under two safety relief valves, each of which has the required rate of discharge and is so installed as to allow either of the safety relief valves to be closed off, but does not allow both safety valves to be closed off at the

same time. Another exception to this may be where two separate relief valves are installed with individual shutoff valves. In this case, the two shutoff valve stems shall be mechanically interconnected in a manner which will allow full required flow of one safety relief valve at all times. Still another exception is a safety relief valve manifold which allows one valve of two, three, four or more to be closed off and the remaining valve or valves will provide not less than the rate of discharge shown on the manifold nameplate.

(f) Safety relief valves shall have direct communication with the vapor space of the container.

(g) Each safety relief valve used with systems described in WAC 296-24-51011, 296-24-51017, 296-24-51019 and 296-24-51021 shall be plainly and permanently marked as follows:

(i) With the letters "AA" or the symbol "NH3."

(ii) The pressure in pounds per square inch gage (p.s.i.g.) at which the valve is set to start-to-discharge.

(iii) The rate of discharge of the valve in cubic feet per minute of air at 60°F and atmospheric pressure (14.7 p.s.i.a.).

(iv) The manufacturer's name and catalog number.

For example, a safety relief valve marked AA-250-4200 (air) would mean that this valve is suitable for use on an anhydrous ammonia container; that it is set to start-to-discharge at 250 p.s.i.g.; and that its rate of discharge (see subsection (8)(a) through (c) of this section) is four thousand two hundred cubic feet per minute of air.

(h) The flow capacity of the safety relief valve shall not be restricted by any connection to it on either the upstream or downstream side.

(i) The manufacturer or supplier of a safety relief valve manifold shall publish complete data showing the flow rating through the combined assembly of the manifold with safety relief valves installed. The manifold flow rating shall be determined by testing the manifold with all but one valve discharging. If one or more openings have restrictions not present in the remaining openings, the restricted opening or openings or those having the lowest flow shall be used to establish the flow rate marked on the manifold nameplate. The marking shall be similar to that required in (g) of this subsection for individual valves.

(j) A hydrostatic relief valve shall be installed between each pair of valves in the liquid ammonia piping or hose where liquid may be trapped so as to relieve into the atmosphere at a safe location.

(k) Discharge from safety relief devices shall not terminate in or beneath any building.

(10) Safety. See CGA Pamphlet G-2, TFI Operational Safety Manual M-2 and MCA Safety Data Sheet SD-8 (see Appendix C for availability).

(a) Personnel required to handle ammonia shall be trained in safe operating practices and the proper action to take in the event of emergencies. Personnel shall be instructed to use the equipment listed in (c) of this subsection in the event of an emergency. (Rev. 1-22-76)

(b) If a leak occurs in an ammonia system, the personnel trained for and designated to act in such emergencies shall:

(i) See that persons not required to deal with an emergency are evacuated from the contaminated area.

(ii) Put on a suitable gas mask.

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(iii) Wear gauntlet type plastic or rubber gloves and wear plastic or rubber suits in heavily contaminated atmospheres.

(iv) Shut off the appropriate valves.

(c) All stationary storage installations shall have at least:

(i) Two suitable gas masks in readily accessible locations. Full face masks with ammonia canisters as certified by NIOSH under 42 CFR Part 84, are suitable for emergency action for most leaks, particularly those that occur outdoors. For protection in concentrated ammonia atmospheres self-contained breathing apparatus is required.

(ii) One pair of protective gloves made of rubber or other material impervious to ammonia.

(iii) One pair of protective boots made of rubber or other material impervious to ammonia.

(iv) One protective slicker and/or protective pants and jacket made of rubber or other material impervious to ammonia.

(v) Easily accessible shower and/or at least fifty gallons of clean water in an open top container.

(vi) Tight fitting vented goggles or one full face shield.

(d) Where several persons are usually present, additional safety equipment may be desirable.

(e) Each tank motor vehicle transporting anhydrous ammonia, except farm applicator vehicles, shall carry a container of at least five gallons of water and shall be equipped with a full face gas mask, a pair of tight-fitting goggles or one full face shield. The driver shall be instructed in their use and the proper action to take to provide for his/her safety.

(f) If a leak occurs in transportation equipment and it is not practical to stop the leak, the driver should move the vehicle to an isolated location away from populated communities or heavily traveled highways.

(g) If liquid ammonia contacts the skin or eyes, the affected area should be promptly and thoroughly flushed with water. Do not use neutralizing solutions or ointments on affected areas. A physician shall treat all cases of eye exposure to liquid ammonia.

(11) Filling densities. (See WAC 296-24-51005(9).)

(a) The filling densities for nonrefrigerated containers shall not exceed the following:

	Aboveground	Underground
(i) Uninsulated	56%*	58%
(ii) Insulated	57%	
(iii) DOT containers shall be filled in accordance with DOT regulations.		

* This corresponds to 82% by volume at -28°F, 85% by volume at 5°F, 87.5% by volume at 30°F, and 90.6% by volume at 60°F.

(b) The filling density for refrigerated storage tanks temperature corresponding to the vapor pressure at the start-to-discharge pressure setting of the safety relief valve.

(c) If containers are to be filled according to liquid level by any gaging method other than a fixed length dip tube gage, each container should have a thermometer well so that the internal liquid temperature can be easily determined and the amount of liquid and vapor in the container corrected to a 60°F basis.

(12) Transfer of liquids.

(a) Anhydrous ammonia shall always be at a temperature suitable for the material of construction and design of the receiving containers. Ordinary steels are not suitable for refrigerated ammonia. See Appendix R of API Standard 620 "Recommended Rules for Design and Construction of Large Welded Low-Pressure Storage Tanks" for materials for low temperature service.

(b) At least one attendant shall supervise the transfer of liquids from the time the connections are first made until they are finally disconnected.

(c) Flammable gases or gases which will react with ammonia (such as air) shall not be used to unload tank cars or transport trucks.

(d) Containers shall be charged or used only upon authorization of the owner.

(e) Containers shall be gaged and charged only in the open atmosphere or in buildings approved for that purpose.

(f) Pumps used for transferring ammonia shall be recommended and labeled for ammonia service by the manufacturer.

(i) Pumps shall be designed for at least 250 p.s.i.g. working pressure.

(ii) Positive displacement pumps shall have installed, off the discharge port, a constant differential relief valve discharging into the suction port of the pump through a line of sufficient size to carry the full capacity of the pump at relief valve setting, which setting and installation shall be according to pump manufacturer's recommendations.

(iii) On the discharge side of the pump, before the relief valve line, there shall be installed a pressure gage graduated from 0 to 400 p.s.i.g.

(iv) Plant piping shall contain shutoff valves located as close as practical to pump connections.

(g) Compressors used for transferring or refrigerating ammonia shall be recommended and labeled for ammonia service by the manufacturer.

(i) Compressors, except those used for refrigeration, shall be designed for at least 250 p.s.i.g. working pressure. Crank cases of compressors not designed to withstand system pressure shall be protected with a suitable safety relief valve.

(ii) Plant piping shall contain shutoff valves located as close as practical to compressor connections.

(iii) A safety relief valve large enough to discharge the full capacity of the compressor shall be connected to the discharge before any shutoff valve.

(iv) Compressors shall have pressure gages at suction and discharge graduated to at least one and one-half times the maximum pressure that can be developed.

(v) Adequate means, such as drainable liquid trap, may be provided on the compressor suction to minimize the entry of liquid into the compressor.

(vi) Where necessary to prevent contamination, an oil separator shall be provided on the discharge side of the compressor.

(h) Loading and unloading systems shall be protected by suitable devices to prevent emptying of the storage container or the container being loaded or unloaded in the event of severance of the hose. Backflow check valves or properly sized excess flow valves shall be installed where necessary to pro-

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vide such protection. In the event that such valves are not practical, remotely operated shutoff valves may be installed.

(i) Meters used for the measurement of liquid anhydrous ammonia shall be recommended and labeled for ammonia service by the manufacturer.

(i) Liquid meters shall be designed for a minimum working pressure of 250 p.s.i.g.

(ii) The metering system shall incorporate devices that will prevent the inadvertent measurement of vapor.

(13) Tank car unloading points and operations.

(a) Provisions for unloading tank cars shall conform to the regulations of the department of transportation.

(b) Unloading operations shall be performed by reliable persons properly instructed and made responsible for careful compliance with all applicable procedures.

(c) Caution signs shall be so placed on the track or car as to give necessary warning to persons approaching car from open end or ends of siding and shall be left up until after car is unloaded and disconnected from discharge connections. Signs shall be of metal or other suitable material, at least twelve by fifteen inches in size and bear the words "STOP—Tank car connected" or "STOP—Men at work" the word "STOP," being in letters at least four inches high and the other words in letters at least two inches high. The letters shall be white on a blue background.

(d) The track of a tank car siding shall be substantially level.

(e) Brakes shall be set and wheels blocked on all cars being unloaded.

(f) Tank cars of anhydrous ammonia shall be unloaded only at approved locations meeting the requirements of subsections (9)(c) and (12)(h) of this section.

(14) Liquid level gaging device.

(a) Each container except those filled by weight shall be equipped with an approved liquid level gaging device.

(b) All gaging devices shall be arranged so that the maximum liquid level to which the container is filled is readily determined. (See subsection (4)(b)(vii) of this section.)

(c) Gaging devices that require bleeding of the product to the atmosphere such as the rotary tube, fixed tube, and slip tube devices, shall be designed so that the maximum opening of the bleed valve is not larger than No. 54 drill size unless provided with an excess flow valve. (This requirement does not apply to farm vehicles used for the application of ammonia as covered in WAC 296-24-51021.)

(d) Gaging devices shall have a design pressure equal to or greater than the design pressure of the container on which they are installed.

(e) Fixed liquid level gages shall be so designed that the maximum volume of the container filled by liquid shall not exceed eighty-five percent of its water capacity. The coupling into which the fixed liquid level gage is threaded must be placed at the eighty-five percent level of the container. If located elsewhere, the dip tube of this gage must be installed in such a manner that it cannot be readily removed.

Note: This does not apply to refrigerated storage.

(f) Gage glasses of the columnar type shall be restricted to stationary storage installation. They shall be equipped with shutoff valves having metallic handwheels, with excess-flow

valves, and with extra heavy glass adequately protected with a metal housing applied by the gage manufacturer. They shall be shielded against the direct rays of the sun.

(15) Painting of containers. Aboveground uninsulated containers should have a reflective surface maintained in good condition. White is recommended for painted surfaces, but other light reflecting colors are acceptable.

(16) Electrical equipment and wiring.

(a) Electrical equipment and wiring for use in ammonia installations shall be general purpose or weather resistant as appropriate.

(b) Where concentrations of ammonia in air in excess of sixteen percent by volume are likely to be encountered, electrical equipment and wiring shall be of a type specified by and be installed according to chapter 296-24 WAC Part L, for Class I, Group D locations.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-51011 Systems utilizing stationary, pier-mounted or skid-mounted aboveground or underground, nonrefrigerated storage. This section applies to stationary, pier-mounted, skid-mounted, aboveground or underground, nonrefrigerated storage installations utilizing containers other than those constructed in accordance with department of transportation specifications. All basic rules of WAC 296-24-51009 apply to this section unless otherwise noted.

(1) Design pressure and construction of containers. The minimum design pressure for nonrefrigerated aboveground containers ((shall)) must be 250 psig. (See WAC 296-24-51009 (2)(a)((+)).)

Note: U-68 and U-69 ASME Code containers with a design pressure of 200 psig are acceptable if recertified to 250 psig and equipped with safety relief valves set at 250 psig as permitted in WAC 296-24-51009 (9)(b).

(2) Container valves and accessories, filling and discharging connections.

(a) Each filling connection shall be provided with combination back-pressure check valve and excess flow valve; one double or two single back-pressure check valves; or a positive shutoff valve in conjunction with either an internal back-pressure check valve or an internal excess flow valve.

(b) All vapor and liquid connections, except safety relief valves and those specifically exempt in WAC 296-24-51009 (6)(d) and (e) shall be equipped with approved excess flow valves; or in lieu thereof, may be fitted with approved quick-closing internal valves which, except during operating periods, shall remain closed.

(c) Each storage container shall be provided with a pressure gage graduated from 0 to 400 psig. Gages shall be designated for use in ammonia service.

(d) All containers shall be equipped with an approved vapor return valve.

(e) All containers shall be equipped with a fixed maximum liquid level gage.

(3) Safety relief devices.

(a) Every container shall be provided with one or more safety relief valves of spring-loaded or equivalent type and shall comply with the following:

(i) The discharge from safety relief valves shall be directed away from the container upward and unobstructed to the open air. Vent pipes shall not be restrictive or smaller in size than the safety relief outlet connection. All safety relief valve discharges shall have suitable rain caps that will allow free discharge of the vapor and prevent the entrance of water. Suitable provision shall be made for draining condensate which may accumulate.

(ii) If desired, vent pipes from two or more safety relief devices located on the same unit, or similar lines from two or more different units, may be run into a common header, provided the cross-sectional area of such header is at least equal to the sum of the cross-sectional areas of the individual vent pipes.

(b) The rate of discharge of spring-loaded safety relief valves installed on underground containers may be reduced to a minimum of 30 percent of the rate of discharge specified in Appendix A. Containers so protected shall not be uncovered after installation until the liquid ammonia has been removed. Containers which may contain liquid ammonia before being installed underground and before being completely covered with earth are to be considered aboveground containers when determining the rate of discharge requirements of the safety relief valves.

(c) On underground installations where there is a probability of the manhole or housing becoming flooded, the discharge from vent lines shall be located above the high water level. All manholes or housings shall be provided with ventilated louvers or their equivalent, the area of such openings equaling or exceeding combined discharge areas of safety relief valves and vent lines which discharge their content into the manhole housing.

(4) Installation of storage containers.

(a) Containers installed aboveground shall be provided with substantial reinforced concrete footings and foundations or structural steel supports mounted on reinforced concrete foundations. In either case, the reinforced concrete foundations or footings shall extend below the established frost line and shall be of sufficient width and thickness to support the total weight of the containers and contents adequately. The foundation shall maintain the lowest point of the tank at not less than 18 inches above the ground. Floating type foundations shall also be acceptable providing the foundations are designed to adequately support the tank, contents and pumping equipment. (See WAC 296-24-51009(7).)

(b) Horizontal aboveground containers shall be mounted on foundations in such a manner as to permit expansion and contraction. Every container shall be supported so as to prevent the concentration of excessive loads on the supporting portion of the shell. The bearing afforded by the saddles shall extend over at least one third of the circumference of the shell. Suitable means for preventing corrosion shall be provided on that portion of the container in contact with the foundations or saddles.

(c) Containers buried underground shall be placed so that the top of the container is at least one foot below the surface of the ground. Should ground conditions make compliance

with these requirements impracticable, precautions shall be taken to prevent physical damage to the container. It is not necessary to cover the portion of the container to which a manhole and other connections are affixed when necessary to prevent floating, containers shall be securely anchored or weighted.

(d) Underground containers shall be set on firm foundations (firm earth may be used) and surrounded with soft earth or sand well tamped in place. As a further means of resisting corrosion, the container, prior to being placed underground, shall be given a protective coating satisfactory to the authority having jurisdiction. Such protective coating shall be equivalent to hot dip galvanizing, or to two preliminary coatings of red lead followed by a heavy coating of coal tar or asphalt. The container thus coated shall be lowered into place in such a manner as to prevent abrasion or other damage to the coating.

(e) Distance between aboveground and underground containers of over 1,200 gallons capacity shall be at least five feet.

(f) Secure anchorage or adequate pier height shall be provided against container flotation wherever sufficiently high flood water might occur.

(5) Reinstallation of containers.

(a) Containers once installed underground shall not later be reinstalled aboveground or underground, unless they successfully withstand hydrostatic pressure retests at the pressure specified for the original hydrostatic test as required by the code under which the tank was constructed and show no evidence of serious corrosion.

(b) Where containers are reinstalled underground, the corrosion resistant coating shall be put in good condition; see WAC 296-24-51011 (4)(d). Where containers are reinstalled aboveground, safety relief devices or gaging devices shall comply with WAC 296-24-51009(9) and 296-24-51011(3) respectively for aboveground containers.

(6) Marking of containers. Each container or group of containers shall be marked on at least two sides with the words "anhydrous ammonia" or "caution—ammonia" in sharply contrasting colors with letters not less than four inches high.

(7) Protection of container appurtenances.

(a) Valves and other appurtenances shall be protected against physical damage. Main container shut-off valves shall be kept closed and locked when the installation is unattended. If the facility is protected against tampering by fencing or other suitable means, valve locks are not required.

(b) All connections to underground containers should be located within a substantial dome, housing or manhole fitted with a substantial removable cover. Appurtenances shall also be protected during the transit of containers intended for installation underground.

(c) Storage containers need not be grounded.

(8) Identification. A sign shall be displayed in a conspicuous place stating the name, address, and phone number of the nearest representative, agent, or owner of the storage system.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-51015 Systems utilizing portable DOT containers. This section applies specifically to systems utilizing cylinders, portable tanks (DOT-51), or "ton containers" (DOT-106A, DOT-110A), constructed in accordance with department of transportation specifications. All basic rules of WAC 296-24-51009 apply to this section, unless otherwise noted.

(1) Containers.

(a) Containers shall comply with department of transportation specifications and shall be maintained, filled, packaged, marked, labeled and shipped to comply with current DOT regulations and American National Standard Method of Marking Portable Compressed Gas Containers to Identify the Material Contained, Z48.1-1954 (R1970). (See Appendix C for availability.)

(b) Containers shall be stored in an area free from ignitable debris and in such manner as to prevent external corrosion. (Storage may be indoors or outdoors.)

(c) Containers shall not be buried below ground.

(d) Containers shall be set upon firm foundations or otherwise firmly secured. The possible effect of settling on the outlet piping shall be guarded against by a flexible connection or special fitting.

(e) Containers shall be protected from heat sources such as radiant flame and steam pipes. Do not apply heat directly to containers to raise the pressure.

(f) Containers shall be stored in such manner as to protect them from moving vehicles or external damage.

(g) Any container which is designed to have a valve protection cap shall have the cap securely in place when the container is not in service.

(2) Container valves and regulating equipment.

(a) Container valves and pressure regulating equipment shall be protected against tampering when installed for use.

(b) Container valves shall be protected while in transit, in storage, and while being moved into final utilizations, as follows:

(i) By setting them into a recess of the container, or

(ii) By ventilated cap or collar, fastened to the container, capable of withstanding a blow from any direction equivalent to that of a 30-lb. weight dropped four feet. Construction must be such that a blow will not be transmitted to the valves or other connections.

(c) When containers are not connected for service, the outlet valves shall be kept tightly closed even though containers are considered empty.

(3) Safety relief devices. Containers shall be provided with safety relief devices as required by department of transportation regulations.

AMENDATORY SECTION (Amending Order 81-32, filed 12/24/81)

WAC 296-24-60205 Equipment. (1) Reels and cabinets. Where reels or cabinets are provided to contain fire hose, the employer shall assure that they are designed to facilitate prompt use of the hose valves, the hose, and other

equipment at the time of a fire or other emergency. The employer shall assure that the reels and cabinets are conspicuously identified and used only for fire equipment.

(2) Hose outlets and connections.

(a) The employer shall assure that hose outlets and connections are located high enough above the floor to avoid being obstructed and to be accessible to employees.

(b) The employer shall standardize screw threads or provide appropriate adapters throughout the system and assure that the hose connections are compatible with those used on the supporting fire equipment.

(3) Hose.

(a) The employer shall assure that every one and one-half inch (3.8 cm) or smaller hose outlet used to meet this standard is equipped with hose connected and ready for use. In extremely cold climates where such installation may result in damaged equipment, the hose may be stored in another location provided it is readily available and can be connected when needed.

(b) Standpipe systems installed after July 1, 1982, for use by employees, shall be equipped with lined hose. Unlined hose may remain in use on existing systems. However, after the effective date of this standard, unlined hose which becomes unserviceable shall be replaced with lined hose.

(c) ~~((Beginning July 1, 1982, the employer shall provide hose of such length that friction loss resulting from water flowing through the hose will not decrease the pressure at the nozzle below 30 psi (210 kPa). The dynamic pressure at the nozzle shall be within the range of 30 psi (210 kPa) to 125 psi (860 kPa).))~~ Employers must provide hose of sufficient length so that friction, resulting from water flowing through the hose, does not decrease the pressure at the nozzle below 30 psi (210 kPa). The dynamic pressure at the nozzle must be within the range of 30 psi (210 kPa) to 125 psi (860 kPa).

(4) Nozzles. ~~((Beginning July 1, 1982, the employer shall assure))~~ Employers must make sure that standpipe hoses ~~((is))~~ are equipped with shut-off type nozzles.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-63499 Appendix D—Availability of publications incorporated by references in WAC 296-24-58505—Fire brigades. The final standard for fire brigades, WAC 296-24-585, contains provisions which incorporate certain publications by reference. The publications provide criteria and test methods for protective clothing worn by those fire brigade members who are expected to perform interior structural fire fighting. The standard references the publications as the chief sources of information for determining if the protective clothing affords the required level of protection.

It is appropriate to note that the final standard does not require employers to purchase a copy of the referenced publications. Instead, employers can specify (in purchase orders to the manufacturers) that the protective clothing meet the criteria and test methods contained in the referenced publications and can rely on the manufacturers assurances of compli-

ance. Employers, however, may desire to obtain a copy of the referenced publications for their own information.

The section designation of the standard where the referenced publications appear, the title of the publications, and the availability of the publications are as follows:

Section Designation	Referenced Publication	Available From
WAC 296-24-58513 (3)(b)	"Protective Clothing for Structural Fire Fighting." NFPA	National Fire Protection Association, Batterymarch Park, Quincy, MA 02269-9101.
WAC 296-24-58513 (4)(a)	"Development of Criteria for Fire Fighter's Gloves; Vol. II, Part II: Test Methods"(1976)	U.S. Government Printing Office, Washington, D.C. 20401. Stock No. for Vol. II is: 071-033-021-1.
WAC 296-24-58513 (5)(a)	"Model Performance Criteria for Structural Fire fighter's Helmets" (1977)	U.S. Fire Administration, National Fire Safety and Research Office, 16825 South Seton Avenue, Emmitsburg, Maryland 21727.

The referenced publications (or a microfiche of the publications) are available for review at many universities and public libraries throughout the country. These publications may also be examined at the OSHA Technical Data Center, Room N2439-Rear, United States Department of Labor, 200 Constitution Avenue Northwest, Washington, D.C. 20210 ((202-523-9700)) (202-219-7500), or at any OSHA Regional Office (see telephone directories under United States Government-Labor Department).

PART H-2

SAFE PRACTICES ((OF ABRASIVE-BLASTING OPERATIONS, VENTILATION)) AND VENTILATION OF ABRASIVE BLASTING OPERATIONS

Abrasive Blasting Operations

AMENDATORY SECTION (Amending WSR 98-02-006, filed 12/26/97, effective 3/1/98)

WAC 296-24-67513 Construction and maintenance of the exhaust ventilation systems. (1) The construction, installation, inspection, and maintenance of exhaust systems must conform to the principles and requirements set forth in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ((29-2-1960)) 29.2-1960 and ANSI Z33.1-1961.

Note: See the latest versions of ANSI Z9.2 and ANSI Z33.1 for current information on the installation, inspection and maintenance of exhaust systems.

(2) When dust leaks are noted, repairs must be made.

(3) The static pressure drop at the exhaust ducts leading from the equipment must be checked when the installation is completed and periodically thereafter to assure continued satisfactory operation.

(4) Whenever an appreciable change in the pressure drop indicates a partial blockage, the system must be cleaned and returned to normal operating conditions.

(5) In installations where the abrasive is recirculated, an abrasive separator must be provided to remove fines from the spent abrasives.

(6) The air exhausted from blast cleaning equipment must be discharged through dust collecting equipment.

(7) Dust collectors must be set up so that the accumulated dust can be emptied and removed without contaminating other working areas.

Note: Disposal of waste. The fine dust from dry collectors should be emptied into and transported in enclosed containers to prevent dispersal of the fines, or discharged into a sluice with some method to assure wetting of the dust.

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

WAC 296-24-67515 Personal protective equipment.

(1) Employers must use only respirators certified by NIOSH under 42 CFR part 84 for protecting employees from dusts produced during abrasive-blasting operations.

(2) Abrasive-blasting respirators. Abrasive-blasting respirators must be worn by all abrasive-blasting operators in the following situations: (a) When working inside of blast cleaning rooms, or (b) when using silica sand in manual blasting operations except where the nozzle and blast are physically separated from the operator in an exhaust ventilated enclosure, or (c) where concentrations of toxic dusts dispersed by the abrasive blasting may exceed the limits set in chapter 296-62 WAC, Part E except where the nozzle and blast are physically separated from the operator in an exhaust-ventilated enclosure.

(3) Particulate-filter respirators.

(a) Properly fitted particulate-filter respirators, commonly referred to as dust-filter respirators, may be used for short, intermittent, or occasional dust exposures such as clean-up, dumping of dust collectors, or unloading shipments of sand at a receiving point when it is not feasible to control the dust by enclosure, exhaust ventilation, or other means.

(b) Dust-filter respirators may also be used to protect the operator of outside (outdoor) abrasive-blasting operations where nonsilica abrasives are used on materials having low toxicity.

((Note: The selection of a dust filter respirator depends on the amount of dust in the breathing zone of the user. See WAC 296-62-07413—Table 5.))

(c) Dust-filter respirators used must be certified by NIOSH under 42 CFR part 84 for protection against the specific type of dust encountered.

(d) Dust-filter respirators must be properly fitted as required in chapter 296-62 WAC, Part E.

(e) Dust-filter respirators must not be used for continuous protection where silica sand is used as the blasting abrasive, or when toxic materials are blasted.

(4) A respiratory protection program as required in chapter 296-62 WAC, Part E must be established wherever it is necessary to use respirators.

(5) Personal protective clothing.

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(a) Operators must be equipped with heavy canvas or leather gloves and aprons or equivalent protection to protect them from the impact of abrasives.

(b) Safety shoes must be worn where there is a hazard of foot injury.

(c) Equipment for protection of the eyes and face must be supplied to the operator and to other personnel working near abrasive blasting operations when the respirator design does not provide such protection.

(6) Personal protective clothing, equipment and their use must comply with WAC 296-800-160.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-32-250 Tools and personal protective equipment—General. (1) Personal protective equipment, protective devices and special tools needed for the work of employees shall be provided and the employer shall ensure that they are used by employees.

(a) Before each day's use the employer shall ensure that these personal protective devices, tools, and equipment are carefully inspected by a competent person to ascertain that they are in good condition.

(b) Tools found to be defective shall be taken out of service.

(2) Head protection. (~~Class B protective helmets shall be provided whenever there is exposure to overhead hazards and/or possible high voltage electrical contact.~~

~~(a) Employees working in areas where there is a possible danger of head injury from impact, falling or flying objects, shall be protected by protective helmets.~~

~~(b) Criteria for protective helmets:~~

~~(i) Protective helmets purchased after February 20, 1995, shall comply with ANSI Z89.1-1986, "American National Standard for Personnel Protection—Protective Headwear for Industrial Workers—Requirements," which is incorporated by reference, or shall be demonstrated to be equally effective.~~

~~(ii) Protective helmets purchased before February 20, 1995, shall comply with the ANSI standard "American National Standard Safety Requirements for Industrial Head Protection," ANSI Z89.1-1969, or shall be demonstrated by the employer to be equally effective.)~~ Head protection meeting the requirements of ANSI Z89.2-1971, "Safety Requirements for Industrial Protective Helmets for Electrical Workers, Class B", must be provided whenever there is possible exposure to high voltage electrical contact. Employers must make sure that employees use the head protection.

(3) Eye protection. Protective eye and face equipment shall be required where there is a possibility of injury that can be prevented by such equipment. In such cases, employers shall make conveniently available a type of protector suitable for the work to be performed, and employees shall use such protectors.

Note: See WAC 296-800-160 for additional personal protective equipment requirements.

(4) Tent heaters, torches and open flame. Open flames shall not be used within ground tents or on platforms within aerial tents unless:

(a) The tent covers are constructed of fire resistant materials, and

(b) Ventilation is provided to maintain safe oxygen levels and avoid harmful buildup of combustion products and combustible gases.

(5) Portable power equipment.

(a) All portable power equipment used in the telecommunications industry shall be grounded.

(b) Nominal 120V, or less, portable generators used for providing power at work locations do not require grounding if the output circuit is completely isolated from the frame of the unit.

(c) Grounding shall be omitted when using soldering irons, guns or wire-wrap tools on telecommunication circuits.

(6) Vehicle-mounted utility generators. Vehicle-mounted utility generators used for providing nominal 240V AC or less for powering portable tools and equipment need not be grounded to earth if all of the following conditions are met:

(a) One side of the voltage source is solidly strapped to the metallic structure of the vehicle;

(b) Grounding-type outlets are used, with a "grounding" conductor between the outlet grounding terminal and the side of the voltage source that is strapped to the vehicle;

(c) All metallic encased tools and equipment that are powered from this system are equipped with three-wire cords and grounding-type attachment plugs, except as designated in subsection (7) of this section.

(7) Portable lights, tools and appliances. When operated from commercial power such metal parts of these devices shall be grounded, unless these tools or appliances are protected by a system of double insulation, or its equivalent. Where such a system is employed, the equipment shall be distinctively marked to indicate double insulation.

(8) Lead work. When operated from commercial power the metal housing of electric solder pots shall be grounded. Electric solder pots may be used with the power equipment described in this subsection, without a grounding conductor.

The employer shall ensure that wiping gloves or cloths and eye protection are used in lead wiping operations. A drip pan to catch hot lead drippings shall also be provided and used.

(9) Fire extinguishers.

(a) Fire extinguishers shall be provided for the protection of both the building structure and the occupancy hazards contained therein.

(b) Employees shall be familiar with the location and operation of fire extinguishers.

(c) Any fire extinguishers showing defects shall be removed from service.

(d) Fire extinguishers shall be thoroughly examined and/or recharged or repaired to insure operability and safety once every year.

(e) Each fire extinguisher shall have a durable tag securely attached to show the maintenance or recharge date and the initials or signature of the person performing this service.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-32-280 Ladders. (1) The employer shall ensure that no employee nor any material or equipment shall be supported or permitted to be supported on any portion of a ladder unless it is first determined, by inspections and checks conducted by a competent person that such ladder is free of defects, in good condition and secured in place.

(2) The spacing between steps or rungs permanently installed on poles and towers shall be no more than 18 inches (36 inches on any one side). This requirement also applies to fixed ladders on towers, when towers are so equipped. Spacing between steps shall be uniform above the initial unstepped section, except where working, standing, or access steps are required. Fixed ladder rungs and step rungs for poles and towers shall have a minimum diameter of 5/8 inch. Fixed ladder rungs shall have a minimum clear width of 12 inches. Steps for poles and towers shall have a minimum clear width of 4-1/2 inches. The spacing between detachable steps may not exceed 30 inches on any one side, and these steps shall be secured when in use.

(3) (~~(After October 31, 1975,)~~) Portable wood ladders intended for general use (~~(shall)~~) must not be painted, but may be coated with a translucent nonconductive coating. Portable wood ladders (~~(shall)~~) must not be longitudinally reinforced with metal.

(4) Portable wood ladders that are not being carried on vehicles and are not in active use shall be stored where they will not be exposed to the elements and where there is good ventilation.

(5) Rolling ladders.

(a) Rolling ladders used in telecommunication centers shall have a width between the side rails, inside to inside, of at least 12 inches.

(b) Except in working spaces that are not a means of egress, the ladders shall have a minimum inside width, between the side rails, of at least eight inches.

(6) Climbing ladders or stairways on scaffolds used for access and egress shall be affixed or built into the scaffold by proper design and engineering, and shall be so located that their use will not disturb the stability of the scaffold. The rungs of the climbing device shall be equally spaced, but may not be less than 12 inches nominal nor more than 16 inches nominal apart. Horizontal end rungs used for platform support may also be utilized as a climbing device if such rungs meet the spacing requirement of this subsection, and if clearance between the rung and the edge of the platform is sufficient to afford a secure handhold. If a portable ladder is affixed to the scaffold, it shall be securely attached and shall have rungs meeting the spacing requirements of this subsection. Clearance shall be provided in the back of the ladder of not less than 6 inches from center of rung to the nearest scaffold structural member.

(7) When a ladder is supported by an aerial strand, and ladder hooks or other supports are not being used, the ladder shall be extended at least 2 feet above the strand and shall be secured to it (e.g. lashed or held by a safety strap around the strand and ladder side rail). When a ladder is supported by a pole, it shall be securely lashed to the pole unless the ladder

is specifically designed to prevent movement when used in this application.

(8) Portable wood straight ladders, when in use, shall be equipped with safety shoes.

(9) Ladders shall be inspected by a competent person prior to each use. Ladders which have developed defects shall be withdrawn from service for repair or destruction and tagged or marked as "dangerous do not use."

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-62-07302 List of carcinogens. (1) The following substances are deemed to be carcinogens for the purposes of WAC 296-62-073 through 296-62-07316.

(2) Any reference to carcinogens in WAC 296-62-07304 through 296-62-07316 shall mean only those carcinogens listed in WAC 296-62-07302.

(a) 4-Nitrobiphenyl - Chemical Abstracts Service Registry Number 92-93-3.

(b) Alpha-Naphthylamine - Chemical Abstracts Service Registry Number 134-32-7.

(c) 4,4' Methylene bis (2 - chloroaniline) - Chemical Abstracts Service Registry Number 101-14-4.

(d) Methyl chloromethyl ether - Chemical Abstracts Service Registry Number 107-30-2.

(e) 3,3'-Dichlorobenzidine (and its salts) - Chemical Abstracts Service Registry Number 91-94-1.

(f) Bis-Chloromethyl ether - Chemical Abstracts Service Registry Number 542-88-1.

(g) Beta-Naphthylamine - Chemical Abstracts Service Registry Number 91-59-8.

(h) Benzidine - Chemical Abstracts Service Registry Number 92-87-5.

(i) 4-Aminodiphenyl - Chemical Abstracts Service Registry Number 92-67-1.

(j) Ethyleneimine - Chemical Abstracts Service Registry Number 151-56-4.

(k) Beta-Propiolactone - Chemical Abstracts Service Registry Number 57-57-8.

(l) 2-Acetylaminofluorene - Chemical Abstracts Service Registry Number 53-96-3.

(m) 4-Dimethylaminoazobenzene - Chemical Abstracts Service Registry Number 60-11-7.

(n) N-Nitrosodimethylamine - Chemical Abstracts Service Registry Number 62-75-9.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07304 Definitions. The definitions set forth in this section apply throughout WAC 296-62-073 through 296-62-07316.

(1) Absolute filter - is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 micron size particles.

(2) Authorized employee - an employee whose duties require him to be in the regulated area and who has been specifically assigned to those duties by the employer.

(3) Clean change room - a room where employees put on clean clothing and/or protective equipment in an environ-

ment free of carcinogens listed in WAC 296-62-07302. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) Closed system - an operation involving carcinogens listed in WAC 296-62-07302 where containment prevents the release of carcinogens (~~into regulated areas, or the external environment~~).

(5) Decontamination - the inactivation of a carcinogen listed in WAC 296-62-07302 or its safe disposal.

(6) Disposal - the safe removal of a carcinogen listed in WAC 296-62-07302 from the work environment.

(7) Emergency - an unforeseen circumstance or set of circumstances resulting in the release of a carcinogen which may result in exposure to or contact with any carcinogen listed in WAC 296-62-07302.

(8) External environment - any environment external to regulated and nonregulated areas.

(9) Isolated system - a fully enclosed structure other than the vessel of containment of a listed carcinogen which is impervious to the passage of listed carcinogens and which would prevent the entry of carcinogens into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(10) Laboratory-type hood - a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute, designed, constructed and maintained such that an operation involving a listed carcinogen within the hood does not require the insertion of any portion of any employees' body other than his hands and arms.

(11) Nonregulated area - any area under the control of the employer where entry and exit is neither restricted nor controlled.

(12) Open-vessel system - an operation involving listed carcinogens in an open vessel, which is not in an isolated system, a laboratory-type hood, nor in any other system affording equivalent protection against the entry of carcinogens into regulated areas, nonregulated areas, or the external environment.

(13) Protective clothing - clothing designed to protect an employee against contact with or exposure to listed carcinogens.

(14) Regulated area - an area where entry and exit is restricted and controlled.

AMENDATORY SECTION (Amending Order 81-4, filed 3/17/81)

WAC 296-62-07312 Reports. (1) Operations. Not later than October 30, 1974, the information required in WAC 296-62-07312 (1)(a), (b), (c) and (d) of this section (~~shall~~) must be reported in writing to the (~~industrial hygiene section, division of industrial safety and health. Any changes in such information shall be similarly~~) Department of Labor and Industries, WISHA Services Division, Policy and Technical Services, P.O. Box 44610, Olympia, WA 98504-4610. Any changes in the information must also be reported in writing within 15 calendar days of (~~such~~) the change.

(a) A brief description and in plant location of the area(s) regulated and the address of each regulated area;

(b) The name(s) and other identifying information as to the presence of listed carcinogens in each regulated area;

(c) The number of employees in each regulated area, during normal operations including maintenance activities; and

(d) The manner in which a carcinogen is present in each regulated area; e.g., whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) Incidents. Incidents which result in the release of a listed carcinogen into any area where employees may be potentially exposed shall be reported in accordance with this subsection.

~~(a) ((A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the industrial hygiene section, division of industrial safety and health.~~

~~(b) A written report shall be filed with the industrial hygiene section, division of industrial safety and health, within 15 calendar days thereafter and shall include:))~~ The occurrence of the incident, including any facts obtainable at that time, as well as a report on any medical treatment of affected employees, must be reported within 24 hours to the Department of Labor and Industries, WISHA Services Division, Policy and Technical Services, P.O. Box 44610, Olympia, WA 98504-4610.

(b) A written report must be filed with the Department of Labor and Industries, WISHA Services Division, Policy and Technical Services, P.O. Box 44610, Olympia, WA 98504-4610, within 15 calendar days after the incident occurs, and must include:

(i) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(ii) A description of the area involved, and the extent of known and possible employee exposure and area contamination;

(iii) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(iv) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

CARCINOGEN STANDARD REPORT

Company: Prepared By:
Plant Address: Title:
Date:

Compound and Other Identifying Information	Description of Inplant Location of Regulated Area*	Number of Employees	Manner** In Which
		in Each Regulated Area* Normally Maintenance	Compound is Present in Each Regulated Area*

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- * See WAC 296-62-07308 for definition of "regulated area."
- ** Indicated whether manufactured, processed, used, repackaged, released, stored, or if otherwise handled (describe).

AMENDATORY SECTION (Amending Order 93-01, filed 3/13/93, effective 4/27/93)

WAC 296-62-07421 Housekeeping. (1) All surfaces shall be maintained as free as practicable of accumulations of cadmium.

(2) All spills and sudden releases of material containing cadmium shall be cleaned up as soon as possible.

(3) Surfaces contaminated with cadmium shall, wherever possible, be cleaned by vacuuming or other methods that minimize the likelihood of cadmium becoming airborne.

(4) HEPA-filtered vacuuming equipment or equally effective filtration methods shall be used for vacuuming. The equipment shall be used and emptied in a manner that minimizes the reentry of cadmium into the workplace.

(5) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other methods that minimize the likelihood of cadmium becoming airborne have been tried and found not to be effective.

(6) Compressed air shall not be used to remove cadmium from any surface unless the compressed air is used in conjunction with a ventilation system designed to capture the dust cloud created by the compressed air.

(7) Waste, scrap, debris, bags, containers, personal protective equipment, and clothing contaminated with cadmium and consigned for disposal ~~((shall))~~ **must** be collected and disposed of in sealed impermeable bags or other closed, impermeable containers. These bags and containers ~~((shall))~~ **must** be labeled in accordance with WAC 296-62-07425 ~~((2))~~ **(3)**.

AMENDATORY SECTION (Amending WSR 97-19-014, filed 9/5/97, effective 11/5/97)

WAC 296-62-07501 Airborne contaminants. (1) Permissible exposure limits (PELs) refer to airborne concentrations of substances without regard to the use of respiratory protection and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. Because of wide variation in individual susceptibility, however, a small percentage of workers may experience discomfort from some substances at concentrations at or below the permissible limit, a smaller percentage may be affected more seriously by aggravation of a pre-existing condition or by development of an occupational illness.

(2) Permissible exposure limits refer to time-weighted concentrations for an 8-hour workday within a 40-hour workweek which shall not be exceeded.

(a) The cumulative time-weighted average exposure for an 8-hour work shift shall be computed as follows:

$$E = \frac{C_a T_a + C_b T_b + \dots + C_n T_n}{8}$$

where:

E is the equivalent exposure for the working shift.

C is the concentration during any period of time T where the concentration remains constant.

T is the duration in hours of the exposure at the concentration C.

The value of E shall not exceed the eight-hour time-weighted average (TWA) limit in Table 1 (see WAC 296-62-07515), for the material involved.

(b) To illustrate the formula, assume that substance A has an 8-hour time-weighted average limit of 100 ppm as noted in Table 1 of WAC 296-62-07515. Assume that an employee is subject to the following exposure:

- Two hours exposure at 150 ppm
- Two hours exposure at 75 ppm
- Four hours exposure at 50 ppm

Substituting this information in the formula, we have $(2 \times 150 + 2 \times 75 + 4 \times 50) \div 8 = 81.25$ ppm

Since 81.25 ppm is less than 100 ppm, the 8-hour time-weighted average limit, the exposure is acceptable.

(3) Methods of compliance:

(a) To achieve compliance with these standards, the employer shall determine and implement feasible administrative or engineering controls.

(b) When administrative or engineering controls are not feasible to achieve full compliance, they shall nonetheless be used to reduce exposures to the lowest levels achievable by these controls.

(c) Any control equipment or technical measure utilized for the purpose of complying with WAC 296-62-07501(3) must be approved for each particular use by a competent industrial hygienist or other technically qualified person. Whenever respirators are used their use shall comply with ~~((WAC 296-62-071 through 296-62-07121))~~ **chapter 296-62 WAC, Part E.**

(d) Upon request, the employer shall prepare and submit a written compliance plan to the director. This plan must include a description of the manner in which compliance will be achieved with respect to cited violations of WAC 296-62-07501(3), and shall include proposed abatement methods, anticipated completion dates, and provision for progress reports to be sent to the department.

(4) An employee's exposure to any substance in Table 1 (see WAC 296-62-07515) which does not have a ceiling or a specified short-term exposure limit (STEL) shall not exceed the generic STEL which is computed by multiplying the applicable eight-hour time-weighted average (TWA) for the substance by the appropriate multiplier listed below.

Eight-hour TWA	Multiplier
PEL > 0-1	(ppm or mg/M ³) x 3
PEL > 1-10	(ppm or mg/M ³) x 2
PEL > 10-100	(ppm or mg/M ³) x 1.5
PEL > 100-1000	(ppm or mg/M ³) x 1.25
PEL > 1000	(ppm or mg/M ³) x 1

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(5) Permissible limits are based on the best available information from industrial experience, from experimental human and animal studies, and, when possible, from a combination of the three. The basis on which the values are established may differ from substance to substance; protection against impairment of health may be a guiding factor for some, whereas reasonable freedom from irritation, narcosis, nuisance or other forms of stress may form the basis for others.

(6) The limits based on physical irritation shall be considered no less binding than those based on physical impairment. There is increasing evidence that physical irritation may initiate, promote or accelerate physical impairment through interaction with other chemical or biologic agents.

(7) In spite of the fact that serious injury is not believed likely as a result of exposure to the permissible limit concentrations, the best practice is to maintain concentrations of all atmospheric contaminants as low as is practical.

(8) These limits are intended for use in the practice of industrial hygiene and should be interpreted and applied only by a technically qualified person.

AMENDATORY SECTION (Amending Order 88-23, filed 10/6/88, effective 11/7/88)

WAC 296-62-07527 Appendix B substance technical guidelines—Benzene. (1) Physical and chemical data.

(a) Substance identification.

(i) Synonyms: Benzol, benzole, coal naphtha, cyclohexatriene, phene, phenyl hydride, pyrobenzol. (Benzin, petroleum benzin and Benzine do not contain benzene.)

(ii) Formula: C₆H₆ (CAS Registry Number: 71-43-2).

(b) Physical data.

(i) Boiling point (760 mm Hg): 80.1 C (176 F).

(ii) Specific gravity (water=1): 0.879.

(iii) Vapor density (air=1): 2.7.

(iv) Melting point: 5.5 C (42 F).

(v) Vapor pressure at 20 C (68 F): 75 mm Hg.

(vi) Solubility in water: .06%.

(vii) Evaporation rate (ether=1): 2.8.

(viii) Appearance and odor: Clear, colorless liquid with a distinctive sweet odor.

(2) Fire, explosion, and reactivity hazard data.

(a) Fire.

(i) Flash point (closed cup): -11 C (12 F).

(ii) Autoignition temperature: 580 C (1076 F).

(iii) Flammable limits in Air. % by volume: Lower: 1.3%, Upper: 7.5%.

(iv) Extinguishing media: Carbon dioxide, dry chemical, or foam.

(v) Special fire-fighting procedures: Do not use solid stream of water, since stream will scatter and spread fire. Fine water spray can be used to keep fire-exposed containers cool.

(vi) Unusual fire and explosion hazards: Benzene is a flammable liquid. Its vapors can form explosive mixtures. All ignition sources must be controlled when benzene is used, handled, or stored. Where liquid or vapor may be released, such areas shall be considered as hazardous locations. Benzene vapors are heavier than air; thus the vapors may travel

along the ground and be ignited by open flames or sparks at locations remote from the site at which benzene is handled.

(vii) Benzene is classified as a 1 B flammable liquid for the purpose of conforming to the requirements of WAC 296-24-330. A concentration exceeding 3,250 ppm is considered a potential fire explosion hazard. Locations where benzene may be present in quantities sufficient to produce explosive or ignitable mixtures are considered Class I Group D for the purposes of conforming to the requirements of WAC 296-24-95613.

(b) Reactivity.

(i) Conditions contributing to instability: Heat.

(ii) Incompatibility: Heat and oxidizing materials.

(iii) Hazardous decomposition products: Toxic gases and vapors (such as carbon monoxide).

(3) Spill and leak procedures.

(a) Steps to be taken if the material is released or spilled. As much benzene as possible should be absorbed with suitable materials, such as dry sand or earth; (~~benzine~~) benzene remaining must be flushed with large amounts of water. Do not flush benzene into a confined space, such as a sewer, because of explosion danger. Remove all ignition sources. Ventilate enclosed places.

(b) Waste disposal method. Disposal methods must conform to other jurisdictional regulations. If allowed, benzene may be disposed of:

(i) By absorbing it in dry sand or earth and disposing in a sanitary landfill;

(ii) If small quantities, by removing it to a safe location from buildings or other combustible sources, pouring it in dry sand or earth and cautiously igniting it; and

(iii) If large quantities, by atomizing it in a suitable combustion chamber.

(4) Miscellaneous precautions.

(a) High exposure to benzene can occur when transferring the liquid from one container to another. Such operations should be well ventilated and good work practices must be established to avoid spills.

(b) Use nonsparking tools to open benzene containers which are effectively grounded and bonded prior to opening and pouring.

(c) Employers must advise employees of all plant areas and operations where exposure to benzene could occur. Common operations in which high exposures to benzene may be encountered are: The primary production and utilization of benzene, and transfer of benzene.

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

WAC 296-62-07540 Formaldehyde. (1) Scope and application. This standard applies to all occupational exposures to formaldehyde, i.e., from formaldehyde gas, its solutions, and materials that release formaldehyde.

(2) Definitions. For purposes of this standard, the following definitions shall apply:

(a) "Action level" means a concentration of 0.5 part formaldehyde per million parts of air (0.5 ppm) calculated as an 8-hour time-weighted average (TWA) concentration.

(b) "Approved" means approved by the director of the department of labor and industries or his/her authorized representative: Provided, however, That should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories or the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health, the provision of WAC 296-800-370 shall apply.

(c) "Authorized person" means any person required by work duties to be present in regulated work areas, or authorized to do so by the employer, by this section of the standard, or by the WISHA Act.

(d) "Director" means the director of the department of labor and industries, or his/her designated representative.

(e) "Emergency" is any occurrence, such as but not limited to equipment failure, rupture of containers, or failure of control equipment that results in an uncontrolled release of a significant amount of formaldehyde.

(f) "Employee exposure" means the exposure to airborne formaldehyde which would occur without corrections for protection provided by any respirator that is in use.

(g) "Formaldehyde" means the chemical substance, HCHO, Chemical Abstracts Service Registry No. 50-00-0.

(3) Permissible exposure limit (PEL).

(a) TWA: The employer shall assure that no employee is exposed to an airborne concentration of formaldehyde which exceeds 0.75 part formaldehyde per million parts of air as an 8-hour TWA.

(b) Short term exposure limit (STEL): The employer shall assure that no employee is exposed to an airborne concentration of formaldehyde which exceeds two parts formaldehyde per million parts of air (2 ppm) as a fifteen-minute STEL.

(4) Exposure monitoring.

(a) General.

(i) Each employer who has a workplace covered by this standard shall monitor employees to determine their exposure to formaldehyde.

(ii) Exception. Where the employer documents, using objective data, that the presence of formaldehyde or formaldehyde-releasing products in the workplace cannot result in airborne concentrations of formaldehyde that would cause any employee to be exposed at or above the action level or the STEL under foreseeable conditions of use, the employer will not be required to measure employee exposure to formaldehyde.

(iii) When an employee's exposure is determined from representative sampling, the measurements used shall be representative of the employee's full shift or short-term exposure to formaldehyde, as appropriate.

(iv) Representative samples for each job classification in each work area shall be taken for each shift unless the employer can document with objective data that exposure levels for a given job classification are equivalent for different workshifts.

(b) Initial monitoring. The employer shall identify all employees who may be exposed at or above the action level or at or above the STEL and accurately determine the exposure of each employee so identified.

(i) Unless the employer chooses to measure the exposure of each employee potentially exposed to formaldehyde, the employer shall develop a representative sampling strategy and measure sufficient exposures within each job classification for each workshift to correctly characterize and not underestimate the exposure of any employee within each exposure group.

(ii) The initial monitoring process shall be repeated each time there is a change in production, equipment, process, personnel, or control measures which may result in new or additional exposure to formaldehyde.

(iii) If the employer receives reports or signs or symptoms of respiratory or dermal conditions associated with formaldehyde exposure, the employer shall promptly monitor the affected employee's exposure.

(c) Periodic monitoring.

(i) The employer shall periodically measure and accurately determine exposure to formaldehyde for employees shown by the initial monitoring to be exposed at or above the action level or at or above the STEL.

(ii) If the last monitoring results reveal employee exposure at or above the action level, the employer shall repeat monitoring of the employees at least every six months.

(iii) If the last monitoring results reveal employee exposure at or above the STEL, the employer shall repeat monitoring of the employees at least once a year under worst conditions.

(d) Termination of monitoring. The employer may discontinue periodic monitoring for employees if results from two consecutive sampling periods taken at least seven days apart show that employee exposure is below the action level and the STEL. The results must be statistically representative and consistent with the employer's knowledge of the job and work operation.

(e) Accuracy of monitoring. Monitoring shall be accurate, at the ninety-five percent confidence level, to within plus or minus twenty-five percent for airborne concentrations of formaldehyde at the TWA and the STEL and to within plus or minus thirty-five percent for airborne concentrations of formaldehyde at the action level.

(f) Employee notification of monitoring results. Within fifteen days of receiving the results of exposure monitoring conducted under this standard, the employer shall notify the affected employees of these results. Notification shall be in writing, either by distributing copies of the results to the employees or by posting the results. If the employee exposure is over either PEL, the employer shall develop and implement a written plan to reduce employee exposure to or below both PELs, and give written notice to employees. The written notice shall contain a description of the corrective action being taken by the employer to decrease exposure.

(g) Observation of monitoring.

(i) The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to formaldehyde required by this standard.

(ii) When observation of the monitoring of employee exposure to formaldehyde requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the clothing and equipment to the

observer, require the observer to use such clothing and equipment, and assure that the observer complies with all other applicable safety and health procedures.

(5) Regulated areas.

(a) The employer shall establish regulated areas where the concentration of airborne formaldehyde exceeds either the TWA or the STEL and post all entrances and accessways with signs bearing the following information:

DANGER
FORMALDEHYDE
IRRITANT AND POTENTIAL CANCER HAZARD
AUTHORIZED PERSONNEL ONLY

(b) The employer shall limit access to regulated areas to authorized persons who have been trained to recognize the hazards of formaldehyde.

(c) An employer at a multi-employer worksite who establishes a regulated area shall communicate the access restrictions and locations of these areas to other employers with work operations at that worksite.

(6) Methods of compliance.

(a) Engineering controls and work practices. The employer shall institute engineering and work practice controls to reduce and maintain employee exposures to formaldehyde at or below the TWA and the STEL.

(b) Exception. Whenever the employer has established that feasible engineering and work practice controls cannot reduce employee exposure to or below either of the PELs, the employer shall apply these controls to reduce employee exposures to the extent feasible and shall supplement them with respirators which satisfy this standard.

(7) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Periods necessary to install or implement feasible engineering and work-practice controls;

(ii) Work operations, such as maintenance and repair activities or vessel cleaning, for which the employer establishes that engineering and work-practice controls are not feasible;

(iii) Work operations for which feasible engineering and work-practice controls are not yet sufficient to reduce exposure to or below the PELs;

(iv) Emergencies.

(b) Respirator program.

(i) The employer must implement a respiratory protection program as required by chapter 296-62 WAC, Part E (except WAC 296-62-07130(1), 296-62-07131 (4)((b)(i) and (ii))), and 296-62-07150 through 296-62-07156).

(ii) If air-purifying chemical-cartridge respirators are used, the employer must:

(A) Replace the cartridge after three hours of use or at the end of the workshift, whichever occurs first, unless the cartridge contains a NIOSH-certified end-of-service-life indicator (ESLI) to show when breakthrough occurs.

(B) Unless the canister contains a NIOSH-certified ESLI to show when breakthrough occurs, replace canisters used in

atmospheres up to 7.5 ppm (10 x PEL) every four hours and industrial-sized canisters used in atmospheres up to 75 ppm (100 x PEL) every two hours, or at the end of the workshift, whichever occurs first.

(c) Respirator selection.

(i) The employer must select appropriate respirators from Table 1 of this section.

TABLE 1
MINIMUM REQUIREMENTS FOR RESPIRATORY PROTECTION
AGAINST FORMALDEHYDE

Condition of use or formaldehyde concentration (ppm)	Minimum respirator required ¹
Up to 7.5 ppm (10 x PEL)	Full facepiece with cartridges or canisters specifically approved for protection against formaldehyde ² .
Up to 75 ppm (100 x PEL)	Full-face mask with chin style or chest or back mounted type industrial size canister specifically approved for protection against formaldehyde. Type C supplied-air respirator pressure demand or continuous flow type, with full facepiece, hood, or helmet.
Above 75 ppm or unknown (emergencies) (100 x PEL)	Self-contained breathing apparatus (SCBA) with positive-pressure full facepiece. Combination supplied-air, full facepiece positive-pressure respirator with auxiliary self-contained air supply.
Fire fighting	SCBA with positive-pressure in full facepiece.
Escape	SCBA in demand or pressure demand mode. Full-face mask with chin style or front or back mounted type industrial size canister specifically approved for protection against formaldehyde.

¹ Respirators specified for use at higher concentrations may be used at lower concentrations.

² A half-mask respirator with cartridges specifically approved for protection against formaldehyde can be substituted for the full facepiece respirator providing that effective gas-proof goggles are provided and used in combination with the half-mask respirator.

(ii) The employer must provide a powered air-purifying respirator adequate to protect against formaldehyde exposure to any employee who has difficulty using a negative-pressure respirator.

(8) Protective equipment and clothing. Employers shall comply with the provisions of WAC 296-800-160. When protective equipment or clothing is provided under these provisions, the employer shall provide these protective devices at no cost to the employee and assure that the employee wears them.

(a) Selection. The employer shall select protective clothing and equipment based upon the form of formaldehyde to be encountered, the conditions of use, and the hazard to be prevented.

PERMANENT

(i) All contact of the eyes and skin with liquids containing one percent or more formaldehyde shall be prevented by the use of chemical protective clothing made of material impervious to formaldehyde and the use of other personal protective equipment, such as goggles and face shields, as appropriate to the operation.

(ii) Contact with irritating or sensitizing materials shall be prevented to the extent necessary to eliminate the hazard.

(iii) Where a face shield is worn, chemical safety goggles are also required if there is a danger of formaldehyde reaching the area of the eye.

(iv) Full body protection shall be worn for entry into areas where concentrations exceed 100 ppm and for emergency reentry into areas of unknown concentration.

(b) Maintenance of protective equipment and clothing.

(i) The employer shall assure that protective equipment and clothing that has become contaminated with formaldehyde is cleaned or laundered before its reuse.

(ii) When ventilating formaldehyde-contaminated clothing and equipment, the employer shall establish a storage area so that employee exposure is minimized. Containers for contaminated clothing and equipment and storage areas shall have labels and signs containing the following information:

DANGER

FORMALDEHYDE-CONTAMINATED (CLOTHING) EQUIPMENT
AVOID INHALATION AND SKIN CONTACT

(iii) The employer shall assure that only persons trained to recognize the hazards of formaldehyde remove the contaminated material from the storage area for purposes of cleaning, laundering, or disposal.

(iv) The employer shall assure that no employee takes home equipment or clothing that is contaminated with formaldehyde.

(v) The employer shall repair or replace all required protective clothing and equipment for each affected employee as necessary to assure its effectiveness.

(vi) The employer shall inform any person who launders, cleans, or repairs such clothing or equipment of formaldehyde's potentially harmful effects and of procedures to safely handle the clothing and equipment.

(9) Hygiene protection.

(a) The employer shall provide change rooms, as described in WAC 296-24-120 for employees who are required to change from work clothing into protective clothing to prevent skin contact with formaldehyde.

(b) If employees' skin may become splashed with solutions containing one percent or greater formaldehyde, for example because of equipment failure or improper work practices, the employer shall provide conveniently located quick drench showers and assure that affected employees use these facilities immediately.

(c) If there is any possibility that an employee's eyes may be splashed with solutions containing 0.1 percent or greater formaldehyde, the employer shall provide acceptable eye-wash facilities within the immediate work area for emergency use.

(10) Housekeeping. For operations involving formaldehyde liquids or gas, the employer shall conduct a program to detect leaks and spills, including regular visual inspections.

(a) Preventative maintenance of equipment, including surveys for leaks, shall be undertaken at regular intervals.

(b) In work areas where spillage may occur, the employer shall make provisions to contain the spill, to decontaminate the work area, and to dispose of the waste.

(c) The employer shall assure that all leaks are repaired and spills are cleaned promptly by employees wearing suitable protective equipment and trained in proper methods for cleanup and decontamination.

(d) Formaldehyde-contaminated waste and debris resulting from leaks or spills shall be placed for disposal in sealed containers bearing a label warning of formaldehyde's presence and of the hazards associated with formaldehyde.

(11) Emergencies. For each workplace where there is the possibility of an emergency involving formaldehyde, the employer shall assure appropriate procedures are adopted to minimize injury and loss of life. Appropriate procedures shall be implemented in the event of an emergency.

(12) Medical surveillance.

(a) Employees covered.

(i) The employer shall institute medical surveillance programs for all employees exposed to formaldehyde at concentrations at or exceeding the action level or exceeding the STEL.

(ii) The employer shall make medical surveillance available for employees who develop signs and symptoms of overexposure to formaldehyde and for all employees exposed to formaldehyde in emergencies. When determining whether an employee may be experiencing signs and symptoms of possible overexposure to formaldehyde, the employer may rely on the evidence that signs and symptoms associated with formaldehyde exposure will occur only in exceptional circumstances when airborne exposure is less than 0.1 ppm and when formaldehyde is present in materials in concentrations less than 0.1 percent.

(b) Examination by a physician. All medical procedures, including administration of medical disease questionnaires, shall be performed by or under the supervision of a licensed physician and shall be provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(c) Medical disease questionnaire. The employer shall make the following medical surveillance available to employees prior to assignment to a job where formaldehyde exposure is at or above the action level or above the STEL and annually thereafter. The employer shall also make the following medical surveillance available promptly upon determining that an employee is experiencing signs and symptoms indicative of possible overexposure to formaldehyde.

(i) Administration of a medical disease questionnaire, such as in Appendix D, which is designed to elicit information on work history, smoking history, any evidence of eye, nose, or throat irritation; chronic airway problems or hyperreactive airway disease; allergic skin conditions or dermatitis; and upper or lower respiratory problems.

(ii) A determination by the physician, based on evaluation of the medical disease questionnaire, of whether a medi-

cal examination is necessary for employees not required to wear respirators to reduce exposure to formaldehyde.

(d) Medical examinations. Medical examinations shall be given to any employee who the physician feels, based on information in the medical disease questionnaire, may be at increased risk from exposure to formaldehyde and at the time of initial assignment and at least annually thereafter to all employees required to wear a respirator to reduce exposure to formaldehyde. The medical examination shall include:

(i) A physical examination with emphasis on evidence of irritation or sensitization of the skin and respiratory system, shortness of breath, or irritation of the eyes.

(ii) Laboratory examinations for respirator wearers consisting of baseline and annual pulmonary function tests. As a minimum, these tests shall consist of forced vital capacity (FVC), forced expiratory volume in one second (FEV1), and forced expiratory flow (FEF).

(iii) Any other test which the examining physician deems necessary to complete the written opinion.

(iv) Counseling of employees having medical conditions that would be directly or indirectly aggravated by exposure to formaldehyde on the increased risk of impairment of their health.

(e) Examinations for employees exposed in an emergency. The employer shall make medical examinations available as soon as possible to all employees who have been exposed to formaldehyde in an emergency.

(i) The examination shall include a medical and work history with emphasis on any evidence of upper or lower respiratory problems, allergic conditions, skin reaction or hypersensitivity, and any evidence of eye, nose, or throat irritation.

(ii) Other examinations shall consist of those elements considered appropriate by the examining physician.

(f) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and Appendices A, C, D, and E;

(ii) A description of the affected employee's job duties as they relate to the employee's exposure to formaldehyde;

(iii) The representative exposure level for the employee's job assignment;

(iv) Information concerning any personal protective equipment and respiratory protection used or to be used by the employee; and

(v) Information from previous medical examinations of the affected employee within the control of the employer.

(vi) In the event of a nonroutine examination because of an emergency, the employer shall provide to the physician as soon as possible: A description of how the emergency occurred and the exposure the victim may have received.

(g) Physician's written opinion.

(i) For each examination required under this standard, the employer shall obtain a written opinion from the examining physician. This written opinion shall contain the results of the medical examination except that it shall not reveal specific findings or diagnoses unrelated to occupational exposure to formaldehyde. The written opinion shall include:

(A) The physician's opinion as to whether the employee has any medical condition that would place the employee at

an increased risk of material impairment of health from exposure to formaldehyde;

(B) Any recommended limitations on the employee's exposure or changes in the use of personal protective equipment, including respirators;

(C) A statement that the employee has been informed by the physician of any medical conditions which would be aggravated by exposure to formaldehyde, whether these conditions may have resulted from past formaldehyde exposure or from exposure in an emergency, and whether there is a need for further examination or treatment.

(ii) The employer shall provide for retention of the results of the medical examination and tests conducted by the physician.

(iii) The employer shall provide a copy of the physician's written opinion to the affected employee within fifteen days of its receipt.

(h) Medical removal.

(i) The provisions of this subdivision apply when an employee reports significant irritation of the mucosa of the eyes or of the upper airways, respiratory sensitization, dermal irritation, or dermal sensitization attributed to workplace formaldehyde exposure. Medical removal provisions do not apply in case of dermal irritation or dermal sensitization when the product suspected of causing the dermal condition contains less than 0.05% formaldehyde.

(ii) An employee's report of signs or symptoms of possible overexposure to formaldehyde shall be evaluated by a physician selected by the employer pursuant to (c) of this subsection. If the physician determines that a medical examination is not necessary under (c)(ii) of this subsection, there shall be a two-week evaluation and remediation period to permit the employer to ascertain whether the signs or symptoms subside untreated or with the use of creams, gloves, first aid treatment, or personal protective equipment. Industrial hygiene measures that limit the employee's exposure to formaldehyde may also be implemented during this period. The employee shall be referred immediately to a physician prior to expiration of the two-week period if the signs or symptoms worsen. Earnings, seniority, and benefits may not be altered during the two-week period by virtue of the report.

(iii) If the signs or symptoms have not subsided or been remedied by the end of the two-week period, or earlier if signs or symptoms warrant, the employee shall be examined by a physician selected by the employer. The physician shall presume, absent contrary evidence, that observed dermal irritation or dermal sensitization are not attributable to formaldehyde when products to which the affected employee is exposed contain less than 0.1% formaldehyde.

(iv) Medical examinations shall be conducted in compliance with the requirements of (e)(i) and (ii) of this subsection. Additional guidelines for conducting medical exams are contained in WAC 296-62-07546, Appendix C.

(v) If the physician finds that significant irritation of the mucosa of the eyes or the upper airways, respiratory sensitization, dermal irritation, or dermal sensitization result from workplace formaldehyde exposure and recommends restrictions or removal. The employer shall promptly comply with the restrictions or recommendations of removal. In the event of a recommendation of removal, the employer shall remove

the affected employee from the current formaldehyde exposure and if possible, transfer the employee to work having no or significantly less exposure to formaldehyde.

(vi) When an employee is removed pursuant to item (v) of this subdivision, the employer shall transfer the employee to comparable work for which the employee is qualified or can be trained in a short period (up to six months), where the formaldehyde exposures are as low as possible, but not higher than the action level. The employer shall maintain the employee's current earnings, seniority, and other benefits. If there is no such work available, the employer shall maintain the employee's current earnings, seniority, and other benefits until such work becomes available, until the employee is determined to be unable to return to workplace formaldehyde exposure, until the employee is determined to be able to return to the original job status, or for six months, whichever comes first.

(vii) The employer shall arrange for a follow-up medical examination to take place within six months after the employee is removed pursuant to this subsection. This examination shall determine if the employee can return to the original job status, or if the removal is to be permanent. The physician shall make a decision within six months of the date the employee was removed as to whether the employee can be returned to the original job status, or if the removal is to be permanent.

(viii) An employer's obligation to provide earnings, seniority, and other benefits to a removed employee may be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program or from employment with another employer made possible by virtue of the employee's removal.

(ix) In making determinations of the formaldehyde content of materials under this subsection the employer may rely on objective data.

(i) Multiple physician review.

(i) After the employer selects the initial physician who conducts any medical examination or consultation to determine whether medical removal or restriction is appropriate, the employee may designate a second physician to review any findings, determinations, or recommendations of the initial physician and to conduct such examinations, consultations, and laboratory tests as the second physician deems necessary and appropriate to evaluate the effects of formaldehyde exposure and to facilitate this review.

(ii) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician conducts a medical examination or consultation for the purpose of medical removal or restriction.

(iii) The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen days after receipt of the notification of the right to seek a second medical opinion, or receipt of the initial physician's written opinion, whichever is later:

(A) The employee informs the employer of the intention to seek a second medical opinion; and

(B) The employee initiates steps to make an appointment with a second physician.

(iv) If the findings, determinations, or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve the disagreement. If the two physicians are unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician who shall be a specialist in the field at issue:

(A) To review the findings, determinations, or recommendations of the prior physicians; and

(B) To conduct such examinations, consultations, laboratory tests, and discussions with prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(v) In the alternative, the employer and the employee or authorized employee representative may jointly designate such third physician.

(vi) The employer shall act consistent with the findings, determinations, and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(13) Hazard communication.

(a) General. Notwithstanding any exemption granted in WAC 296-800-170 for wood products, each employer who has a workplace covered by this standard shall comply with the requirements of WAC 296-800-170. The definitions of the chemical hazard communication standard shall apply under this standard.

(i) The following shall be subject to the hazard communication requirements of this section: Formaldehyde gas, all mixtures or solutions composed of greater than 0.1 percent formaldehyde, and materials capable of releasing formaldehyde into the air under reasonably foreseeable concentrations reaching or exceeding 0.1 ppm.

(ii) As a minimum, specific health hazards that the employer shall address are: Cancer, irritation and sensitization of the skin and respiratory system, eye and throat irritation, and acute toxicity.

(b) Manufacturers and importers who produce or import formaldehyde or formaldehyde-containing products shall provide downstream employers using or handling these products with an objective determination through the required labels and MSDSs if these items may constitute a health hazard within the meaning of WAC 296-62-05407 under normal conditions of use.

(c) Labels.

(i) The employer shall assure that hazard warning labels complying with the requirements of WAC 296-800-170 are affixed to all containers of materials listed in (a)(i) of this subsection, except to the extent that (a)(i) of this subsection is inconsistent with this item.

(ii) Information on labels. As a minimum, for all materials listed in (a)(i) of this subsection, capable of releasing formaldehyde at levels of 0.1 ppm to 0.5 ppm, labels shall identify that the product contains formaldehyde: List the name and address of the responsible party; and state that

physical and health hazard information is readily available from the employer and from material safety data sheets.

(iii) For materials listed in (a)(i) of this subsection, capable of releasing formaldehyde at levels above 0.5 ppm, labels shall appropriately address all the hazards as defined in WAC 296-800-170, and Appendices A and B, including respiratory sensitization, and shall contain the words "Potential Cancer Hazard."

(iv) In making the determinations of anticipated levels of formaldehyde release, the employer may rely on objective data indicating the extent of potential formaldehyde release under reasonably foreseeable conditions of use.

(v) Substitute warning labels. The employer may use warning labels required by other statutes, regulations, or ordinances which impart the same information as the warning statements required by this subitem.

(d) Material safety data sheets.

(i) Any employer who uses formaldehyde-containing materials listed in (a)(i) of this subsection shall comply with the requirements of WAC 296-800-170 with regard to the development and updating of material safety data sheets.

(ii) Manufacturers, importers, and distributors of formaldehyde containing materials listed in (a)(i) of this subsection shall assure that material safety data sheets and updated information are provided to all employers purchasing such materials at the time of the initial shipment and at the time of the first shipment after a material safety data sheet is updated.

(e) Written hazard communication program. The employer shall develop, implement, and maintain at the workplace, a written hazard communication program for formaldehyde exposures in the workplace, which at a minimum describes how the requirements specified in this section for labels and other forms of warning and material safety data sheets, and subsection (14) of this section for employee information and training, will be met. Employees in multi-employer workplaces shall comply with the requirements of WAC 296-800-170.

(14) Employee information and training.

(a) Participation. The employer shall assure that all employees who are assigned to workplaces where there is a health hazard from formaldehyde participate in a training program, except that where the employer can show, using objective data, that employees are not exposed to formaldehyde at or above 0.1 ppm, the employer is not required to provide training.

(b) Frequency. Employers shall provide such information and training to employees at the time of their initial assignment and whenever a new exposure to formaldehyde is introduced into their work area. The training shall be repeated at least annually.

(c) Training program. The training program shall be conducted in a manner which the employee is able to understand and shall include:

(i) A discussion of the contents of this regulation and the contents of the material safety data sheet;

(ii) The purpose for and a description of the medical surveillance program required by this standard, including:

(A) A description of the potential health hazards associated with exposure to formaldehyde and a description of the signs and symptoms of exposure to formaldehyde.

(B) Instructions to immediately report to the employer the development of any adverse signs or symptoms that the employee suspects is attributable to formaldehyde exposure.

(iii) Description of operations in the work area where formaldehyde is present and an explanation of the safe work practices appropriate for limiting exposure to formaldehyde in each job;

(iv) The purpose for, proper use of, and limitations of personal protective clothing;

(v) Instructions for the handling of spills, emergencies, and clean-up procedures;

(vi) An explanation of the importance of engineering and work practice controls for employee protection and any necessary instruction in the use of these controls;

(vii) A review of emergency procedures including the specific duties or assignments of each employee in the event of an emergency; and

(viii) The purpose, proper use, limitations, and other training requirements for respiratory protection as required by chapter 296-62 WAC, Part E.

(d) Access to training materials.

(i) The employer shall inform all affected employees of the location of written training materials and shall make these materials readily available, without cost, to the affected employees.

(ii) The employer shall provide, upon request, all training materials relating to the employee training program to the director of labor and industries, or his/her designated representative.

(15) Recordkeeping.

(a) Exposure measurements. The employer shall establish and maintain an accurate record of all measurements taken to monitor employee exposure to formaldehyde. This record shall include:

(i) The date of measurement;

(ii) The operation being monitored;

(iii) The methods of sampling and analysis and evidence of their accuracy and precision;

(iv) The number, durations, time, and results of samples taken;

(v) The types of protective devices worn; and

(vi) The names, job classifications, Social Security numbers, and exposure estimates of the employees whose exposures are represented by the actual monitoring results.

(b) Exposure determinations. Where the employer has determined that no monitoring is required under this standard, the employer shall maintain a record of the objective data relied upon to support the determination that no employee is exposed to formaldehyde at or above the action level.

(c) Medical surveillance. The employer shall establish and maintain an accurate record for each employee subject to medical surveillance under this standard. This record shall include:

(i) The name and Social Security number of the employee;

(ii) The physician's written opinion;

(iii) A list of any employee health complaints that may be related to exposure to formaldehyde; and

(iv) A copy of the medical examination results, including medical disease questionnaires and results of any medical tests required by the standard or mandated by the examining physician.

(d) Record retention. The employer shall retain records required by this standard for at least the following periods:

(i) Exposure records and determinations shall be kept for at least thirty years; and

(ii) Medical records shall be kept for the duration of employment plus thirty years.

(e) Availability of records.

(i) Upon request, the employer shall make all records maintained as a requirement of this standard available for examination and copying to the director of labor and industries, or his/her designated representative.

(ii) The employer shall make employee exposure records, including estimates made from representative monitoring and available upon request for examination and copying, to the subject employee, or former employee, and employee representatives in accordance with WAC 296-62-052 through 296-62-05209 and 296-62-05213 through 296-62-05217 and WAC 296-800-180.

(iii) Employee medical records required by this standard shall be provided upon request for examination and copying, to the subject employee, or former employee, or to anyone having the specific written consent of the subject employee or former employee in accordance with WAC 296-62-05201 through 296-62-05209, and 296-62-05213 through 296-62-05217.

AMENDATORY SECTION (Amending WSR 99-22-046, filed 10/29/99, effective 2/1/00)

WAC 296-62-14105 Definitions. "Acceptable entry conditions" means the conditions that must exist in a permit space to allow entry and to ensure that employees involved with a permit-required confined space entry can safely enter into and work within the space.

"Attendant" means an individual stationed outside one or more permit spaces who monitors the authorized entrants and who performs all attendant's duties assigned in the employer's permit space program.

"Authorized entrant" means an employee who is authorized by the employer to enter a permit space.

"Blanking or blinding" means the absolute closure of a pipe, line, or duct by the fastening of a solid plate (such as a spectacle blind or a skillet blind) that completely covers the bore. It is capable of withstanding the maximum pressure of the pipe, line, or duct with no leakage beyond the plate.

"Confined space" means a space that:

- Is large enough and so configured that an employee can bodily enter and perform assigned work; and
- Has limited or restricted means for entry or exit (For example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry.); and
- Is not designed for continuous employee occupancy.

"Double block and bleed" means the closure of a line, duct, or pipe by closing and locking or tagging two in-line

valves and by opening and locking or tagging a drain or vent valve in the line between the two closed valves.

"Emergency" means any occurrence (including any failure of hazard control or monitoring equipment) or event internal or external to the permit space that could endanger entrants.

"Engulfment" means the surrounding and effective capture of a person by a liquid or finely divided (flowable) solid substance that can be inhaled to cause death by filling or plugging the respiratory system or that can exert enough force on the body to cause death by strangulation, constriction, or crushing.

"Entry" means the action by which a person passes through an opening into a permit-required confined space and includes work activities in that space. Entry is considered to have occurred as soon as any part of the entrant's body breaks the plane of an opening into the space.

Note: If the opening is large enough for the worker to fully enter the space a permit is required even for partial body entry. Permits are not required for partial body entry where the opening is not large enough for full entry, although other standards such as lockout-tagout or respiratory protection may apply.

"Entry permit (permit)" means the written or printed document that is provided by the employer to allow and control entry into a permit space and that contains the information specified in WAC ((296-62-14509)) 296-62-14125.

"Entry supervisor" means the person (such as the employer, crew leader, or crew chief) responsible for:

- Determining if acceptable entry conditions are present at a permit space where entry is planned;
- Authorizing entry and overseeing entry operations; and
- Terminating entry as required by this part.

Note: An entry supervisor also may serve as an attendant or as an authorized entrant, as long as that person is trained and equipped as required by this section for each role he or she fills. Also, the duties of entry supervisor may be passed from one individual to another during the course of an entry operation.

"Hazardous atmosphere" means an atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue (that is, escape unaided from a permit space), injury, or acute illness from one or more of the following causes:

- Flammable gas, vapor, or mist in excess of ten percent of its lower flammable limit (LFL);
- Airborne combustible dust at a concentration that meets or exceeds its LFL;

Note: This concentration may be approximated as a condition in which the dust obscures vision at a distance of five feet (1.52 m) or less.

- Atmospheric oxygen concentration below 19.5 percent or above 23.5 percent;
- Atmospheric concentration of any substance which may exceed a permissible exposure limit is published in chapter 296-62 WAC, Parts F, G, H, and I, general occupational health standards;

Note: An atmospheric concentration of any substance that is not capable of causing death, incapacitation, impairment of

ability to self-rescue, injury, or acute illness due to its health effects is not covered by this provision.

- Any other atmospheric condition that is immediately dangerous to life or health.

Note: For air contaminants for which WISHA has not determined a dose or permissible exposure limit, other sources of information, such as material safety data sheets that comply with the Hazard Communication Standard, chapter 296-62 WAC, Part C, published information, and internal documents can provide guidance in establishing acceptable atmospheric conditions.

"Hot work permit" means the employer's written authorization to perform operations (for example, riveting, welding, cutting, burning, and heating) capable of providing a source of ignition.

"Immediately dangerous to life or health (IDLH)" means any condition that:

- Poses an immediate or delayed threat to life; or
- Would cause irreversible adverse health effects; or
- Would interfere with an individual's ability to escape unaided from a permit space.

Note: Some materials - hydrogen fluoride gas and cadmium vapor, for example - may produce immediate transient effects that, even if severe, may pass without medical attention, but are followed by sudden, possibly fatal collapse 12-72 hours after exposure. The victim "feels normal" from recovery from transient effects until collapse. Such materials in hazardous quantities are considered to be "immediately" dangerous to life or health.

"Inerting" means the displacement of the atmosphere in a permit space by a noncombustible gas (such as nitrogen) to such an extent that the resulting atmosphere is noncombustible.

Note: This procedure produces an IDLH oxygen-deficient atmosphere.

"Isolation" means the process by which a permit space is removed from service and completely protected against the release of energy and material into the space by such means as: Blanking or blinding; misaligning or removing sections of lines, pipes, or ducts; a double block and bleed system; lockout or tagout of all sources of energy; or blocking or disconnecting all mechanical linkages.

"Line breaking" means the intentional opening of a pipe, line, or duct that is or has been carrying flammable, corrosive, or toxic material, an inert gas, or any fluid at a volume, pressure, or temperature capable of causing injury.

"Nonpermit confined space" means a confined space that does not contain any physical hazards or any actual or potential atmospheric hazards capable of causing death or serious physical harm.

"Oxygen deficient atmosphere" means an atmosphere containing less than 19.5 percent oxygen by volume.

"Oxygen enriched atmosphere" means an atmosphere containing more than 23.5 percent oxygen by volume.

"Permit-required confined space (permit space)" means a confined space that has one or more of the following characteristics:

- Contains or has a potential to contain a hazardous atmosphere;

- Contains a material that has the potential for engulfing an entrant;

- Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section; or

- Contains any other recognized serious safety or health hazard.

"Permit-required confined space program (permit space program)" means the employer's overall program for:

- Controlling, and, where appropriate, for protecting employees from, permit space hazards; and

- Regulating employee entry into permit spaces.

"Permit system" means the employer's written procedure for:

- Preparing and issuing permits for entry; and

- Returning the permit space to service following termination of entry.

"Prohibited condition" means any condition in a permit space that is not allowed by the permit during the period when entry is authorized.

"Rescue service" means the personnel designated to rescue employees from permit spaces.

"Retrieval system" means the equipment (including a retrieval line, chest or full-body harness, wristlets, if appropriate, and a lifting device or anchor) used for nonentry rescue of persons from permit spaces.

"Testing" means the process by which the hazards that may confront entrants of a permit space are identified and evaluated. Testing includes specifying the tests that are to be performed in the permit space.

Note: Testing enables employers both to devise and implement adequate control measures for the protection of authorized entrants and to determine if acceptable entry conditions are present immediately prior to, and during, entry.

AMENDATORY SECTION (Amending WSR 99-22-046, filed 10/29/99, effective 2/1/00)

WAC 296-62-14110 General requirements. (1) The employer must evaluate the workplace to determine if confined spaces are present. A confined space must be assumed to be a permit-required space unless it can be documented to be a nonpermit-confined space as required in subsection (2) of this section.

Note: Proper application of the decision flow chart in WAC 296-62-14171, Appendix A, would facilitate compliance with this requirement.

(2) A confined space may be classified as a nonpermit-confined space under the following conditions and procedures:

(a) If the confined space poses no actual or potential atmospheric hazards.

(b) If the confined space has no other recognized health or safety hazards including engulfment in solid or liquid material, electrical shock, or moving parts.

(c) If all hazards within the space are eliminated without entry into the space, the confined space may be classified as

a nonpermit confined space for as long as the hazards remain eliminated.

(d) If it is necessary to enter the confined space to eliminate hazards, it must be assumed to be a permit space and such entry must be performed under WAC 296-62-14115 through 296-62-14150. If testing and inspection during that entry demonstrate that the hazards within the permit space have been eliminated, the permit space may be reclassified as a nonpermit confined space for as long as the hazards remain eliminated.

Note: Control of atmospheric hazards through forced air ventilation does not constitute elimination of the hazards. Subsections (6) and (7) of this section cover permit space entry where the employer can demonstrate that forced air ventilation alone will control all hazards in the space.

(e) The employer must:

(i) Document that all hazards in a permit space have been eliminated, through a certification that contains the date, the location of the space, and the signature of the person making the determination.

(ii) Make the certification available to each employee entering the space or to that employee's authorized representative.

(f) When there are changes in the use or configuration of a nonpermit confined space that might increase the hazards to entrants, the employer must reevaluate that space and, if necessary, reclassify it as a permit-required confined space.

(g) If hazards arise within a confined space that has been classified as a nonpermit space under this subsection, each employee in the space must exit the space. The employer must then reevaluate the space and determine whether it must be reclassified as a permit space, in accordance with chapter 296-62 WAC, Part M.

(3) If the workplace contains permit-required confined spaces, the employer must inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces.

Note: A sign reading "DANGER-PERMIT-REQUIRED CONFINED SPACE, DO NOT ENTER" or using other similar language would satisfy the requirement for a sign.

(4) If the employer decides that its employees will not enter permit spaces, the employer must:

- Take effective measures to prevent its employees from entering the permit spaces; and
- Comply with subsections (1), (3), and (8) of this section.

(5) If the employer decides that its employees will enter permit spaces, the employer must:

- (a) Follow the procedures outlined in WAC 296-62-14115 through 296-62-14155; and
- (b) Develop and implement a written permit space program that complies with this part; and
- (c) Make the written program available for inspection by employees and their authorized representatives.

(6) An employer may use the alternate entry procedures specified in subsection (7) of this section for entering a permit space under the following conditions:

(a) The employer can demonstrate that the only hazard posed by the permit space is an actual or potential hazardous atmosphere;

(b) The employer can demonstrate that continuous forced air ventilation alone is sufficient to maintain that permit space safe for entry;

(c) The employer develops or has monitoring and inspection data that supports the demonstrations required by (a) and (b) of this subsection;

(d) If an initial entry of the permit space is necessary to obtain the data required by (c) of this subsection, the entry must be performed in compliance with the permit required confined space procedures outlined in WAC 296-62-14115 through 296-62-14150; and

(e) The determinations and supporting data required by (a), (b), and (c) of this subsection are documented by the employer and are made available to each employee who enters the permit space or to that employee's authorized representative.

(7) Alternate procedures for entering permit confined spaces.

The following alternate procedures apply to entry into permit spaces that meet the conditions set forth in subsection (6) of this section.

(a) During permit space entry using these alternate procedures an employer need not comply with WAC 296-62-14115 through 296-62-14125 and WAC 296-62-14135 through 296-62-14150. Training and employee participation requirements of WAC 296-62-14130 and 296-62-14155 still apply.

(b) Any conditions making it unsafe to remove an entrance cover must be eliminated before the cover is removed.

(c) When entrance covers are removed, the opening must be promptly guarded by a railing, temporary cover, or other temporary barrier that will prevent an accidental fall through the opening and will protect each employee working in the confined space from objects falling into the space.

(d) Before an employee enters the confined space, the internal atmosphere must be tested, with a calibrated direct-reading instrument, for the following conditions in the order given below:

Any employee who enters the space, or that employee's authorized representative, must be provided an opportunity to observe the preentry testing required by this ~~(paragraph)~~ subdivision.

- (i) Oxygen content,
- (ii) Flammable gases and vapors, and
- (iii) Potential toxic air contaminants.

(e) There must be no hazardous atmosphere within the space whenever any employee is inside the space.

(f) Continuous forced air ventilation must be used, as follows:

- (i) An employee must not enter the space until the forced air ventilation has eliminated any hazardous atmosphere;
- (ii) The forced air ventilation must:
 - Be directed to ventilate the immediate areas where an employee is or will be present within the space; and
 - Continue until all employees have left the space;

(iii) The air supply for the forced air ventilation must be from a clean source and may not increase the hazards in the space.

(g) The atmosphere within the space must be periodically tested as necessary to ensure that the continuous forced air ventilation is preventing the accumulation of a hazardous atmosphere. Any employee who enters the space, or that employee's authorized representative, shall be provided with an opportunity to observe the periodic testing required by this subsection.

(h) If a hazardous atmosphere is detected during entry:

(i) Each employee must leave the space immediately;

(ii) The space must be evaluated to determine how the hazardous atmosphere developed; and

(iii) Measures must be implemented to protect employees from the hazardous atmosphere before any subsequent entry takes place.

(i) The employer must verify that:

• The space is safe for entry; and

• The preentry measures required by (a), (b), and (c) of this subsection have been taken, through a written certification that contains the date, the location of the space, and the signature of the person providing the certification. The certification is made before entry and available to each employee entering the space.

(8) When an employer (host employer) arranges to have employees of another employer (contractor) perform work that involves permit space entry, the host employer must:

(a) Inform the contractor that the workplace contains permit spaces and that permit space entry is allowed only through compliance with a permit space program meeting the requirements of this standard;

(b) Inform the contractor of the hazards identified and the host employer's experience with each permit space to be entered;

(c) Inform the contractor of any precautions or procedures that the host employer requires for the protection of employees in or near permit spaces where contractor personnel will be working;

(d) Coordinate entry operations with the contractor, when both host employer personnel and contractor personnel will be working in or near permit spaces, as required by WAC 296-62-14115(11); and

(e) Debrief the contractor at the conclusion of the entry operations regarding the permit space program followed and regarding any hazards confronted or created in permit spaces during entry operations.

(9) In addition to complying with the permit space requirements that apply to all employers, each contractor who is retained to perform permit space entry operations must:

(a) Obtain any available information regarding permit space hazards and entry operations from the host employer;

(b) Coordinate entry operations with the host employer, when both host employer personnel and contractor personnel will be working in or near permit spaces, as required by WAC 296-62-14115(11); and

(c) Inform the host employer either through a debriefing or during the entry operation of the permit space program that the contractor will follow and of any hazards confronted or created in permit spaces.

AMENDATORY SECTION (Amending WSR 99-22-046, filed 10/29/99, effective 2/1/00)

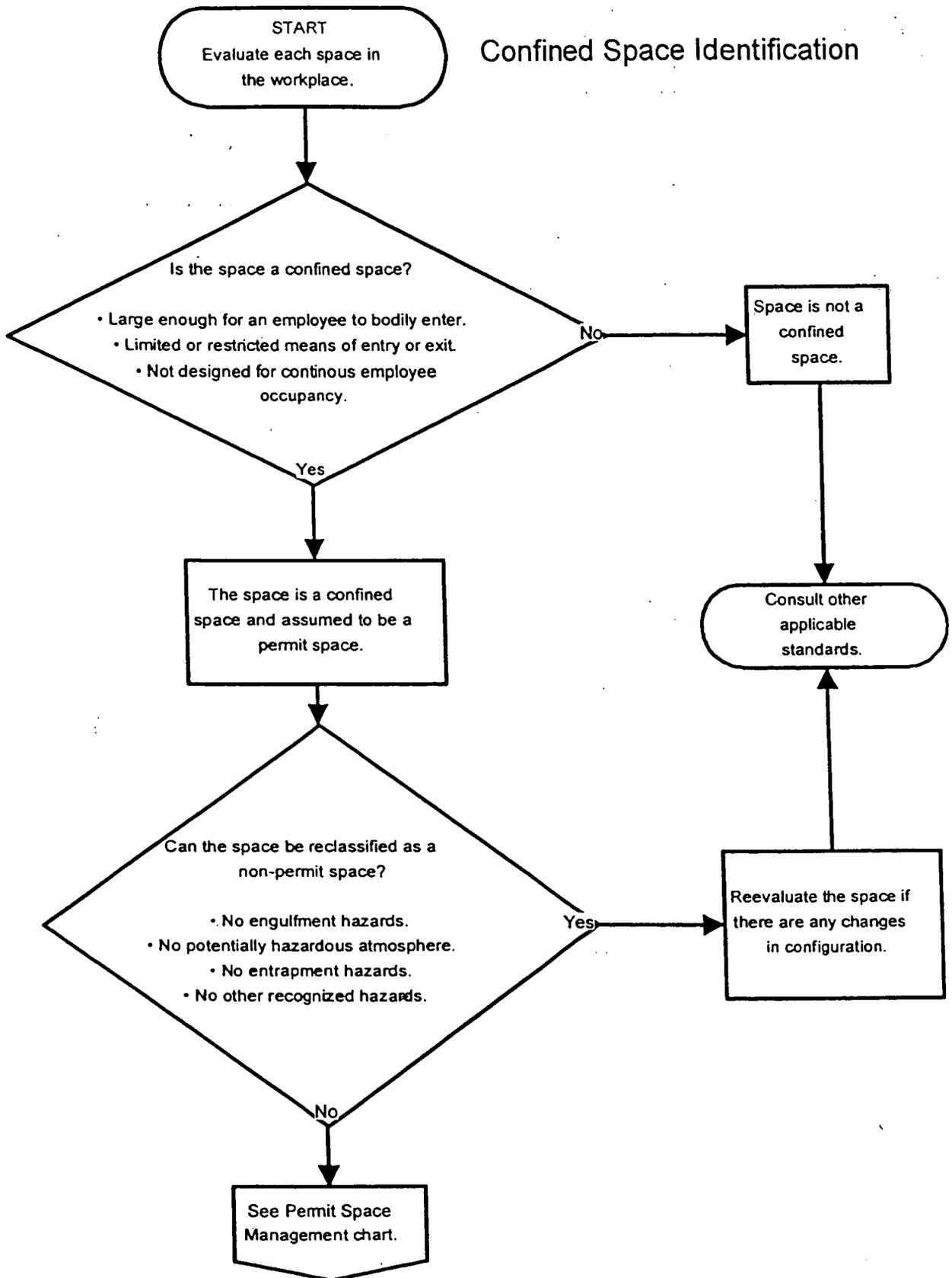
WAC 296-62-14155 Employee participation. (1) Employers must consult with affected employees and their authorized representatives on the development and implementation of all aspects of the permit space program required by WAC ((296-62-14503)) 296-62-14110.

(2) Employers must make available to affected employees and their authorized representatives all information required to be developed by this part.

AMENDATORY SECTION (Amending WSR 99-22-046, filed 10/29/99, effective 2/1/00)

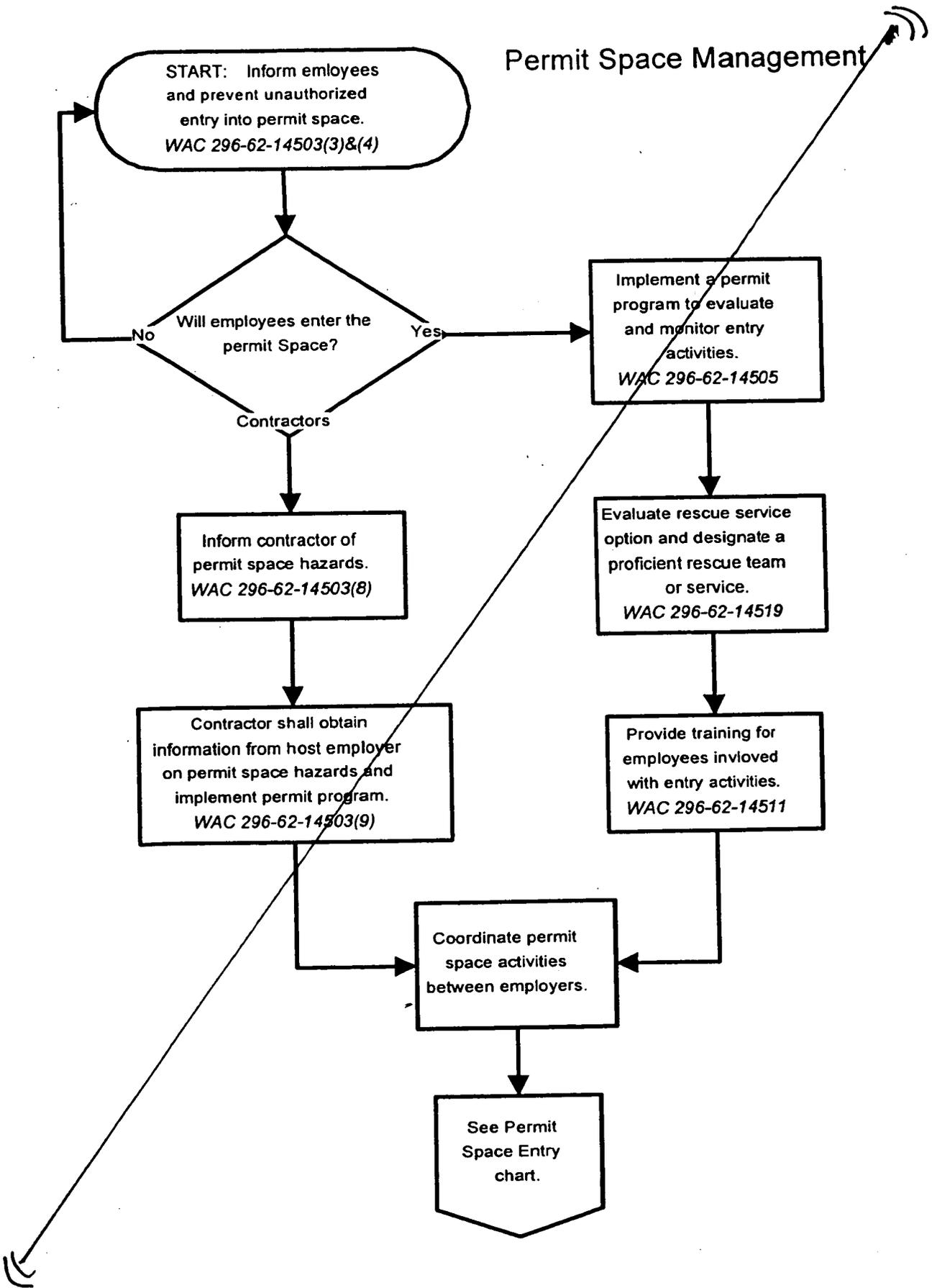
WAC 296-62-14171 Appendix A—Permit-required confined space decision flow chart.

Confined Space Identification



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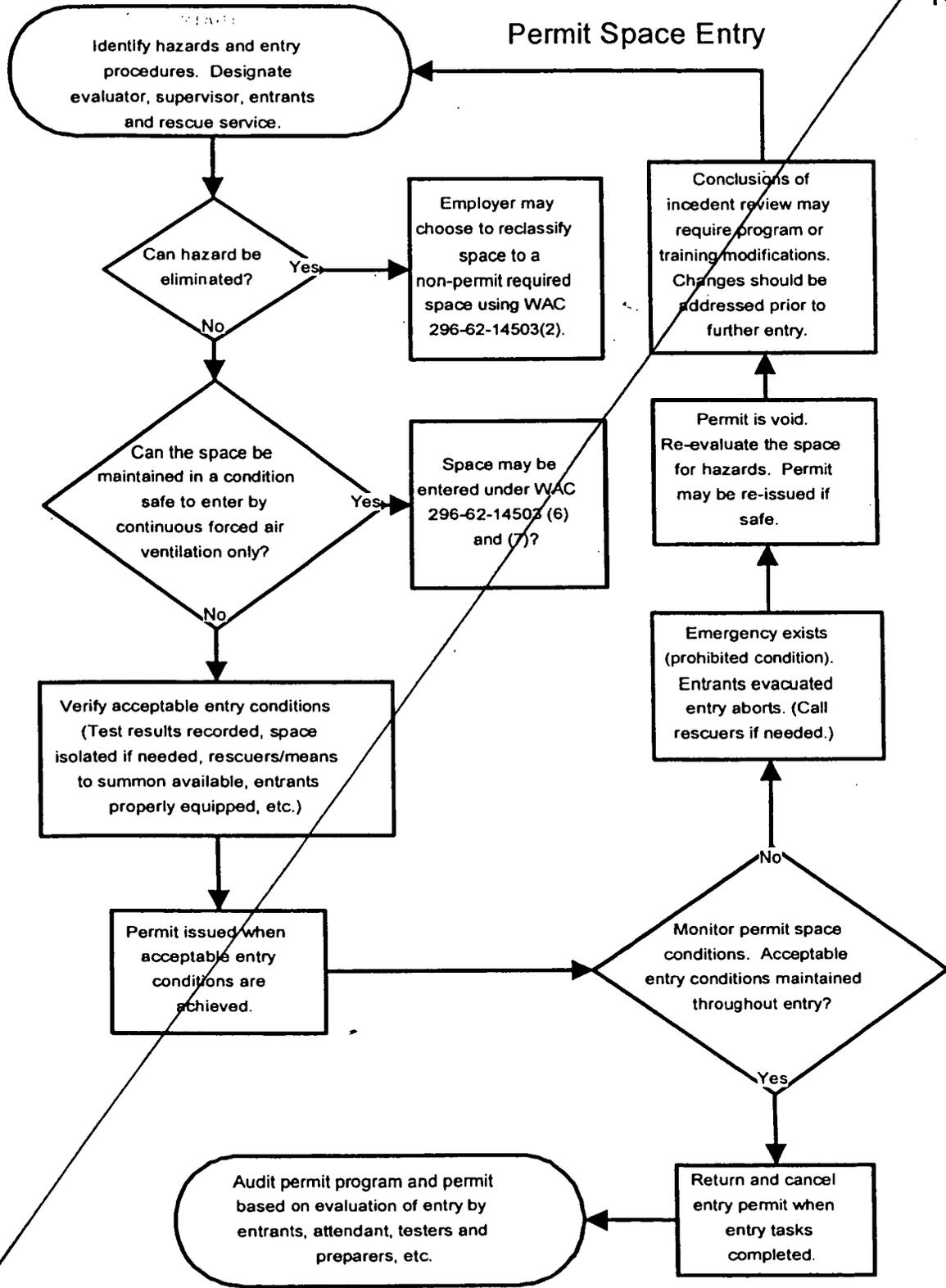
Permit Space Management



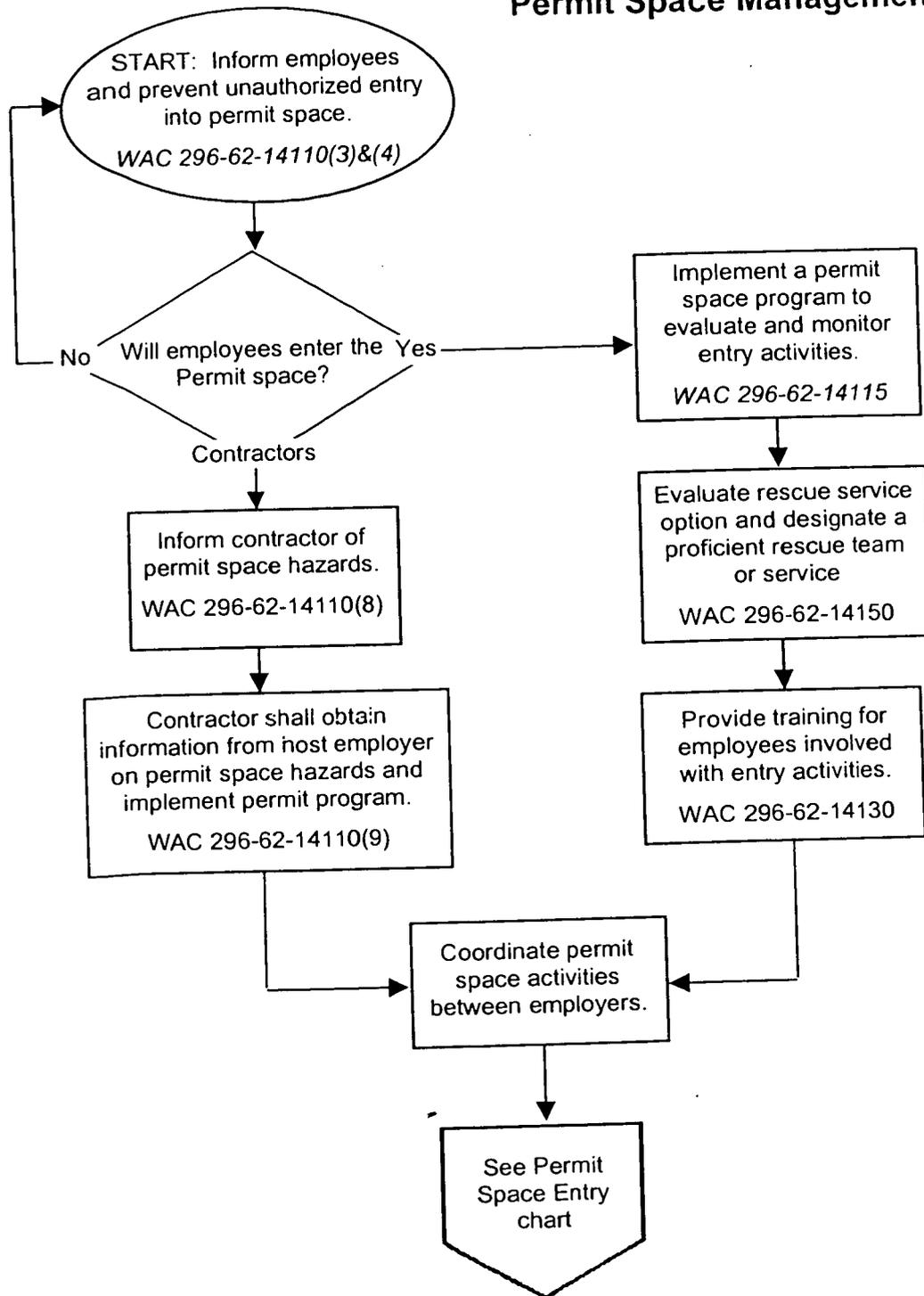
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Permit Space Entry

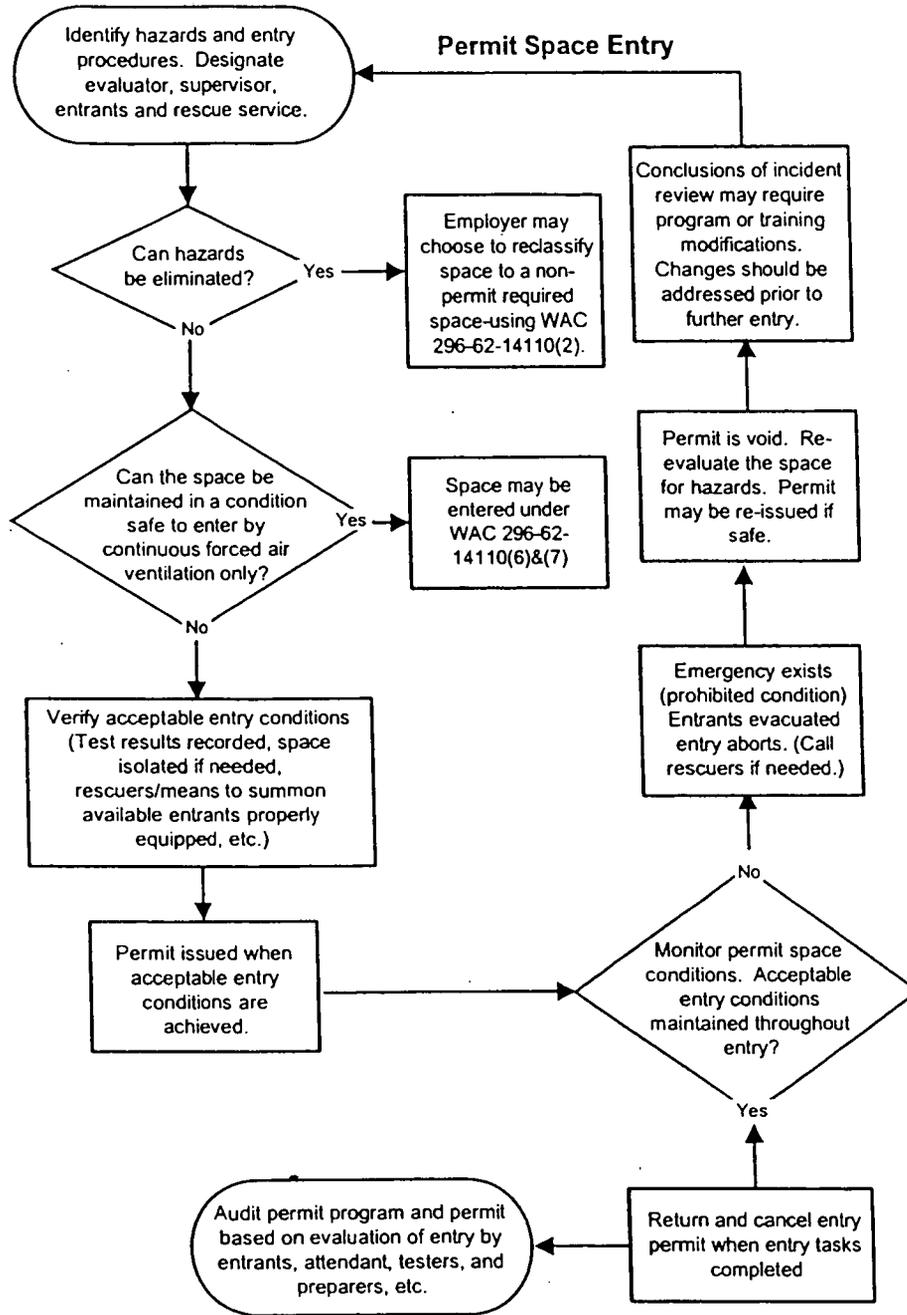


Permit Space Management



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AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-62-07314 Medical surveillance. (1) At no cost to the employee, a program of medical surveillance ~~((shall))~~ must be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(2) Examinations.

(a) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician

~~((shall))~~ must be provided and ~~((shall))~~ must include a personal history of the employee and/or his/her family and ~~((occupation))~~ occupational background, including genetic and environmental factors.

(i) Taking of employees' medical history and background history ~~((shall))~~ must be considered to be a routine part of standard medical practice.

(ii) This provision does not require "genetic testing" of any employee.

(iii) This provision does not require the exclusion of otherwise qualified employees from jobs on the basis of genetic factors.

(b) Authorized employees ~~((shall))~~ must be provided periodic physical examination, not less often than annually, following the preassignment examination.

(c) In all physical examinations, the examining physician ~~((shall))~~ must be requested to consider whether there exist conditions of increased risk, including reduced immunological competence, ~~((those undergoing treatment with steroids or cytotoxic agents,))~~ pregnancy ~~((and)),~~ cigarette smoking, and those undergoing treatment with steroids or cytotoxic agents.

(3) Records.

(a) Employers of employees examined pursuant to this subdivision ~~((shall cause to be maintained))~~ must maintain complete and accurate records of all such medical examinations. Records ~~((shall))~~ must be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, ~~((shall))~~ must be forwarded by registered mail to the director.

(b) Records required by this section ~~((shall))~~ must be provided upon request to employees, designated representatives, and the director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217. ~~((These records shall also be provided upon request to the director.))~~

(c) Any employer who requests a physical examination of ~~((one of his))~~ an employee~~((s))~~ or prospective employee~~((s))~~ as required by this section ~~((shall))~~ must obtain from the physician a statement of the employee's suitability for employment in the specific exposure.

AMENDATORY SECTION (Amending WSR 99-16-083, filed 8/3/99, effective 11/3/99)

WAC 296-79-140 Installation, inspection, and maintenance of pipes, piping systems, and hoses. (1) Definitions applicable to this section.

"Hazardous material system" - any system within the following classifications:

- Flammable or explosive - any system containing materials which are hazardous because they are easily ignited and create a fire or explosion hazard, defined by NFPA as Class I liquids;

- Chemically active or toxic - any system containing material which offers corrosion or toxic hazard in itself or can be productive of harmful gases upon release, defined by NFPA 704M as Class 3 and 4 materials;

- Thermally hazardous - any system above 130°F which exposes persons to potential thermal burns;

- Pressurized - any gaseous system above 200 psig or liquid system above 500 psig.

"Piping system" - any fixed piping, either rigid pipe or flexible hose, including all fittings and valves, in either permanent or temporary application.

(2) Design and installation. All new piping systems intended to be used in hazardous material service must be designed and installed in accordance with applicable provisions of the ASME Code for Pressure Piping or in accordance with applicable provisions of ANSI B31.1-1995 through B31.8-1995.

(3) Inspection and maintenance.

(a) The employer must develop a formal program of installation inspections and maintenance for all hazardous material piping systems. The program must be:

- Based on sound maintenance engineering principle, and

- Demonstrate due consideration for the manufacturing specifications of the pipe, hose, valves and fittings, the ambient environment of the installation and the corrosive or abrasive effect of the material handled within the system.

(b) Type and frequency of tests and/or inspections and selection of inspection sites must be adequate to give indications that minimum safe design operating tolerances are maintained. The tests may include visual or nondestructive methods.

(4) Inspection records.

(a) Results of inspections and/or tests must be maintained as a record for each system. Portions of systems that are buried or enclosed in permanent structures in such a manner as to prevent exposure to employees even in the event of a failure, may be exempted from the inspection requirements only.

- Past records may be discarded provided the current inspection report and the immediately preceding two reports are maintained.

- When a system is replaced, a new record must be established and all past records may be discarded.

(b) Upon request the records for each system must be made available for review by the department of labor and industries.

(5) Systems or sections of systems found to be below the minimum design criteria requirements for the current service must be repaired or replaced with component parts and methods which equal the requirements for new installations.

(6) Identification of piping systems.

(a) ~~((Pipes containing hazardous materials must be identified. It is recommended that))~~ USAS A13.1-1956, "Scheme for Identification of Piping Systems," must be followed.

Positive identification of a piping system content:

- Must have a lettered legend giving the name of the content in full or abbreviated form, or a commonly used identification system.

- Must be made and maintained at suitable intervals and at valves, fittings, and on both sides of walls or floors as needed.

- May have arrows to indicate the direction of flow.

- May provide necessary supplementary information such as hazard of use. This may be done by additional legend or by color applied to the entire piping system or as colored bands. Legends may be placed on colored bands.

Examples of legend which may give both positive identification and supplementary information regarding hazards or use are:

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Ammonia	Hazardous liquid or gas
Chlorine	Hazardous liquid or gas
Chlorine dioxide	Hazardous liquid or gas
Sulphur dioxide	Hazardous gas
Liquid caustic	Hazardous liquid
Liquid sulphur	Hazardous liquid
Sulphuric acid	Hazardous liquid
Sodium chlorate	When dry, danger of fire or explosion

Note: Manual L-1, published by Chemical Manufacturers Association, Inc., is a valuable guide in respect to supplementary legend.

• When color, applied to the entire piping system or as colored bands, is used to give supplementary information it should conform to the following:

CLASSIFICATION	PREDOMINANT COLOR
F—Fire-protection equipment	Red
D—Dangerous materials	Yellow (or orange)
S—Safe materials	Green (or the achromatic colors, white, black, gray or aluminum)

and, when required,

P—Protective materials Bright blue

(b) When legend systems are used, legend boards showing the color and identification scheme in use must be prominently displayed at each plant. They must be located so that employees who may be exposed to hazardous material piping systems will have a frequent reminder of the identification program.

(c) All employees who work in the area of hazardous material piping systems must be given training in the color and identification scheme in use.

(7) Steam hoses. Steam hoses must be specifically designed to safely carry steam at any pressures to which they may be subjected.

AMENDATORY SECTION (Amending WSR 00-14-058, filed 7/3/00, effective 10/1/00)

WAC 296-155-24525 Appendix B to Part C-1—Fall restraint and fall arrest (employer information only). Additional standards that require the use of fall restraint and/or fall arrest protection for employees are listed below:

Ladders	WAC 296-155-480 (1)(r) WAC 296-155-480 (1)(s)
Scaffolds	WAC 296-155-483(7)
Boom Supported Elevating Work Platforms	WAC 296-155-489
Vehicle Mounted Elevated and Rotating Work Platforms	WAC 296-155-490 (2)(b)(v)
Crane and Derrick Supported	WAC 296-155-528 (6)(c)

Work Platforms	WAC 296-155-528 (6)(d) WAC 296-155-528 (7)(i) WAC 296-155-528 (7)(j) WAC 296-155-528 (7)(k) WAC 296-155-528 (10)(h)
Open Sided Floors	WAC 296-155-505 (6)(a) through (f)
Pile Driving	WAC 296-155-620 (1)(i)
Vertical Slip Forms	WAC 296-155-688(9)
Placing and Removal of Forms	WAC 296-155-689(4)
Steel Erection Temporary Floors	WAC 296-155-705 (2)(b)
((Tunneling (Skips and Platforms))	WAC 296-155-730 (8)(e))

AMENDATORY SECTION (Amending Order 88-04, filed 5/11/88)

WAC 296-155-441 Applicability. (1) Covered. WAC 296-155-441 through 296-155-459 contain installation safety requirements for electrical equipment and installations used to provide electric power and light at the jobsite. These sections apply to installations, both temporary and permanent, used on the jobsite; but these sections do not apply to existing permanent installations that were in place before the construction activity commenced.

Note: If the electrical installation is made in accordance with the National Electrical Code ANSI/NFPA 70-1984, exclusive of formal interpretations and tentative interim amendments, it will be deemed to be in compliance with WAC 296-155-444 through 296-155-459, except for WAC 296-155-447 (2)(a) and 296-155-449 (1)(b)(ii)(E), (F), (G), and (J).

(2) Not covered. WAC 296-155-441 through 296-155-459 do not cover installations used for the generation, transmission, and distribution of electric energy, including related communication, metering, control, and transformation installations. (However, these regulations do cover portable and vehicle-mounted generators used to provide power for equipment used at the jobsite.) See ~~((chapter 296-44 WAC, Safety standards—Electrical Construction Code, for the construction of power distribution and transmission lines))~~ the National Electrical Safety Code (NESC).

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

WAC 296-155-525 Cranes and derricks. (1) Definitions applicable to this part:

Accessory - a secondary part or assembly of parts which contributes to the overall function and usefulness of a machine.

Administrative or regulatory authority - a governmental agency, or the employer in the absence of governmental jurisdiction.

Angle indicator (boom) - an accessory which measures the angle of the boom to the horizontal.

Appointed - assigned specific responsibilities by the employer or the employer's representative.

Authorized person - means a person approved or assigned by the employer to perform a specific type of duty

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or duties or be at a specific location or locations at the work-place.

Auxiliary hoist - a secondary hoist rope system used either in conjunction with, or independently of, the main hoist system.

Axis of rotation - the vertical axis around which the crane superstructure rotates.

Axle - the shaft or spindle with which or about which a wheel rotates. On wheel-mounted cranes it refers to a type of axle assembly including housings, gearing, differential, bearings, and mounting appurtenances.

Axle (bogie) - two or more axles mounted in tandem in a frame so as to divide the load between the axles and permit vertical oscillation of the wheels.

Ballast - weight used to supplement the weight of the machine in providing stability for lifting working loads (the term **ballast** is normally associated with locomotive cranes).

Base, anchor bolt - a crane base that is bolted to a footing.

Base, expendable - for static-mounting cranes, a style of bottom mast section or member that is cast into a concrete footing block; all or part of this component is lost to future installations.

Base, fixed - a crane base that does not travel. It may be expendable, knee braced, or anchor bolted.

Base (mounting) - the traveling base on which the rotating superstructure of a locomotive or crawler crane is mounted.

Base, tower crane - the lowermost supporting component of the crane.

Base, travel - a crane base that is a ballasted platform mounted on trucks that ride along rails.

Boom (crane) - a member hinged at the rotating superstructure and used for supporting the existing tackle.

Boom angle - the angle above or below horizontal of the longitudinal axis of the base boom section.

Boom hoist mechanism - means for supporting the boom and controlling the boom angle.

Boom point - the outer extremity of the crane boom, containing the hoist sheave assembly.

Boom point sheave assembly - an assembly of sheaves and pin built as an integral part of the boom point.

Boom stop - a device used to limit the angle of the boom at the highest recommended position.

Brake - a device used for retarding or stopping motion.

Brace, tower - a structural attachment placed between a crane tower and an adjacent structure to pass loads to the adjacent structure and permit the crane to be erected to greater than free standing height.

Buffer - an energy absorbing device for reducing impact when a moving crane or trolley reaches the end of its permitted travel.

Cab - a housing which covers the rotating superstructure machinery, or the operator's or driver's station.

Climbing frame - a frame used with climbing cranes to transmit operational and climbing reactions to the host building frame.

Climbing ladder - a steel member with crossbars (used in parts) suspended from a climbing frame and used as jacking support points when some cranes climb.

Clutch - a means for engagement or disengagement of power.

Commercial truck vehicle - a commercial motor vehicle designed primarily for the transportation of property in connection with business and industry.

Counterweight - weight used to supplement the weight of the machine in providing stability for lifting working loads.

Counterweight jib - a horizontal member of a crane on which the counterweights and usually the hoisting machinery are mounted.

Crane carrier - the undercarriage of a wheel-mounted crane specifically designed for transporting the rotating crane superstructure. It may or may not provide its own travel mechanism. It is distinguished from a commercial truck vehicle in that it is not designed to transport personnel, materials, or equipment other than the crane-rotating superstructure.

Cross-over points - in multiple layer spooling of rope on a drum, those points of rope contact where the rope crosses the preceding rope layer.

Designated - selected or assigned by the employer or the employer's representative as being competent to perform specific duties.

Drum - the cylindrical member around which a rope is wound for lifting and lowering the load or boom.

Dynamic (loading) - loads introduced into the machine or its components due to accelerating or decelerating forces.

Flange point - a point of contact between rope and drum flange where the rope changes layers.

Free standing height - that height of a crane which is supported by the tower (mast) alone without assistance from braces, guys, or other means.

Gate, track - the horizontal distance between two rails measured perpendicular to the direction of travel.

Gantry (A-frame) - a structural frame, extending above the superstructure, to which the boom support ropes are reeved.

High strength (traction) bolts - high strength tensile bolts used in the assembly of crane sections. The bolts are installed in tension by torquing or other means at a level greater than that produced by in- or out-of-service loads for the purpose of reducing the likelihood of bolt fatigue failure.

Hoist mechanism - a hoist drum and rope reeving system used for lifting and lowering loads.

Jib - an extension attached to the boom point to provide added boom length for lifting specified loads. The jib may be in line with the boom or offset to various angles in the vertical plane of the boom.

Jib backstop - a device which will restrain the jib from turning over backward.

Job site - work area defined by the construction contract.

Limiting device - a mechanical device which is operated by some part of a power driven machine or equipment to control loads or motions of the machine or equipment.

Load (working) - the external load in pounds (kilograms) applied to the crane, including the weight of load-attaching equipment such as lower load block, shackles, and slings.

Load block, lower - the assembly of hook or shackle, swivel, sheaves, pins, and frame suspended by the hoisting ropes.

Load block, upper - the assembly of shackle, swivel, sheaves, pins, and frame suspended from the boom point.

Load ratings - crane ratings in pounds (kilograms) established by the manufacturer.

Mast (boom) - a frame hinged at or near the boom hinge for use in connection with supporting a boom. The head of the mast is usually supported and raised or lowered by the boom hoist ropes.

Mast (jib) - a frame hinged at or near the boom point for use in connection with supporting a jib.

Normal operating conditions.

Cab- or station-operated cranes - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices on the crane, and no other persons except those appointed are to be on the crane.

Ground- or floor-operated cranes - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices that are mounted to the crane but operated with the operator off the crane, and no other persons except those appointed are to be on the crane.

Remote-operated cranes - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices that are mounted to any part of the crane, and no other persons except those appointed are to be on the crane.

Out-of-service - the condition of a crane when unloaded, without power and with the controls unattended and prepared to endure winds above the in-service level.

Outriggers - extendable or fixed members attached to the mounting base, which rest on supports at the outer ends used to support the crane.

Pawl (dog) - a device for positively holding a member against motion in one or more directions.

Payload - that load or loads being transported by the commercial truck chassis from place to place.

Pendant - a rope or strand of specified length with fixed end connections.

Pitch diameter - the diameter of a sheave or rope drum measured at the center line of the rope.

Power-controlled lowering - a system or device in the power train, other than the load hoist brake, which can control the lowering rate of speed of the load hoist mechanism.

Qualified person - a person who, by possession of a recognized degree or certificate of professional standing, or who, by extensive knowledge, training, and experience, has

successfully demonstrated the ability to solve or resolve problems relating to the subject matter and work.

Radius (load) - the horizontal distance from a projection of the axis of rotation to the base of the crane, before loading, to the center of the vertical hoist line or tackle with load applied.

Rail clamp - a tong-like metal device mounted on a locomotive crane car, which can be connected to the track.

Reeving - a rope system in which the rope travels around drums and sheaves.

Remote control station - a location, not on the crane, from which the operator can control all the crane movements.

Repetitive pickup point - when operating on a short cycle operation, the rope being used on a single layer and being spooled repetitively over a short portion of the drum.

Rope - refers to wire rope unless otherwise specified.

Rotation resistant rope - a wire rope consisting of an inner layer of strand laid in one direction covered by a layer of strand laid in the opposite direction. This has the effect of counteracting torque by reducing the tendency of the finished rope to rotate.

Running rope - a rope which travels around sheaves or drums.

Shall - this word indicates that the rule is mandatory and must be followed.

Service, light - service that involves irregular operation with loads generally about one-half or less of the rated load; a service crane at a storage yard or building site would be an example.

Service, normal - service that involves operating occasionally at rated load but normally at less than eighty-five percent of the rated load and not more than ten lift cycles per hour except for isolated instances; a crane used for concrete placement at a building site would be an example.

Service, heavy - service that involves operating at eighty-five percent to one hundred percent of the rated load or in excess of ten lift cycles per hour as a regular specified procedure; some cranes operating at material yards or in industrial applications may fall into this category.

Sheave - a grooved wheel or pulley used with a rope to change the direction and point of application of a pulling force.

Should - this word indicates that the rule is a recommendation, the advisability of which depends on the facts in each situation.

Side loading - a load applied to an angle to the vertical plane of the boom.

Stabilizer - stabilizers are extendable or fixed members attached to the mounting base to increase the stability of the crane, but which may not have the capability of relieving all of the weight from wheels or tracks.

Standby crane - a crane which is not in regular service but which is used occasionally or intermittently as required.

Standing (guy) rope - a supporting rope which maintains a constant distance between the points of attachment to the two components connected by the rope.

Structural competence - the ability of the machine and its components to withstand the stresses imposed by applied loads.

Superstructure - the rotating upper frame structure of the machine and the operating machinery mounted thereon.

Swing - rotation of the superstructure for movement of loads in a horizontal direction about the axis of rotation.

Swing mechanism - the machinery involved in providing rotation of the superstructure.

Swivel - a load carrying member with thrust bearings to permit rotation under load in a plane perpendicular to the direction of the load.

Swiveling - the rotation of the load attachment portion (hook or shackle) of a load block (lower) or hook assembly about its axis of suspension in relation to the load line(s).

Tackle - an assembly of ropes and sheaves arranged for lifting, lowering, or pulling.

Telescoping boom - consists of a base boom from which one or more boom sections are telescoped for additional length.

Telescoping (tower crane) - a process whereby the height of a traveling or fixed base crane is increased typically by raising the inner tower and then adding sections at the top of the outer tower; there are also cranes that are telescoped by adding to the inner tower from below.

Tower (mast) - a vertical structural frame consisting of columns and bracing capable of supporting an upperstructure with its working and dynamic loads and transmitting them to the supporting surface or structure.

Traction (high strength) bolts - see high strength bolts.

Transit - the moving or transporting of a crane from one job site to another.

Travel - the function of the machine moving under its own power from one location to another on a job site.

Trolley - the device that travels along the load jib and contains the upper load block.

Two-blocking - the condition in which the lower load block or hook assembly comes in contact with the upper load block or boom point sheave assembly.

Weathervaning - wind induced rotation of a crane upperstructure, when out-of-service, to expose minimal surface area to the wind.

Wedge - a tapered wood or steel device used to provide stability to cranes during use as a climber. When the wedges are tightened against the four main legs of the tower, they convert overturning moments into horizontal forces to be resisted by the floor framing or slab.

Wheel base - the distance between centers of front and rear axles. For a multiple axle assembly the axle center for wheel base measurement is taken as the midpoint of the assembly.

Whipline (runner or auxiliary) - a secondary rope system usually of lighter load capacity than that provided by the main rope system.

Winch head - a power driven spool for handling of loads by means of friction between fiber or wire rope and the spool.

(2) General requirements.

(a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of any and all cranes and derricks. Where manufacturer's specifications are not available the limitations assigned to the equipment shall be based on the determinations of a qualified engineer, competent in this field and such determinations will be appropriately documented and recorded. Attachments used with cranes shall not exceed the capacity, rating, or scope recommended by the manufacturer.

(b) Rated load capacities, and recommended operating speeds, and special hazard warnings, or instruction, shall be conspicuously posted on all equipment. Instructions or warnings shall be visible to the operator while at the control station.

(c) Hand signals to crane and derrick operators shall be those prescribed by the applicable ANSI standard for the type of crane in use. An illustration of the signals shall be posted at the job site.

(d) The employer shall designate a competent person who shall inspect all machinery and equipment prior to each use, and periodically during use to make sure it is in safe operating condition. Any deficiencies shall be repaired, or defective parts replaced, before continued use.

(e) A thorough, annual inspection of the hoisting machinery shall be made by a competent person, or by a government or private agency recognized by the department. The employer shall maintain a permanent record of the dates and results of all inspections for each hoisting machine and piece of equipment.

(f) A tag line or guide rope shall be used on all loads that swing freely. Guide ropes or tag lines shall be held by experienced persons.

(g) Care shall be taken to guard against injury to workers, or damage to scaffolds or buildings, from swinging loads.

(h) The operator shall avoid carrying loads over people.

(i) When work is stopped or when the derrick is not in operation, the boom shall be lowered to a horizontal position or tied in place to prevent it whipping with the wind or other external force.

(j) Only authorized personnel shall make sling hitches on loads.

(k) Workers shall not be allowed to ride on loads handled by derricks.

(l) Operators shall observe signals only from duly authorized persons. Under no circumstances shall a load be moved until the signal is received from authorized personnel.

(m) Belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other reciprocating, rotating, or other moving parts or equipment shall be guarded if such parts are exposed to contact by employees, or otherwise create a hazard. Guarding shall meet the requirements of chapter 296-24 WAC.

(n) A minimum distance of thirty inches clearance shall be maintained between the swing radius of the greatest extension of the crane superstructure or counterweights and a stationary object, including the crane itself, while the crane is in operation. When this clearance cannot be maintained, suitable barricades or safeguards shall be used to isolate the pinch point hazard area.

(o) All exhaust pipes shall be guarded or insulated where contact by employees, in the performance of normal duties, is possible.

(3) Additional requirements.

(a) Whenever internal combustion engine powered equipment exhausts in enclosed spaces, tests shall be made and recorded to see that employees are not exposed to unsafe concentrations of toxic gases or oxygen deficient atmospheres. (See chapter 296-62 WAC, the general occupational health standards and other applicable standards.)

(b) All cab glazing shall be safety glazing material. Windows shall be provided in the front and on both sides of the cab or operator's compartment with visibility forward and to either side. Visibility forward shall include a vertical range adequate to cover the boom point at all times. The front window may have a section which can be readily removed or held open, if desired. If the section is of the type held in the open position, it shall be secured to prevent inadvertent closure. A windshield wiper should be provided on the front window.

(c)(i) Where necessary for rigging or service requirements, a ladder or steps shall be provided to give access to a cab roof.

(ii) On cranes, guardrails, handholds and steps shall be provided for easy access to the car and cab in accordance with chapter 296-155 WAC, Part C-1 and Part J.

(iii) Platforms and walkways shall have anti-skid surfaces.

(d) Fuel tank filler pipe shall be located in such a position, or protected in such manner, as to not allow spill or overflow to run onto the engine, exhaust, or electrical equipment of any machine being fueled.

(i) An accessible fire extinguisher of 5BC rating, or higher, shall be available at all operator stations or cabs of equipment.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(ii) All fuels shall be transported, stored, and handled to meet the rules of Part D of this chapter. When fuel is transported by vehicles on public highways, department of transportation rules concerning such vehicular transportation are considered applicable.

(e) Except where electrical distribution and transmission lines have been deenergized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

(i) For lines rated 50 kV. or below, minimum clearance between the lines and any part of the crane or load shall be 10 feet;

(ii) For lines rated over 50 kV., minimum clearance between the lines and any part of the crane or load shall be 10 feet plus 0.4 inch for each 1 kV. over 50 kV., or twice the length of the line insulator, but never less than 10 feet;

(iii) In transit with no load and boom lowered, the equipment clearance shall be a minimum of 4 feet for voltages less than 50 kV., and 10 feet for voltages over 50 kV. up to and

including 345 kV., and 16 feet for voltages up to and including 750 kV.;

(iv) A person shall be designated to observe clearance of the equipment and give timely warning to insure that the required separation is maintained for all operations where it is difficult for the operator to maintain the desired clearance by visual means;

(v) Cage-type boom guards, insulating links, or proximity warning devices may be used on cranes, but the use of such devices shall not alter the requirements of any other regulation of this part even if such device is required by law or regulation;

(vi) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate that it is not an energized line and it has been visibly grounded;

(vii) Prior to work near transmitter tower where an electrical charge can be induced in the equipment or materials being handled, the transmitter shall be deenergized or tests shall be made to determine if electrical charge is induced on the crane.

(f) The following precautions shall be taken when necessary to dissipate induced voltage:

(i) The equipment shall be provided with an electrical ground directly to the upper rotating structure supporting the boom; and

(ii) Ground jumper cables shall be attached to materials being handled by boom equipment when electrical charge is induced while working near energized transmitters. Crews shall be provided with nonconductive poles having large alligator clips or other similar protection to attach the ground cable to the load.

(iii) Combustible and flammable materials shall be removed from the immediate area prior to operations.

(g) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without the manufacturer's or a qualified engineer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(h) The employer shall comply with Power Crane and Shovel Association, Mobile Hydraulic Crane Standard No. 2.

(i) Sideboom cranes mounted on wheel or crawler tractors shall meet the requirements of SAE J743a-1964.

(4) Crawler, locomotive, and truck cranes.

(a) All jibs shall have positive stops to prevent their movement of more than 5° above the straight line of the jib and boom on conventional type crane booms. The use of cable type belly slings does not constitute compliance with this standard.

(b) All crawler, truck or locomotive cranes in use shall meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in the ANSI B30.5-1989, Safety Code for Crawler, Locomotive and Truck Cranes.

(5) Tower cranes.

(a) Tower cranes shall be erected, jumped and dismantled under the immediate supervision of a competent person, designated by the employer.

(b) Tower cranes shall be erected, maintained and used in accordance with the manufacturer's specifications, recommendations and procedures. All modifications shall be approved by the manufacturer and engineered by a professional engineer. The safety factors shall not be reduced by any modifications. The crane plates and charts shall be changed to reflect any modifications made.

(c) A professional engineer shall certify that the crane foundations and underlying soil are adequate support for the tower crane with its maximum overturning movement.

(d) Tower cranes shall be positioned whereby they can swing 360° without either the counterweight or jib striking any building, structure or other object, except:

(i) If the crane can strike an object or another crane, suitable limit switches shall be installed which will prohibit contact with such objects, or;

(ii) Direct voice communications shall be established between any operator of the tower crane(s) involved and a signalperson so stationed where the boom and/or counterweight movement, and the object with which it may contact can be observed so that the operator(s) can be warned of imminent danger.

(iii) A secondary means of positive communications shall be established as a back-up for possible direct voice communication failure.

(iv) Radio communication systems without tone coded squelch are prohibited. Citizens band radios shall not be used as a means of communications for tower cranes.

(e) Prior to installing a climbing tower crane within an existing building or new construction, a structural engineer shall certify that the building is designed to withstand the torque and floor loading created by the crane to be installed.

(f) Tower cranes erected on a new foundation shall be tested in accordance with ANSI B30.3-1990 Chapter 3-1.

(i) The test shall consist of suspending a load of not less than 110% of the rated capacity for 15 minutes. The load shall be suspended from the furthest point of the length of boom (jib) to be used. The results of this test shall be within the manufacturer's recommendations and/or specifications.

(ii) A record of each test shall be made and signed by the person responsible for conducting the test. Such records shall be maintained on the construction site for the duration of the construction work for which it was erected and subsequently made a part of the firm's permanent equipment records. Records shall be made available to authorized representatives of the department, upon request.

(g) A capacity chart shall be furnished by each crane manufacturer which shall include a full and complete range of crane load ratings at all stated operating radii for each allowable speed and each recommended counterweight load.

(i) Such chart shall be posted in the operator's cab or at the remote control stand in use. In lieu of the chart at the remote control stand, a minimum of two weight capacity signs shall be affixed to the jib or boom.

(ii) The chart shall be visible and readable to the operator while at the normal operating position.

(h) Operating controls shall be properly marked to indicate the function of the controls in each position.

(i) An operating and maintenance manual written in the English language shall be provided with each tower crane.

(j) Limit switches shall be installed and shall be kept properly adjusted. They shall be protected or isolated in a manner which will prevent unauthorized tampering. Limit switches shall provide the following functions:

(i) Safely limit the travel of the trolley to prevent it from hitting the outer end of the jib.

(ii) Limit the upward travel of the load block to prevent two-blocking.

(iii) Lower over travel limiting devices shall be provided for all load hoists where the hook area is not visible to the operator.

(iv) Limit the load being lifted in a manner whereby no more than 110% of the maximum rated load can be lifted or moved.

(k) The crane shall not be used to pull vehicles of any type, remove piling, loosen form work, pull away loads which are attached to the ground or walls, or for any operation other than the proper handling of freely suspended loads.

(l) When the operator may be exposed to the hazard of falling objects, the tower crane cab and/or remote control station shall have adequate overhead protection.

(m) The operator shall be protected from the weather. If enclosed cabs are provided they shall provide clear visibility in all directions and glass shall be approved safety glass or the equivalent.

(n) An approved and safe means shall be provided for access to operator's cab and machinery platform.

(o) When necessary for inspection or maintenance purposes, ladders, walkways with railing or other devices shall be provided.

(p) Each tower crane shall be provided with a slewing brake capable of preventing the jib or boom from rotating in either direction and stopping the rotation of the jib or boom while loaded, when desired. Such brake shall have a holding device which, when set, will hold the jib or boom in a fixed location without additional attention of the operator. When the crane is out of operation, the jib or boom shall be pointed downwind and the slewing brake shall be released so as to permit the jib or boom to weathervane, providing the jib or boom has a clear 360 degree rotation. Where a 360 degree rotation is not provided, the jib or boom shall be pointed downwind from the prevailing wind and the slewing brake set.

(q) Each tower crane shall be provided with a braking system on the trolley capable of stopping and holding the trolley in any desired position while carrying a maximum load. This brake shall be capable of being locked in a fixed location without additional attention of the operator. An automatic brake or device shall be installed which will immediately stop and lock the trolley in position in the event of a breakage of the trolley rope.

(r) All electrical equipment shall be properly grounded and protection shall be provided against lightning.

(s) When the operator is actually operating the crane, the operator shall remain in a stationary position.

(t) All crane brakes shall automatically set in event of power failure. Swing brakes shall also function in this manner or be capable of being set manually.

(u) Climbing jack systems used for raising a tower crane shall be equipped with over-pressure relief valves, direct-reading pressure gauges, and pilot-operated hydraulic check valves installed in a manner which will prevent jack from retracting should a hydraulic line or fitting rupture or fail.

(v) During periods of high winds or weather affecting visibility, i.e., fog, etc., only loads shall be handled that are consistent with good safety practices. Good safety practices shall be mutually agreed upon by the operator and the person in charge of the construction job, with due consideration given to manufacturer's specifications and recommendations.

(w) Counterweights shall be securely fastened in place and shall not exceed the weight as recommended by the manufacturer for the length of jib being used. However, an amount of counterweight as recommended by the manufacturer shall be used.

(x) Tower cranes shall be inspected and maintained in accordance with the manufacturer's recommendations or more frequently if there is reason to suspect a possible defect or weakening of any portion of the structure or equipment.

(y) Guy wires, wedges, braces or other supports shall be inspected at the beginning and at midpoint of each working shift to ascertain that they are functioning as intended.

(6) Additional tower crane requirements.

(a) An approved method ~~((shall))~~ must be instituted for transmitting signals to the operator. Standard hand signals for crane operations ~~((shall))~~ must be used, whenever possible; however, if conditions are such that hand signals are ineffective, radio-controlled or electric-whistle signal or two-way voice communication ~~((shall))~~ must be used. (See WAC 296-155-525 ~~((4))~~ (5)(d).)

(b) Tower cranes shall not be erected or raised when the wind velocity at the worksite exceeds 20 m.p.h. or that specified by the manufacturer.

(c) Tower crane operators shall be trained and experienced in tower crane operations; however, for gaining experience, persons may operate the tower crane if under the immediate supervision of an experienced operator.

(d) Adequate clearance shall be maintained between moving and rotating structures of the crane and fixed objects to allow the passage of employees without harm.

(e) Employees required to perform duties on the horizontal boom of hammerhead tower cranes shall be protected against falling by guardrails or by a full body harness and lanyards attached to crane or to lifelines in conformance with Part C-1 of this chapter.

(f) Buffers shall be provided at both ends of travel of the trolley.

(g) Cranes mounted on rail tracks shall be equipped with limit switches limiting the travel of the crane on the track and stops or buffers at each end of the tracks.

(h) All hammerhead tower cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed by the manufacturer.

(i) Access ladders inside the telescoping sections of tower cranes are exempt from those sections of the safety

standards pertaining to cleat length and cleat spacing, but shall conform to manufacturer's recommendations and specifications.

(7) Overhead and gantry cranes.

(a) The rated load of the crane shall be plainly marked on each side of the crane, and if the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block, and this marking shall be clearly legible from the ground or floor.

(b) Bridge trucks shall be equipped with sweeps which extend below the top of the rail and project in front of the truck wheels.

(c) Except for floor-operated cranes, a gong or other effective audible warning signal shall be provided for each crane equipped with a power traveling mechanism.

(d) All overhead and gantry cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed in ANSI B30.2.0-1990, Safety Code for Overhead and Gantry Cranes.

(8) Derricks. All derricks in use shall meet the applicable requirements for design, construction, installation, inspection, testing, maintenance, and operation as prescribed in American National Standard Institute B30.6-1990, Safety Code for Derricks.

(9) Floating cranes and derricks.

(a) Mobile cranes mounted on barges.

(i) When a mobile crane is mounted on a barge, the rated load of the crane shall not exceed the original capacity specified by the manufacturer.

(ii) A load rating chart, with clearly legible letters and figures, shall be provided with each crane, and securely fixed at a location easily visible to the operator.

(iii) When load ratings are reduced to stay within the limits for list of the barge with a crane mounted on it, a new load rating chart shall be provided.

(iv) Mobile cranes on barges shall be positively secured.

(b) Permanently mounted floating cranes and derricks.

(i) When cranes and derricks are permanently installed on a barge, the capacity and limitations of use shall be based on competent design criteria.

(ii) A load rating chart with clearly legible letters and figures shall be provided and securely fixed at a location easily visible to the operator.

(iii) Floating cranes and floating derricks in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, and operation as prescribed by the manufacturer.

(c) Protection of employees working on barges. The employer shall comply with the applicable requirements for protection of employees as specified in WAC 296-155-630.

(10) Mobile cranes and excavation machines.

(a) In all power driven shovel operations the person in charge shall issue instructions necessary to prevent accidents, to detect and correct unsafe acts and dangerous conditions, and to enforce all safety rules and regulations.

The person in charge shall also issue instructions on the proper method of using tools and handling material.

(b) Where the ground is soft or uneven, timbering and planking shall be used to provide firm foundation and distribute the load.

(c) In case of a breakdown, the shovel shall be moved away from the foot of the slope before repairs are made.

(d) All persons shall keep away from the range of the shovel's swing and shall not be permitted to stand back of the shovel or in line with the swing of the dipper during operation or moving of shovel.

(e) Unauthorized persons shall not be allowed on the shovel during operations, and the operator shall not converse with other persons while operating machine.

(f) The shovel dipper shall rest on the ground or on blocking during shut down periods.

(g) Shovels shall be inspected daily and all defects promptly repaired.

(h) All rubber tired mobile cranes shall be equipped with outriggers and sufficient blocking to properly stabilize crane while operating.

(i) Rubber tired mobile cranes shall be equipped with rear view mirrors.

(j) Positive boom stops shall be provided on all mobile cranes of the wheel and crawler type.

(k) Length of a crane boom and amount of counterweight shall not exceed manufacturer's rated capacity for equipment involved; except on isolated cases where permission is granted by the department.

(l) On all cranes where wedge ((beekets)) brackets are used as terminal connections, the proper size wedge shall be used.

(m) On all mobile cranes, the hoist and boom drums shall be provided with a positive operated pawl or dog which shall be used in addition to the brake to hold the load and boom when they are suspended. Counterweight operated dogs are prohibited.

(n) Oiling and greasing shall be done under safe conditions with machine at rest, except when motion of machine is necessary.

(o) All steps, running boards, and boom ladder shall be of substantial construction and in good repair at all times.

(p) Operators shall not leave the cab while master clutch is engaged.

(q) Fire extinguishers shall be readily accessible and within reach of operator at all times.

(r) All shovel and crane cabs shall be kept clean and free of excess oil and grease on floor and machinery. Oily and greasy rags shall be disposed of immediately after use and not allowed to accumulate.

(s) Tools shall not be left on the cab floor. Spare cans of oil or fuel, and spare parts, shall not be stored in cabs, except in approved racks provided for that purpose.

(t) Mats or planking shall be used in moving shovels or cranes over soft or uneven ground.

(u) Cranes or shovels setting on steep grades shall be securely blocked or secured with a tail hold.

(v) Smoking shall be prohibited while fueling or oiling machines.

(w) Gasoline powered motors shall be stopped during refueling.

(x) Handling of movable feed line (bologna) shall be accomplished with insulated hooks and lineman's rubber gloves.

(y) Where cables cross roads they shall be elevated or placed in a trench.

(z) On all power shovels, including back-hoe types, of one-half cubic yard capacity or over, and on all dragline cranes or all-purpose cranes of the crawler or wheel type, two persons shall constitute the minimum working crew. It is mandatory that one be a qualified operator of the equipment in use. The job title of the other crew member may be oiler, rigger, signal person, or a laborer. The primary purpose of the second crew member is to signal the operator when the operator's vision is impaired or obscured and to be on-hand in case of emergency.

(i) Second-crew persons shall be properly trained in their second-person required skills.

(ii) The second crew member shall be close enough to the machine in operation to be aware of any emergency, if one arises, and to assure the machine is operated with necessary and appropriate signals to the operator.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-530 Material hoists, personnel hoists, and elevators. (1) General requirements.

(a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of all hoists and elevators. Where the manufacturer's specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a professional engineer competent in the field.

(b) The employer shall ensure that no person shall enter a hoistway, elevator shaft, or similar enclosure in which the hoisting apparatus or vehicle is installed and functioning unless the power source operating those systems is locked out in accordance with WAC 296-155-429.

(c) Rated load capacities, recommended operating speeds, and special hazard warning or instructions shall be posted on cars and platforms.

(d) Wire rope shall be removed from service when any of the following conditions exists:

(i) In hoisting ropes, six randomly distributed broken wires in one rope lay or three broken wires in one strand in one rope lay;

(ii) Abrasion, scrubbing, flattening, or peening, causing loss of more than one-third of the original diameter of the outside wires;

(iii) Evidence of any heat damage resulting from a torch or any damage caused by contact with electrical wires;

(iv) Reduction from nominal diameter of more than three sixty-fourths inch for diameters up to and including three-fourths inch; one-sixteenth inch for diameters seven-eighths to 1 1/8 inches; and three thirty-seconds inch for diameters 1 1/4 to 1 1/2 inches.

(e) Hoisting ropes shall be installed in accordance with the wire rope manufacturer's recommendations.

(f) The installation of live booms on hoists is prohibited.

(g) The use of endless belt-type man lifts on construction shall be prohibited.

(h) Employees shall not be permitted to ride on top of material hoists, personnel hoists or permanent elevators except for purposes of inspection, maintenance, elevator installation or dismantling work.

(2) Material hoists, (a)(i) Operating rules shall be established and posted at the operator's station of the hoist. Such rules shall include signal system and allowable line speed for various loads. Rules and notices shall be posted on the car frame or crosshead in a conspicuous location, including the statement "No riders allowed."

(ii) No person shall be allowed to ride on material hoists except for the purposes of inspection and maintenance.

(b) All entrances of the hoistways shall be protected by substantial gates or bars which shall guard the full width of the landing entrance. All hoistway entrance bars and gates shall be painted with diagonal contrasting colors, such as black and yellow stripes.

(i) Bars shall be not less than 2- by 4-inch wooden bars or the equivalent, located 2 feet from the hoistway line. Bars shall be located not less than 36 inches nor more than 42 inches above the floor.

(ii) Gates or bars protecting the entrances to hoistway shall be quipped with a latching device.

(c) Overhead protective covering of two-inch planking, 3/4-inch plywood or other solid material of equivalent strength shall be provided on the top of every material hoist cage or platform to prevent objects falling on the workers loading or unloading the hoist.

(i) The protective covering on the top of the cage or platform may be made in hinged sections that may be raised when hoisting long material.

(ii) When using a cage or platform for long material, the several pieces of the material shall be securely fastened together and made fast to the cage or platform, so that no part of the load can fall or project beyond the sides of the cage or platform.

(d) The operator's station of a hoisting machine shall be provided with overhead protection equivalent to tight planking not less than 2 inches thick. The support for the overhead protection shall be of equal strength.

(e) Hoist towers may be used with or without an enclosure on all sides. However, whichever alternative is chosen, the following applicable conditions shall be met:

(i) When a hoist tower is enclosed, it shall be enclosed on all sides for its entire height with a screen enclosure of 1/2-inch mesh, No. 18 U.S. gauge wire or equivalent, except for landing access.

(ii) When a hoist tower is not enclosed, the hoist platform or car shall be totally enclosed (caged) on all sides for the full height between the floor and the overhead protective covering with 1/2-inch mesh of No. 14 U.S. gauge wire or equivalent. The hoist platform enclosure shall include the required gates for loading and unloading. A 6-foot high enclosure shall be provided on the unused sides of the hoist tower at ground level.

(f) Car arresting devices shall be installed to function in case of rope failure.

(g) All material hoist towers shall be designed by a licensed professional engineer.

(h) All material hoists shall conform to the requirements of ANSI A10.5-1969, Safety Requirements for Material Hoists.

(3) Personnel hoists.

(a) Personnel hoists shall be provided for access and egress on all multi story buildings where vertical travel exceeds sixty feet from a ground level access point.

(b) Hoist towers outside the structure shall be enclosed for the full height on the side or sides used for entrance and exit to the structure. At the lowest landing, the enclosure on the sides not used for exit or entrance to the structure shall be enclosed to a height of at least 10 feet. Other sides of the tower adjacent to floors or scaffold platforms shall be enclosed to a height of 10 feet above the level of such floors or scaffolds.

(c) Towers inside of structures shall be enclosed on all four sides throughout the full height.

(d) Towers shall be anchored to the structure at intervals not exceeding 25 feet. In addition to tie-ins, a series of guys shall be installed. Where tie-ins are not practical the tower shall be anchored by means of guys made of wire rope at least one-half inch in diameter, securely fastened to anchorages to ensure stability.

(e) Hoistway doors or gates shall be not less than 6 feet 6 inches high and shall be provided with mechanical locks which cannot be operated from the landing side, and shall be accessible only to persons on the car.

(f) Cars shall be permanently enclosed on all sides and the top, except sides used for entrance and exit, which have car gates or doors.

(g) A door or gate shall be provided at each entrance to the car which shall protect the full width and height of the car entrance opening.

(h) Overhead protective covering of 2-inch planking, 3/4-inch plywood or other solid material of equivalent strength shall be provided on the top of every personnel hoist.

(i) Doors or gates shall be provided with electric contacts which do not allow movement of the hoist when door or gate is open.

(j) A signal device shall be installed in the elevator car and only operated by an attendant who shall give the signals for operation, when transporting workers.

(k) An electrical push button signalling device or other approved signalling system shall be provided at each floor landing connected to an annunciator in the car. The signal code shall be posted adjacent to the signal device at each and every work level and at operator's work level. All wording shall be black on a white card, in large clear letters.

(l) The elevator machine and controls shall be housed in as a protection against accidents and the weather, and the door kept locked against unauthorized entrance when operator is not in attendance.

(m) Safeties shall be capable of stopping and holding the car and rated load when traveling at governor tripping speed.

(n) Cars shall be provided with a capacity and data plate secured in a conspicuous place on the car or crosshead.

(o) Internal combustion engines shall not be permitted for direct drive.

(p) Normal and final terminal stopping devices shall be provided.

(q) An emergency stop switch shall be provided in the car and marked "stop."

(r) Ropes:

(i) The minimum number of hoisting ropes used shall be three for traction hoists and two for drum-type hoists.

(ii) The minimum diameter of hoisting and counter-weight wire ropes shall be 1/2-inch.

(iii) Safety factors:

MINIMUM FACTORS OF SAFETY
FOR SUSPENSION WIRE ROPES

Rope speed in feet per minute:	Minimum factor of safety
50.....	7.60
75.....	7.75
100.....	7.95
125.....	8.10
150.....	8.25
175.....	8.40
200.....	8.60
225.....	8.75
250.....	8.90
300.....	9.20
350.....	9.50
400.....	9.75
450.....	10.00
500.....	10.25
550.....	10.45
600.....	10.70

(s) Following assembly and erection of hoists, and before being put in service, an inspection and test of all functions and safety devices shall be made under the supervision of a competent person. A similar inspection and test is required following major alteration of an existing installation. All hoists shall be inspected and tested at not more than 3-month intervals. Records shall be maintained and kept on file for the duration of the job.

(t) All personnel hoists used by employees shall be constructed of materials and components which meet the specifications for materials, construction, safety devices, assembly, and structural integrity as stated in the American National Standard A10.4-1963, Safety Requirements for Workmen's Hoists. The requirements of this subdivision do not apply to cantilever type personnel hoists.

(u) Wire rope shall be taken out of service when any of the following conditions exist:

(i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;

(ii) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird caging, or any other damage resulting in distortion of the rope structure;

(iii) Evidence of any heat damage from any cause;

(iv) Reductions from nominal diameter of more than three-sixty-fourths inch for diameters to and including three-fourths inch, one sixteenth inch for diameter seven-eighths inch to 1 1/8 inches inclusive, three-thirty-seconds inch for diameters 1 1/4 to 1 1/2 inches inclusive;

(v) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection.

(v)(i) Personnel hoists used in bridge tower construction shall be approved by a registered professional engineer and erected under the supervision of a qualified engineer competent in this field.

(ii) When a hoist tower is not enclosed, the hoist platform or car shall be totally enclosed (caged) on all sides for the full height between the floor and the overhead protective covering with 3/4-inch mesh of No. 14 U.S. gauge wire or equivalent. The hoist platform enclosure shall include the required gates for loading and unloading.

(iii) These hoists shall be inspected and maintained on a weekly basis. Whenever the hoisting equipment is exposed to winds exceeding 35 miles per hour it shall be inspected and put in operable condition before reuse.

(4) (~~Permanent elevators under the care and custody of the employer and used by employees for work covered by this act shall comply with the requirements of American National Standards Institute, A17.1-1971, and inspected in accordance with A17.2-1960 with addenda A17.2a-1965, A17.2b-1967-.)~~ All elevators, manlifts or other lifting devices must be installed and maintained in conformity with the requirements specified in the Washington state elevator laws and regulations adopted by the elevator section of the department of labor and industries.

Note: For additional information refer to chapter 296-100 WAC, safety requirements for material hoists.

AMENDATORY SECTION (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

WAC 296-155-66405 Appendix C—Timber shoring for trenches. (1) Scope. This appendix contains information that can be used when timber shoring is provided as a method of protection from cave-ins in trenches that do not exceed 20 feet (6.1 m) in depth. This appendix must be used when design of timber shoring protective systems is to be performed in accordance with WAC 296-155-657 (3)(a). Other timber shoring configurations; other systems of support such as hydraulic and pneumatic systems; and other protective systems such as sloping, benching, shielding, and freezing systems must be designed in accordance with the requirements set forth in WAC 296-155-657 (2) and (3).

(2) Soil classification. In order to use the data presented in this appendix, the soil type or types in which the excavation is made must first be determined using the soil classification method set forth in appendix A of this part.

(3) Presentation of information. Information is presented in several forms as follows:

(a) Information is presented in tabular form in Tables N-2 through N-7 following subsection (7) of this appendix. Each table presents the minimum sizes of timber members to use in a shoring system, and each table contains data only for the particular soil type in which the excavation or portion of the excavation is made. The data are arranged to allow the user the flexibility to select from among several acceptable configurations of members based on varying the horizontal spacing of the crossbraces. Stable rock is exempt from shoring requirements and therefore, no data are presented for this condition.

(b) Information concerning the basis of the tabular data and the limitations of the data is presented in subsection (4) of this appendix, and on the tables themselves.

(c) Information explaining the use of the tabular data is presented in subsection (5) of this appendix.

(d) Information illustrating the use of the tabular data is presented in subsection (6) of this appendix.

(e) Miscellaneous notations regarding Tables N-2 through N-7 are presented in subsection (7) of this Appendix.

(4) Basis and limitations of the data.

(a) Dimensions of timber members.

(i) The sizes of the timber members listed in Tables N-2 through N-7 are taken from the National Bureau of Standards (NBS) report, "Recommended Technical Provisions for Construction Practice in Shoring and Sloping of Trenches and Excavations." In addition, where NBS did not recommend specific sizes of members, member sizes are based on an analysis of the sizes required for use by existing codes and on empirical practice.

(ii) The required dimensions of the members listed in Tables N-2, N-3, and N-4 refer to actual dimensions and not nominal dimensions of the timber. Employers wanting to use nominal size shoring are directed to Tables N-5, N-6, and N-7, or have this choice under WAC 296-155-657 (3)(c), and are referred to The Corps of Engineers, The Bureau of Reclamation or data from other acceptable sources.

(b) Limitation of application.

(i) It is not intended that the timber shoring specification apply to every situation that may be experienced in the field. These data were developed to apply to the situations that are most commonly experienced in current trenching practice. Shoring systems for use in situations that are not covered by the data in this appendix must be designed as specified in WAC 296-155-657(3).

(ii) When any of the following conditions are present, the members specified in the tables are not considered adequate. Either an alternate timber shoring system must be designed or another type of protective system designed in accordance with WAC 296-155-657.

(A) When loads imposed by structures or by stored material adjacent to the trench weigh in excess of the load imposed by a two-foot soil surcharge. The term "adjacent" as used here means the area within a horizontal distance from the edge of the trench equal to the depth of the trench.

(B) When vertical loads imposed on cross braces exceed a 240-pound gravity load distributed on a one-foot section of the center of the crossbrace.

(C) When surcharge loads are present from equipment weighing in excess of 20,000 pounds.

(D) When only the lower portion of a trench is shored and the remaining portion of the trench is sloped or benched unless: The sloped portion is sloped at an angle less steep than three horizontal to one vertical; or the members are selected from the tables for use at a depth which is determined from the top of the overall trench, and not from the toe of the sloped portion.

(5) Use of Tables. The members of the shoring system that are to be selected using this information are the cross braces, the uprights, and the wales, where wales are required. Minimum sizes of members are specified for use in different types of soil. There are six tables of information, two for each soil type. The soil type must first be determined in accordance with the soil classification system described in appendix A of this Part. Using the appropriate table, the selection of the size and spacing of the members is then made. The selection is based on the depth and width of the trench where the members are to be installed and, in most instances, the selection is also based on the horizontal spacing of the crossbraces. Instances where a choice of horizontal spacing of crossbracing is available, the horizontal spacing of the crossbraces must be chosen by the user before the size of any member can be determined. When the soil type, the width and depth of the trench, and the horizontal spacing of the crossbraces are known, the size and vertical spacing of the crossbraces, the size and vertical spacing of the wales, and the size and horizontal spacing of the uprights can be read from the appropriate table.

(6) Examples to illustrate the use of Tables N-2 through N-4.

(a) Example 1.

A trench dug in Type A soil is 13 feet deep and five feet wide.

From Table N-2, for acceptable arrangements of timber can be used.

Arrangement #1

Space 4x4 crossbraces at six feet horizontally and four feet vertically.

Wales are not required.

Space 3x8 uprights at six feet horizontally. This arrangement is commonly called "skip shoring."

Arrangement #2

Space 4x6 crossbraces at eight feet horizontally and four feet vertically.

Space 8x8 wales at four feet vertically.

Space 2x6 uprights at four feet horizontally.

Arrangement #3

Space 6x6 crossbraces at 10 feet horizontally and four feet vertically.

Space 8x10 wales at four feet vertically.

Space 2x6 uprights at five feet horizontally.

Arrangement #4

Space 6x6 crossbraces at 12 feet horizontally and four feet vertically.

Space 10x10 wales at four feet vertically.

Space 3x8 uprights at six feet horizontally.

(b) Example 2.

A trench dug in Type B soil is 13 feet deep and five feet wide.

From Table N-3 three acceptable arrangements of members are listed.

Arrangement #1

Space 6x6 crossbraces at six feet horizontally and five feet vertically.

Space 8x8 wales at five feet vertically.

Space 2x6 uprights at two feet horizontally.

Arrangement #2

Space 6x8 crossbraces at eight feet horizontally and five feet vertically.

Space 10x10 wales at five feet vertically.

Space 2x6 uprights at two feet horizontally.

Arrangement #3

Space 8x8 crossbraces at 10 feet horizontally and five feet vertically.

Space 10x12 wales at five feet vertically.

Space 2x6 uprights at two feet vertically.

(c) Example 3.

A trench dug Type C soil is 13 feet deep and five feet wide.

From Table N-4 two acceptable arrangements of members can be used.

Arrangement #1

Space 8x8 crossbraces at six feet horizontally and five feet vertically.

Space 10x12 wales at five feet vertically.

Position 2x6 uprights as closely together as possible.

If water must be retained use special tongue and groove uprights to form tight sheeting.

Arrangement #2

Space 8x10 crossbraces at eight feet horizontally and five feet vertically.

Space 12x12 wales at five feet vertically.

Position 2x6 uprights in a close sheeting configuration unless water pressure must be resisted. Tight sheeting must be used where water must be retained.

(d) Example 4.

A trench dug in Type C soil is 20 feet deep and 11 feet wide. The size and spacing of members for the section of trench that is over 15 feet in depth is determined using Table N-4. Only one arrangement of members is provided.

Space 8x10 crossbraces at six feet horizontally and five feet vertically.

Space 12x12 wales at five feet vertically.

Use 3x6 tight sheeting.

Use of Tables N-5, N-6, and N-7 would follow the same procedures.

(7) Notes for all tables.

(a) Member sizes at spacings other than indicated are to be determined as specified in WAC 296-155-657(3). "Design of Protective Systems."

(b) When conditions are saturated or submerged use Tight Sheeting. Tight Sheeting refers to the use of specially-edged timber planks (e.g., tongue and groove) at least three inches thick, steel sheet piling, or similar construction that when driven or placed in position provide a tight wall to resist the lateral pressure of water and to prevent the loss of backfill material. Close Sheeting refers to the placement of planks side-by-side allowing as little space as possible between them.

(c) All spacing indicated is measured center to center.

(d) Wales to be installed with greater dimension horizontal.

(e) If the vertical distance from the center of the lowest crossbrace to the bottom of the trench exceeds two and one-half feet, uprights shall be firmly embedded or a mudsill shall be used. Where uprights are embedded, the vertical distance from the center of the lowest crossbrace to the bottom of the trench shall not exceed 36 inches. When mudsills are used, the vertical distance shall not exceed 42 inches. Mudsills are wales that are installed at the toe of the trench side.

(f) Trench jacks may be used in lieu of or in combination with timber crossbraces.

(g) Placement of crossbraces. When the vertical spacing of crossbraces is four feet, place the top crossbrace no more than two feet below the top of the trench. When the vertical spacing of crossbraces is five feet, place the top crossbrace no more than 2.5 feet below the top of the trench.

TABLE N-2

TIMBER TRENCH SHORING -- MINIMUM TIMBER REQUIREMENTS*
SOIL TYPE A P_a - 25 X H + 72 psf (2 ft. Surcharge)

DEPTH OF TRENCH (FEET)	SIZE (ACTUAL) AND SPACING OF MEMBERS **													
	HORIZ. SPACING (FEET)	CROSS BRACES					VERT. SPACING (FEET)	WALES		UPRIGHTS				
		UP TO 4	UP TO 6	UP TO 9	UP TO 12	UP TO 15		SIZE (IN.)	VERT. SPACING (FEET)	MAXIMUM ALLOWABLE HORIZONTAL SPACING (FEET)				
									CLOSE	4	5	6	7	
4 TO 10	UP TO 6	4 X 4	4 X 4	4 X 6	6 X 6	6 X 6	4	Not Req'd	—				2 X 6	
	UP TO 8	4 X 4	4 X 4	4 X 6	6 X 6	6 X 6	4	Not Req'd	—					2 X 8
	UP TO 10	4 X 6	4 X 6	4 X 6	6 X 6	6 X 6	4	8 X 8	4			2 X 6		
10 TO 15	UP TO 6	4 X 4	4 X 4	4 X 4	6 X 6	6 X 6	4	Not Req'd	—				3 X 8	
	UP TO 8	4 X 6	4 X 6	4 X 6	6 X 6	6 X 6	4	8 X 8	4		2 X 6			
	UP TO 10	6 X 6	6 X 6	6 X 6	6 X 8	6 X 8	4	8 X 10	4			2 X 6		
15 TO 20	UP TO 6	6 X 6	6 X 6	6 X 6	6 X 8	6 X 8	4	6 X 8	4	3 X 6				
	UP TO 8	6 X 6	6 X 6	6 X 6	6 X 8	6 X 8	4	8 X 8	4	3 X 6				
	UP TO 10	8 X 8	8 X 8	8 X 8	8 X 8	8 X 10	4	8 X 10	4	3 X 6				
OVER 20		SEE NOTE 1												

* Mixed oak or equivalent with a bending strength not less than 850 psi.
** Manufactured members of equivalent strength may be substituted for wood.

((Diagram illustration here))

TABLE N-3

TIMBER TRENCH SHORING -- MINIMUM TIMBER REQUIREMENTS*
SOIL TYPE B P_a - 45 X H + 72 psf (2 ft. Surcharge)

DEPTH OF TRENCH (FEET)	SIZE (ACTUAL) AND SPACING OF MEMBERS **													
	HORIZ. SPACING (FEET)	CROSS BRACES					VERT. SPACING (FEET)	WALES		UPRIGHTS				
		UP TO 4	UP TO 6	UP TO 9	UP TO 12	UP TO 15		SIZE (IN.)	VERT. SPACING (FEET)	MAXIMUM ALLOWABLE HORIZONTAL SPACING (FEET)				
									CLOSE	2	3			
4 TO 10	UP TO 6	4 X 4	4 X 4	6 X 6	6 X 6	6 X 6	5	6 X 8	5				2 X 6	
	UP TO 8	4 X 4	4 X 4	6 X 6	6 X 8	6 X 8	5	8 X 10	5				2 X 6	
	UP TO 10	4 X 6	4 X 6	6 X 6	6 X 8	6 X 8	5	8 X 8	5				2 X 6	
10 TO 15	UP TO 6	4 X 4	4 X 4	6 X 6	6 X 8	6 X 8	5	8 X 8	5		2 X 6			
	UP TO 8	4 X 6	4 X 6	6 X 8	8 X 8	8 X 8	5	10 X 10	5		2 X 6			
	UP TO 10	6 X 6	6 X 6	8 X 8	8 X 8	8 X 10	5	10 X 12	5		2 X 6			
15 TO 20	UP TO 6	6 X 8	6 X 8	6 X 8	8 X 8	8 X 8	5	8 X 10	5	3 X 6				
	UP TO 8	8 X 8	8 X 8	8 X 8	8 X 8	8 X 10	5	10 X 10	5	3 X 6				
	UP TO 10	8 X 10	8 X 10	8 X 10	8 X 10	10 X 10	5	10 X 12	5	3 X 6				
OVER 20		SEE NOTE 1												

* Mixed oak or equivalent with a bending strength not less than 850 psi.
** Manufactured members of equivalent strength may be substituted for wood.

PERMANENT

TIMBER TRENCH SHORING - MINIMUM TIMBER REQUIREMENTS*
SOIL TYPE B P_u - 45 X H + 72 psf (2 ft. Surcharge)

DEPTH OF TRENCH (FEET)	SIZE (ACTUAL) AND SPACING OF MEMBERS **											
	HORIZ. SPACING (FEET)	CROSS BRACES					VERT. SPACING (FEET)	WALES		UPRIGHTS		
		WIDTH OF TRENCH (FEET)						SIZE (IN.)	VERT. SPACING (FEET)	MAXIMUM ALLOWABLE HORIZONTAL SPACING (FEET)		
	UP TO 4	UP TO 6	UP TO 9	UP TO 12	UP TO 15						CLOSE	2
4 TO 10	UP TO 6	4 X 4	4 X 4	6 X 6	6 X 6	6 X 6	6	6 X 8	6			2 X 6
	UP TO 8	4 X 4	4 X 4	6 X 6	6 X 6	6 X 8	6	8 X 10	6			2 X 6
	UP TO 10 See Note 1	4 X 6	4 X 6	6 X 6	6 X 8	6 X 8	6	8 X 8	6			2 X 6
10 TO 15	UP TO 6	4 X 4	4 X 4	6 X 6	6 X 8	6 X 8	6	8 X 8	6			2 X 6
	UP TO 8	4 X 6	4 X 6	6 X 8	8 X 8	8 X 8	6	10 X 10	6			2 X 6
	UP TO 10 See Note 1	6 X 6	6 X 6	8 X 8	8 X 8	8 X 10	6	10 X 12	6			2 X 6
15 TO 20	UP TO 6	6 X 6	6 X 8	6 X 8	8 X 8	8 X 8	6	8 X 10	6			3 X 6
	UP TO 8	8 X 8	8 X 8	8 X 8	8 X 8	8 X 10	6	10 X 10	6			3 X 6
	UP TO 10 See Note 1	8 X 10	8 X 10	8 X 10	8 X 10	10 X 10	6	10 X 12	6			3 X 6
OVER 20	SEE NOTE 1											

* Mixed oak or equivalent with a bending strength not less than 850 psi.
** Manufactured members of equivalent strength may be substituted for wood.

TABLE N-4

TIMBER TRENCH SHORING - MINIMUM TIMBER REQUIREMENTS*
SOIL TYPE C P_u - 60 X H + 72 psf (2 ft. Surcharge)

DEPTH OF TRENCH (FEET)	SIZE (ACTUAL) AND SPACING OF MEMBERS **											
	HORIZ. SPACING (FEET)	CROSS BRACES					VERT. SPACING (FEET)	WALES		UPRIGHTS		
		WIDTH OF TRENCH (FEET)						SIZE (IN.)	VERT. SPACING (FEET)	MAXIMUM ALLOWABLE HORIZONTAL SPACING (FEET)		
	UP TO 4	UP TO 6	UP TO 9	UP TO 12	UP TO 15						CLOSE	2
4 TO 10	UP TO 6	6 X 8	6 X 8	6 X 8	8 X 8	8 X 8	6	8 X 10	6			2 X 6
	UP TO 8	6 X 8	8 X 8	6 X 8	8 X 8	8 X 10	6	10 X 12	6			2 X 6
	UP TO 10 See Note 1	8 X 10	8 X 10	8 X 10	8 X 10	10 X 10	6	12 X 12	6			2 X 6
10 TO 15	UP TO 6	8 X 8	8 X 8	6 X 8	8 X 8	8 X 10	6	10 X 12	6			2 X 6
	UP TO 8	8 X 10	8 X 10	8 X 10	8 X 10	10 X 10	6	12 X 12	6			2 X 6
	UP TO 10 See Note 1											
15 TO 20	UP TO 6	8 X 10	8 X 10	8 X 10	8 X 10	10 X 10	6	12 X 12	6			3 X 6
	UP TO 8											
	UP TO 10 See Note 1											
OVER 20	SEE NOTE 1											

* Mixed oak or equivalent with a bending strength not less than 850 psi.

PERMANENT

TABLE N-5
TIMBER TRENCH SHORING - MINIMUM TIMBER REQUIREMENTS*
 SOIL TYPE A P_o - 25 X H + 72 psf (2 ft. Surcharge)

DEPTH OF TRENCH (FEET)	SIZE (S4S) AND SPACING OF MEMBERS **														
	HORIZ. SPACING (FEET)	CROSS BRACES					VERT. SPACING (FEET)	WALES		UPRIGHTS					
		WIDTH OF TRENCH (FEET)						SIZE (IN.)	VERT. SPACING (FEET)	MAXIMUM ALLOWABLE HORIZONTAL SPACING (FEET)					
		UP TO 4	UP TO 6	UP TO 9	UP TO 12	UP TO 15				CLOSE	4	5	6	7	
4 TO 10	UP TO 6	4X4	4X4	4X4	4X4	4X6	4	Not Req'd	Not Req'd					4X6	
	UP TO 8	4X4	4X4	4X4	4X6	4X6	4	Not Req'd	Not Req'd						4X8
	UP TO 10	4X6	4X6	4X6	6X6	6X6	4	8X8	4			4X6			
10 TO 15	UP TO 6	4X4	4X4	4X4	6X6	6X6	4	Not Req'd	Not Req'd					4X6	4X10
	UP TO 8	4X6	4X6	4X6	6X6	6X6	4	6X8	4			4X6			
	UP TO 10	6X6	6X6	6X6	6X6	6X6	4	8X8	4				4X8		
15 TO 20	UP TO 6	6X6	6X6	6X6	6X6	6X6	4	8X10	4			4X6		4X10	
	UP TO 8	6X6	6X6	6X6	6X6	6X6	4	6X8	4	3X6					
	UP TO 10	6X6	6X6	6X6	6X6	6X6	4	8X8	4	3X6	4X12				
20 TO OVER 20	UP TO 10	6X6	6X6	6X6	6X6	6X8	4	8X10	4	3X6					
	UP TO 12	6X6	6X6	6X6	6X8	6X8	4	8X12	4	3X6	4X12				
OVER 20	SEE NOTE 1														

* Douglas fir or equivalent with a bending strength not less than 1500 psi.
 ** Manufactured members of equivalent strength may be substituted for wood.

TABLE N-6
TIMBER TRENCH SHORING - MINIMUM TIMBER REQUIREMENTS*
 SOIL TYPE B P_o - 48 X H + 72 psf (2 ft. Surcharge)

DEPTH OF TRENCH (FEET)	SIZE (S4S) AND SPACING OF MEMBERS **														
	HORIZ. SPACING (FEET)	CROSS BRACES					VERT. SPACING (FEET)	WALES		UPRIGHTS					
		WIDTH OF TRENCH (FEET)						SIZE (IN.)	VERT. SPACING (FEET)	MAXIMUM ALLOWABLE HORIZONTAL SPACING (FEET)					
		UP TO 4	UP TO 6	UP TO 9	UP TO 12	UP TO 15				CLOSE	2	3	4	6	
4 TO 10	UP TO 6	4X6	4X6	4X6	6X6	6X6	6	8X8	6			3X12			4X12
	UP TO 8	4X6	4X6	6X6	6X6	6X6	6	8X8	6		3X8			4X8	
	UP TO 10	4X6	4X6	6X6	6X6	6X8	6	8X10	6			4X8			
10 TO 15	See Note 1														
	UP TO 6	6X6	6X6	6X6	6X8	6X8	6	8X8	6	3X6	4X10				
	UP TO 8	6X6	6X6	6X8	6X8	6X8	6	10X10	6	3X6	4X10				
15 TO 20	UP TO 10	6X8	6X8	8X8	8X8	8X8	6	10X12	6	3X6	4X10				
	See Note 1														
	UP TO 6	6X8	6X8	6X8	6X8	6X8	6	8X10	6	4X6					
20 TO OVER 20	UP TO 8	6X8	6X8	6X8	8X8	8X8	6	10X12	6	4X6					
	UP TO 10	8X8	8X8	8X8	8X8	8X8	6	12X12	6	4X6					
	See Note 1														
OVER 20	SEE NOTE 1														

* Douglas fir or equivalent with a bending strength not less than 1500 psi.
 ** Manufactured members of equivalent strength may be substituted for wood.

PERMANENT

TABLE N-7

TIMBER TRENCH SHORING - MINIMUM TIMBER REQUIREMENTS*
 SOIL TYPE C $P_u = 80 X H + 72$ psf (2 R. Surcharge)

DEPTH OF TRENCH (FEET)	SIZE (S4S) AND SPACING OF MEMBERS **													
	HORIZ. SPACING (FEET)	CROSS BRACES					VERT. SPACING (FEET)	WALES		UPRIGHTS				
		UP TO 4	UP TO 6	UP TO 9	UP TO 12	UP TO 15		SIZE (IN.)	VERT. SPACING (FEET)	MAXIMUM ALLOWABLE HORIZONTAL SPACING (FEET)				
4 TO 10	UP TO 6	6 X 6	6 X 6	8 X 8	6 X 6	8 X 8	5	8 X 8	5	3 X 6				
	UP TO 8	6 X 6	6 X 6	6 X 6	8 X 8	8 X 8	5	10 X 10	5	3 X 6				
	UP TO 10	6 X 6	6 X 6	8 X 8	8 X 8	8 X 8	5	10 X 12	5	3 X 6				
	See Note 1													
10 TO 15	UP TO 6	6 X 8	6 X 8	6 X 8	8 X 8	8 X 8	5	10 X 10	5	4 X 6				
	UP TO 8	8 X 8	8 X 8	8 X 8	8 X 8	8 X 8	5	12 X 12	5	4 X 6				
	See Note 1													
	See Note 1													
15 TO 20	UP TO 6	8 X 8	8 X 8	8 X 8	8 X 10	8 X 10	5	10 X 12	5	4 X 6				
	See Note 1													
	See Note 1													
	See Note 1													
OVER 20	SEE NOTE 1													

* Douglas fir or equivalent with a bending strength not less than 1600 psi.
 ** Manufactured members of equivalent strength may be substituted for wood.

AMENDATORY SECTION (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

WAC 296-155-66411 Appendix F—Selection of protective systems. The following figures are a graphic summary of the requirements contained in Part N for excavations 20 feet or less in depth. Protective systems for use in excavations more than 20 feet in depth must be designed by a registered professional engineer in accordance with WAC 296-155-657 (2) and (3).

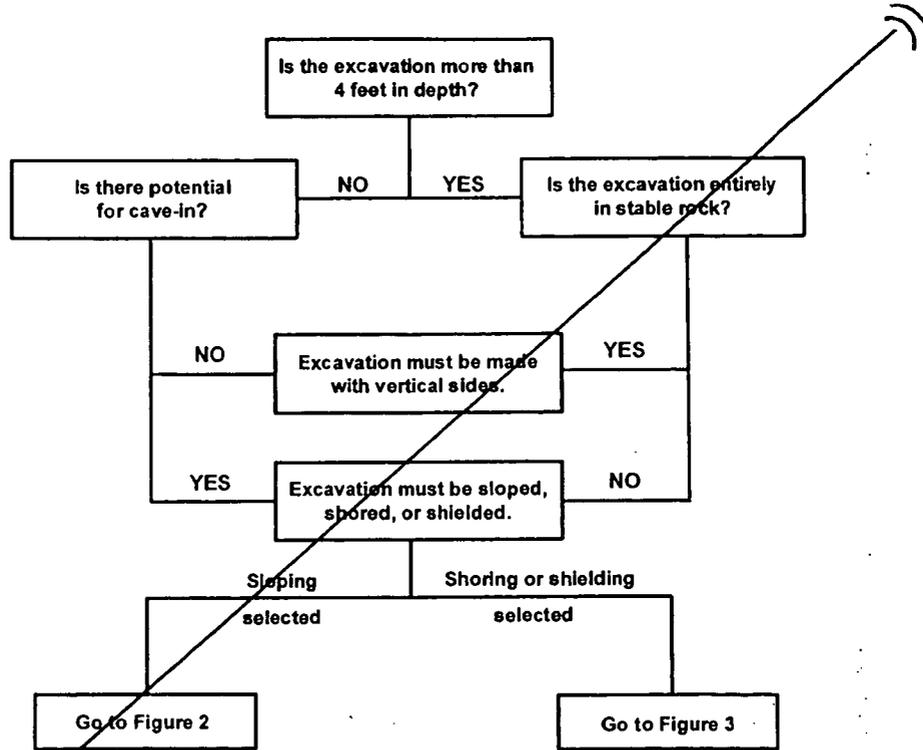


FIGURE N-27 - PRELIMINARY DECISIONS

PERMANENT

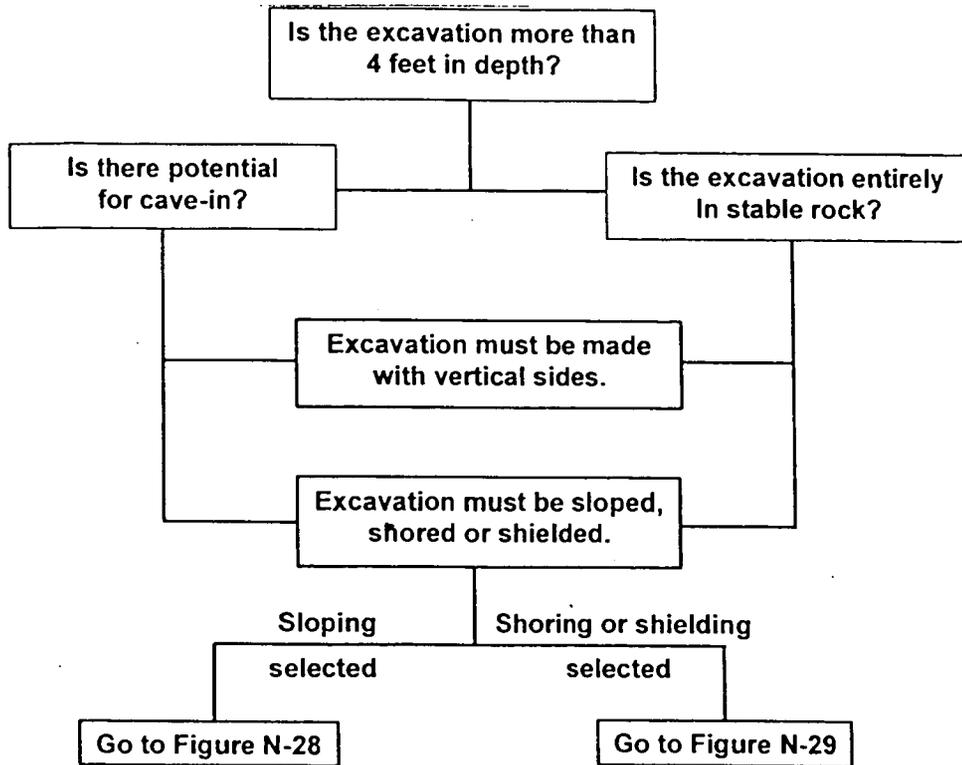


Figure N-27 - PRELIMINARY DECISIONS

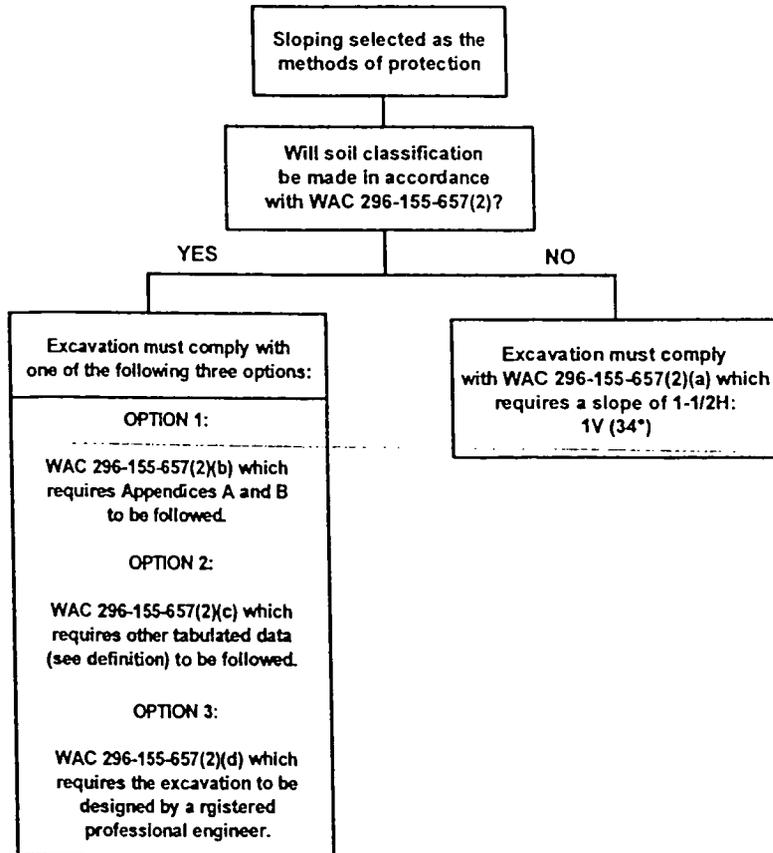


FIGURE N-28 - SLOPING OPTIONS

PERMANENT

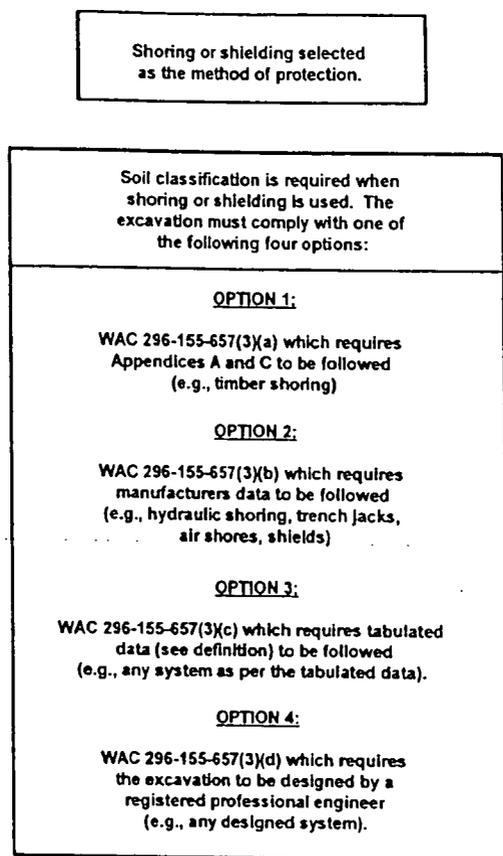


FIGURE N-29 - SHORING AND SHIELDING OPTIONS.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-960 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in construction. (1) Definitions applicable to this section.

(a) SAE J333a, Operator Protection for Wheel-Type Agricultural and Industrial Tractors (July 1970) defines "agricultural tractor" as a "wheel-type vehicle of more than 20 engine horsepower designed to furnish the power to pull, carry, propel, or drive implements that are designed for agricultural usage." Since this chapter applies only to construction work, the following definition of "agricultural tractor" is adopted for purposes of this part: "Agricultural tractor" means a wheel-type vehicle of more than 20 engine horsepower, used in construction work, which is designed to furnish the power to pull, propel, or drive implements.

(b) "Industrial tractor" means that class of wheeled type tractor of more than 20 engine horsepower (other than rubber-tired loaders and dozers described in WAC 296-155-955), used in operations such as landscaping, construction services, loading, digging, grounds keeping, and highway maintenance.

(c) The following symbols, terms, and explanations apply to this section:

E_{is} = Energy input to be absorbed during side loading. $E_{is} = 723 + 0.4 W$ ft.-lb. ($E'_{is} = 100 + 0.12 W'$, m.- kg).

E_{ir} = Energy input to be absorbed during rear loading. $E_{ir} = 0.47 W$ ft.- lb. ($E'_{ir} = 0.14 W'$, m.- kg).

W = Tractor weight as prescribed in WAC 296-155-960 (5)(a) and (5)(c) in lb. (W' , kg).

L = Static load, lb. (kg.).

D = Deflection under L , in. (mm.).

L - D = Static load-deflection diagram.

L_m - D_m = Modified static load-deflection diagram (Figure V-20). To 'account for increase in strength due to increase in strain rate, raise L in plastic range to $L \times K$.

K = Increase in yield strength induced by higher rate of loading (1.3 for hot rolled low carbon steel 1010-1030). Low carbon is preferable; however, if higher carbon or other material is used, K must be determined in the laboratory. Refer to Charles H. Norris, et al., Structural Design for Dynamic Loads (1959), p. 3.

L_{max} = Maximum observed static load.

Load limit = Point on L - D curve where observed static load is $0.8 L_{max}$ (refer to Figure V-19).

E_u = Strain energy absorbed by the frame, ft.-lb. (m. - kg) area under L_m - D_m curve.

FER = Factor of energy ratio, $FER = E_u/E_{is}$; also $= E_u/E_{ir}$.

P_b = Maximum observed force in mounting connection under static load, L , lb. (kg.).

FSB = Design margin for mounting connection $FSB = (P_u/P_b) - 1$.

H = Vertical height of lift of 4,410 lb. (2,000 kg.) weight, in. (H' , mm.). The weight shall be pulled back so that the height of its center of gravity above the point of impact is defined as follows: $H = 4.92 + 0.00190 W$ or ($H' = 125 + 0.107 W'$) (Figure V-14).

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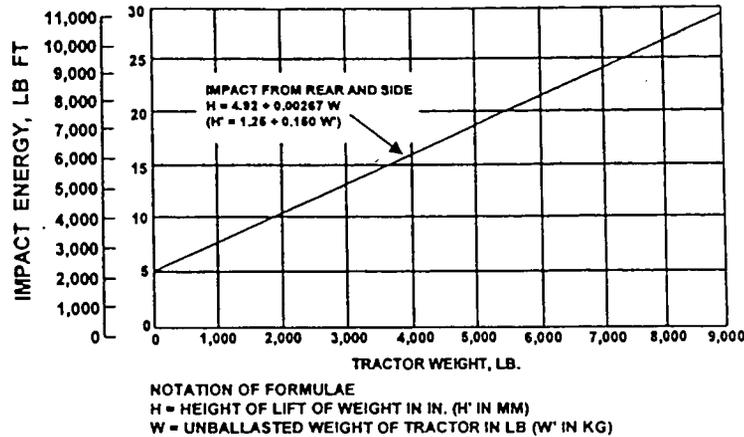


FIGURE V-14
 Impact energy and corresponding lift height of 4,410 lb. (2,000 kg.) weight.

((#)) (d) Source of standard. The standard in this section is derived from, and restates, Society of Automotive Engineers Standard J334a (July 1970), Protective Frame Test Procedures and Performance Requirements. This standard ((shall)) must be ((resorted to)) used in the event that questions of interpretation arise. The standard appears in the 1971 SAE Handbook.

(2) General.

(a) The purpose of this section is to set forth requirements for frames for the protection of operators of wheel type

agricultural and industrial tractors to minimize the possibility of operator injury resulting from accidental upsets during normal operation. With respect to agricultural and industrial tractors, the provisions of WAC 296-155-955 and 296-155-965 for rubber-tired dozers and rubber-tired loaders may be utilized in lieu of the requirements of this section.

(b) The protective frame which is the subject of this standard is a structure mounted to the tractor that extends above the operator's seat and conforms generally to Figure V-15.

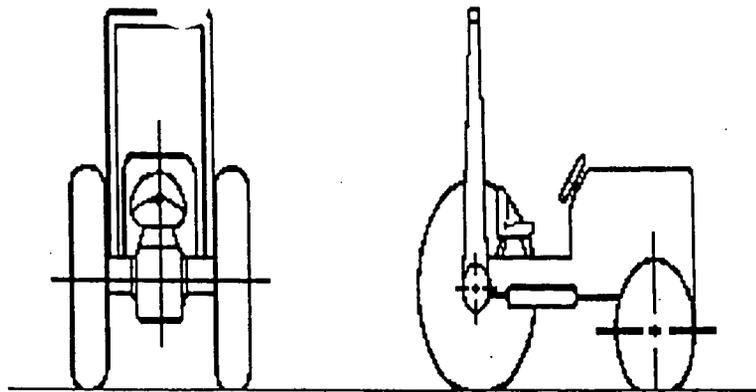


FIGURE V-15
 Typical frame configuration.

(c) If an overhead weather shield is attached to the protective frame, it may be in place during tests: Provided, That it does not contribute to the strength of the protective frame. If such an overhead weather shield is attached, it must meet the requirements of subsection (10) of this section.

(d) For overhead protection requirements, see WAC 296-155-965.

(e) If protective enclosures are used on wheel-type agricultural and industrial tractors, they shall meet the requirements of Society of Automotive Engineers Standard J168

(July 1970), Protective Enclosures, Test Procedures, and performance requirements.

(3) Applicability. The requirements of this section apply to wheel-type agricultural tractors use in construction work and to wheel-type industrial tractors used in construction work. See subsection (1) of this section for definitions of agricultural tractors and industrial tractors.

(4) Performance requirements.

(a) Either a laboratory test or a field test is required in order to determine the performance requirements set forth in subsection (10) of this section.

(b) A laboratory test may be either static or dynamic. The laboratory test must be under conditions of repeatable and controlled loading in order to permit analysis of the protective frame.

(c) A field upset test, if used, shall be conducted under reasonably controlled conditions, both rearward and sideways, to verify the effectiveness of the protective frame under actual dynamic conditions.

(5) Test procedure—General.

(a) The tractor used shall be the tractor with the greatest weight on which the protective frame is to be used.

(b) A new protective frame and mounting connections of the same design shall be used for each test procedure.

(c) Instantaneous and permanent frame deformation shall be measured and recorded for each segment of the test.

(d) Dimensions relative to the seat shall be determined with the seat unloaded and adjusted to its highest and most rearward latched position provided for a seated operator.

(e) If the seat is offset, the frame loading shall be on the side with the least space between the centerline of the seat and the upright.

(f) The low temperature impact strength of the material used in the protective structure shall be verified by suitable material tests or material certifications in accordance with WAC 296-155-955 (7)(b)(iv).

(6) Test procedure for vehicle overturn.

(a) Vehicle weight. The weight of the tractor, for purposes of this section, includes the protective frame, all fuels, and other components required for normal use of the tractor. Ballast must be added if necessary to achieve a minimum total weight of 130 lb. (59 kg.) per maximum power takeoff horsepower at rated engine speed. The weight of the front end must be at least 33 lb. (15 kg.) per maximum power takeoff horsepower. In case power takeoff horsepower is unavailable, 95 percent of net engine flywheel horsepower shall be used.

(b) Agricultural tractors shall be tested at the weight set forth in subdivision (a) of this subsection.

(c) Industrial tractors shall be tested with items of integral or mounted equipment and ballast that are sold as standard equipment or approved by the vehicle manufacturer for use with the vehicle where the protective frame is expected to provide protection for the operator with such equipment installed. The total vehicle weight and front end weight as tested shall not be less than the weights established in subdivision (a) of this subsection.

(d) The test shall be conducted on a dry, firm soil bank as illustrated in Figure V-16. The soil in the impact area shall have an average cone index in the 0.6 in. (153 mm.) layer not less than 150 according to American Society of Agricultural Engineers Recommendations ASAE R313, Soil Cone Penetrometer. The path of travel of the vehicle shall be $12^{\circ} \pm 2^{\circ}$ to the top edge of the bank.

(e) The upper edge of the bank shall be equipped with an 18 in. (457 mm.) high ramp as described in Figure V-16 to assist in tipping the vehicle.

(f) The front and rear wheel tread settings, where adjustable, shall be at the position nearest to halfway between the minimum and maximum settings obtainable on the vehicle.

Where only two settings are obtainable, the minimum setting shall be used.

(g) Vehicle overturn test—Sideways and rearward.

(i) The tractor shall be driven under its own power along the specified path of travel at a minimum speed of 10 m.p.h. (16 km./hr.) or maximum vehicle speed if under 10 m.p.h. (16 km./hr.) up the ramp as described in subdivision (e) of this subsection to induce sideways overturn.

(ii) Rear upset shall be induced by engine power with the tractor operating in gear to obtain 3-5 m.p.h. (4.8-8 km./hr.) at maximum governed engine r.p.m. preferably by driving forward directly up a minimum slope of two vertical to one horizontal. The engine clutch may be used to aid in inducing the upset.

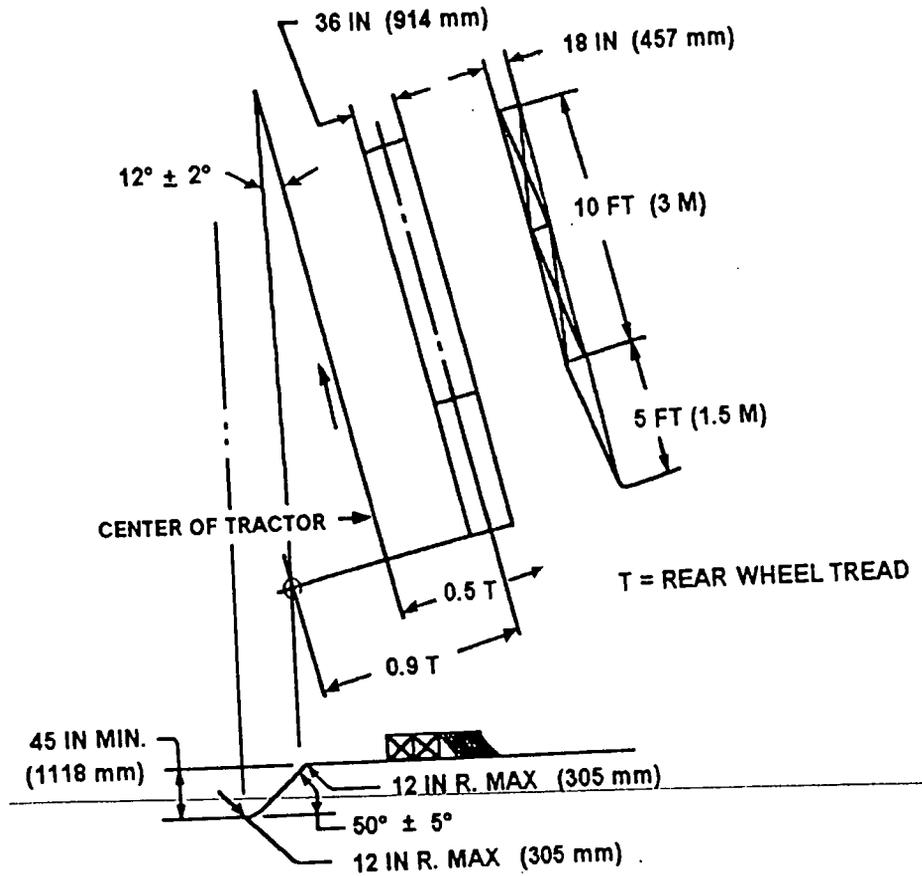


FIGURE V-16

(7) Other test procedures. When the field upset test is not used to determine ROPS performance, either the static test or the dynamic test, contained in subsection (8) or (9) of this section, shall be made.

(8) Static test.

(a) Test conditions.

(i) The laboratory mounting base shall include that part of the tractor chassis to which the protective frame is attached including the mounting parts.

(ii) The protective frame shall be instrumented with the necessary equipment to obtain the required load deflection data at the locations and directions specified in Figures V-17, V-18, and V-19.

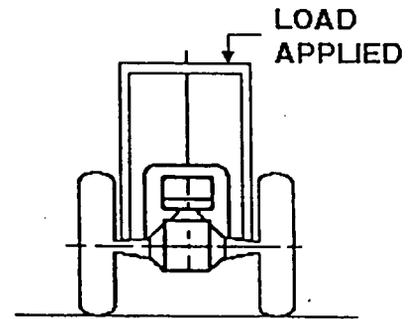
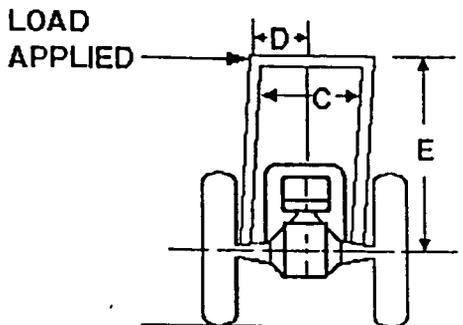


FIGURE V-17
Side load application



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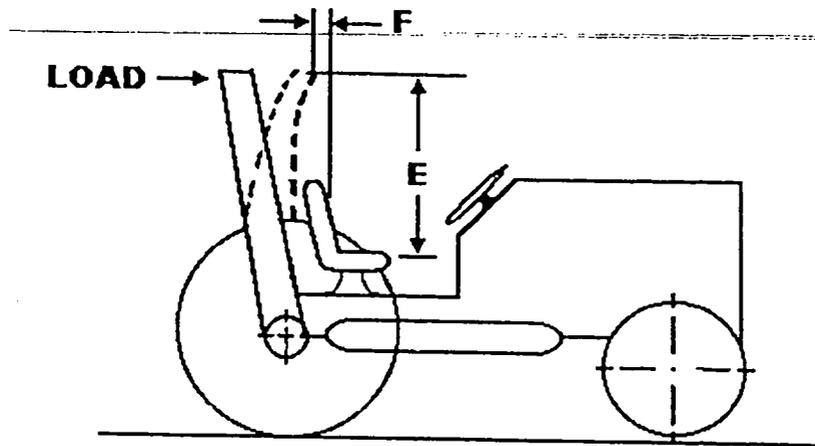


FIGURE V-18
Rear load application.

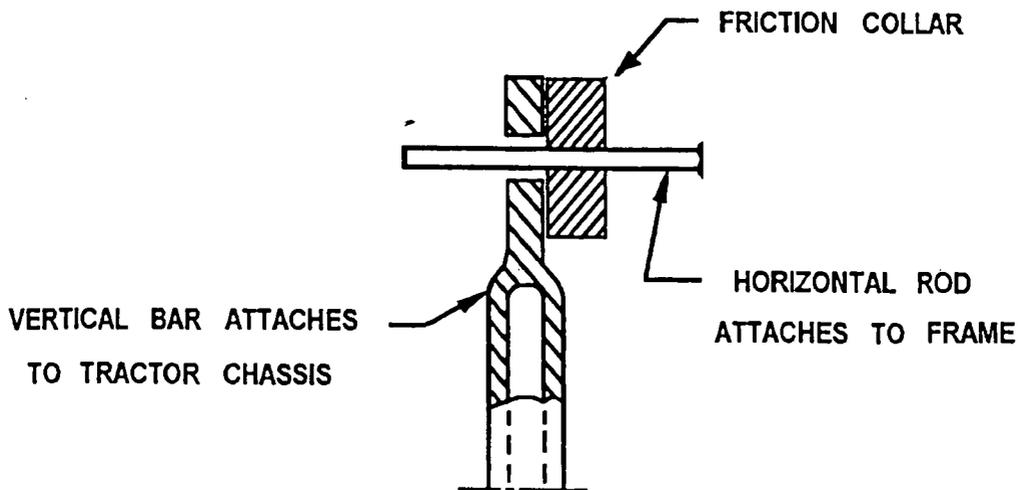


FIGURE V-19
Method of measuring instantaneous deflection.

(iii) The protective frame and mounting connections shall be instrumented with the necessary recording equipment to obtain the required load-deflection data to be used in calculating FSB (see subsection (1)(c) of this section). The gauges shall be placed on mounting connections before the installation load is applied.

(b) Test procedure.

(i) The side load application shall be at the upper extremity of the frame upright at a 90° angle to the centerline of the vehicle. The side load "L" shall be applied according to Figure V-17. "L" and "D" shall be recorded simultaneously. The test shall be stopped when:

(a) The strain energy absorbed by the frame is equal to the required input energy (E_{is}) or

(b) Deflection of the frame exceeds the allowable deflection, or

(c) The frame load limit occurs before the allowable deflection is reached in the side load.

(ii) The L-D diagram, as shown by means of a typical example in Figure V-20, shall be constructed, using the data obtained in accordance with item (i) of this subdivision.

(iii) The modified L_m - D_m diagram shall be constructed according to item (ii) of this subdivision and according to Figure V-21. The strain energy absorbed by the frame (E_{is}) shall then be determined.

(iv) E_{is} , FER and FSB shall be calculated.

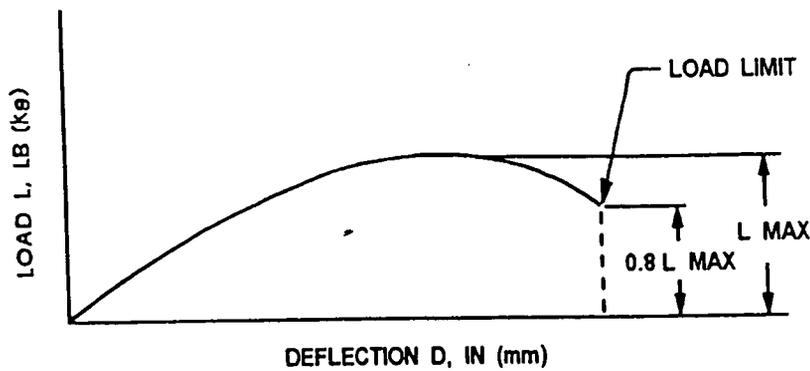


FIGURE V-20
Typical L-D diagram.

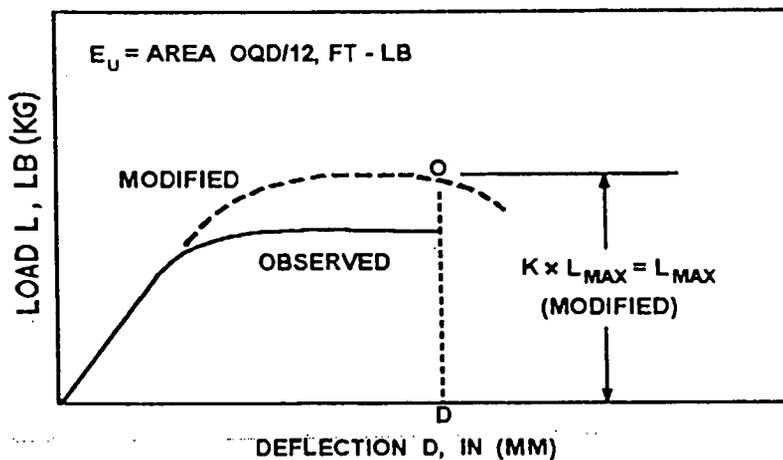


FIGURE V-21
Typical modified L_m - D_m diagram.

(v) The test procedure shall be repeated on the same frame utilizing L (rear input; see Figure V-19) and E_{ir} . Rear load application shall be uniformly distributed along a maximum projected dimension of 27 in. (686 mm.) and a maximum area of 160 sq. in. (1,032 sq. cm.) normal to the direction of load application. The load shall be applied to the upper extremity of the frame at the point which is midway between the centerline of the seat and the inside of the frame upright.

(9) Dynamic test.

(a) Test conditions.

(i) The protective frame and tractor shall meet the requirements of subsection (6)(b) or (c) of this section, as appropriate.

(ii) The dynamic loading shall be produced by use of a 4,410 lb. (2,000 kg.) weight acting as a pendulum. The impact face of the weight shall be 27 plus or minus 1 in. by 27 plus or minus 1 in. (686 + or - 25 mm.) and shall be constructed so that its center of gravity is within 1 in. (25.4 mm.) of its geometric center. The weight shall be suspended from a pivot point 18-22 ft. (5.5-6.7 m.) above the point of impact on

the frame and shall be conveniently and safely adjustable for height. (See Figure V-22.)

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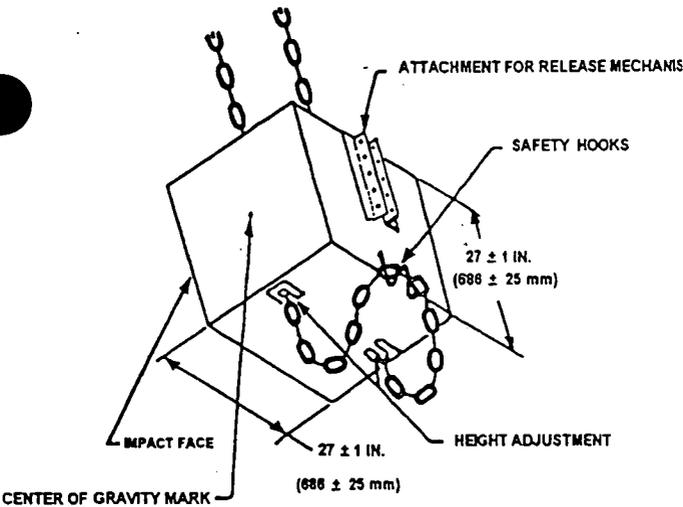


FIGURE V-22
Pendulum.

(iii) For each phase of testing, the tractor shall be restrained from moving when the dynamic load is applied. The restraining members shall be of 0.5-0.63 in. (12.5-16 mm.) steel cable and points of attaching restraining members shall be located an appropriate distance behind the rear axle and in front of the front axle to provide a 15°-30° angle between a restraining cable and the horizontal. The restraining member shall either be in the plane in which the center gravity of the pendulum will swing or more than one restraining cable shall give a resultant force in this plane. (See Figure V-23.)

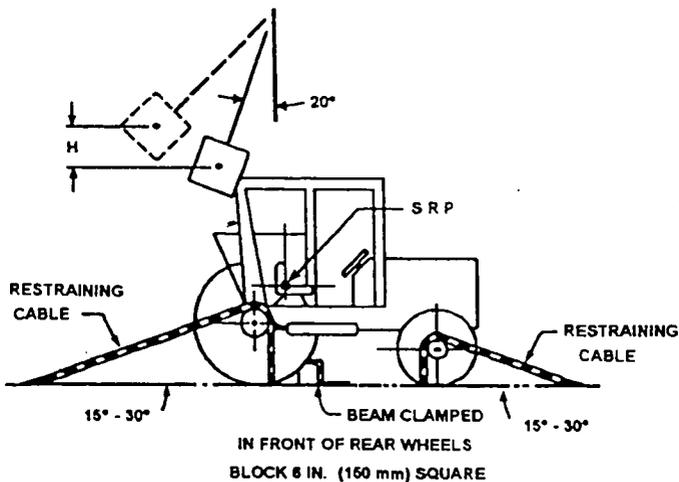


FIGURE V-23
Method of impact from rear.

(iv) The wheel tread setting shall comply with the requirements of subsection (6)(f) of this section. The tires shall have no liquid ballast and shall be inflated to the maximum operating pressure recommended by the tire manufacturer.

With specified tire inflation, the restraining cables shall be tightened to provide tire deflection of 6-8 percent of nominal tire section width. After the vehicle is properly restrained, a wooden beam 6 x 6 in. (15 x 15 cm.) shall be driven tightly against the appropriate wheels and clamped. For the test to the side, an additional wooden beam shall be placed as a prop against the wheel nearest the operator's station and shall be secured to the floor so that it is held tightly against the wheel rim during impact. The length of this beam shall be chosen so that when it is positioned against the wheel rim it is at an angle of 25°-40° to the horizontal. It shall have a length 20-25 times its depth and a width two to three times its depth. (See Figures V-23 and V-24.)

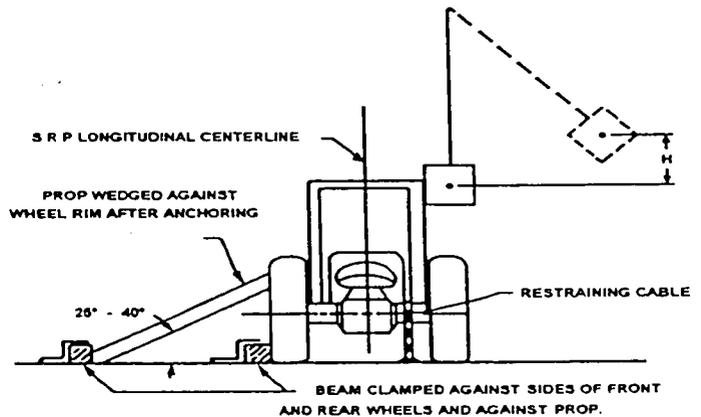


FIGURE V-24
Method of impact from side.

(v) Means shall be provided indicating the maximum instantaneous deflection along the line of impact. A simple friction device is illustrated in Figure V-24.

(vi) No repair or adjustments may be carried out during the test.

(vii) If any cables, props, or blocking shift or break during the test, the test shall be repeated.

(b) Test procedure.

(i) General. The frame shall be evaluated by imposing dynamic loading to rear followed by a load to the side on the same frame. The pendulum dropped from the height (see definition "H" in subsection (1)(c) of this section) imposes the dynamic load. The position of the pendulum shall be so selected that the initial point of impact on the frame shall be in line with the arc of travel of the center of gravity of the pendulum. A quick release mechanism should be used but, if used, shall not influence the attitude of the block.

(ii) Impact at rear. The tractor shall be properly restrained according to subdivisions (a)(iii) and (iv) of this section. The tractor shall be positioned with respect to the pivot point of the pendulum such that the pendulum is 20° from the vertical prior to impact, as shown in Figure V-23. The impact shall be applied to the upper extremity of the frame at the point which is midway between the centerline of the seat and the inside of the frame upright of a new frame.

(iii) Impact at side. The block and restraining shall conform to subdivisions (a)(iii) and (iv) of this subsection. The point of impact shall be that structural member of the protective frame likely to hit the ground first in a sideways accidental upset. The side impact shall be applied to the side opposite that used for rear impact.

(10) Performance requirements.

(a) General.

(i) The frame, overhead weather shield, fenders, or other parts in the operator area may be deformed but shall not shatter or leave sharp edges exposed to the operator, or violate dimensions as shown in Figures V-17 and V-18 as follows:

- D = 2 in. (51 mm.) inside of frame upright to vertical centerline of seat.
- E = 30 in. (762 mm.).
- F = Not less than 0 in. and not more than 12 in. (305 mm.), measured at centerline front of seat backrest to crossbar along the line of load application as shown in Figure V-17.
- G = 24 in. (610 mm.).

(ii) The material and design combination used in the protective structure must be such that the structure can meet all prescribed performance tests at zero degrees Fahrenheit in accordance with WAC 296-155-955 (7)(b)(iv).

(b) Vehicle overturn performance requirements. The requirements of this subsection (10) must be met in both side and rear overturns.

(c) Static test performance requirements. Design factors shall be incorporated in each design to withstand an overturn test as prescribed in this subsection (10). The structural requirements will be generally met if FER is greater than 1 and FSB is greater than K-1 in both side and rear loadings.

(d) Dynamic test performance requirements. Design factors shall be incorporated in each design to withstand the overturn test prescribed in this subsection (10). The structural requirements will be generally met if the dimensions in this subsection (10) are adhered to in both side and rear loads.

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

AMENDATORY SECTION (Amending WSR 99-05-080, filed 2/17/99, effective 6/1/99)

WAC 296-305-04001 Respiratory equipment protection. (1) Fire fighter's self-contained breathing apparatus (SCBA) shall:

- (a) Be pressure demand type (positive pressure);
 - (b) Operate in the positive pressure mode only;
 - (c) Have a minimum of thirty minutes service duration;
 - (d) Be NIOSH certified; and
 - (e) Meet the requirements of the 1992 or 1997 edition of NFPA, Standard on Open Circuit Self Contained Breathing Apparatus for Fire Fighters 1981.
- (2) Closed circuit SCBA shall:
- (a) Be positive pressure;
 - (b) Be NIOSH certified; and

(c) Have a minimum thirty-minute service duration.

(3) Members using SCBA's shall operate in teams of two or more.

(4) Except as otherwise provided in this chapter, fire departments shall adopt, maintain and implement a written respiratory protection program that addresses the requirements of chapter 296-62 WAC, Part E, Respiratory protection and Part I-1, Asbestos, Tremolite, Anthophyllite, and Actinolite. This includes program administration, medical limitations, equipment limitations, equipment selection, inspection, use, maintenance, training, fit testing procedures, air quality, and program evaluation.

Note: Additional information on respirators and respirator usage can be found in ANSI Z88.2 - American National Standard for Respiratory Protection; ANSI Z88.5 - Practices for Respiratory Protection for Fire Service; various NFPA publications (1981, 1404, 1500, etc.), and the Washington State Fire Service Training Program for respiratory training and usage.

(5) When fire departments purchase compressed breathing air from a vendor, the fire department shall require the vendor to provide certification and documentation of breathing air quality as specified in subsection (21) of this section and in chapter 296-62 WAC, Part E.

(6) When the fire department makes its own breathing air or uses vendor purchased breathing air, the air quality from compressors, cascade systems cylinders, shall be tested at least quarterly as specified in subsection (21) of this section.

(7) Fit testing shall be conducted in accordance with this section and chapter 296-62 WAC, Part E, Respiratory protection.

(a) Each new member shall be tested before being permitted to use SCBA's in a hazardous atmosphere.

(b) Only fire fighters with a properly fitting facepiece shall be permitted by the fire department to function in a hazardous atmosphere with SCBA. (Reference WAC ((296-62-07115(3))) 296-62-07170 Respiratory Sealing Problems.)

(c) Fit testing shall be repeated:

(i) At least once every twelve months.

(ii) Whenever there are changes in the type of SCBA or facepiece used.

(iii) Whenever there are significant physical changes in the user. Example: Weight change of ten percent or more, scarring of face seal area, dental changes, cosmetic surgery, or any other condition that may affect the fit of the facepiece seal.

(d) The fit testing is done only in a negative-pressure mode. If the facepiece is modified for fit testing, the modification shall not affect the normal fit of the device. Such modified devices shall only be used for fit testing.

(e) The fit test procedures and test exercises described in WAC ((296-62-07739)) 296-62-07162, Asbestos, Appendix C, shall be followed unless stated otherwise in this chapter.

(f) Respirator fit test records shall include:

(i) Written guidelines for the respirator fit testing program including pass/fail criteria;

(ii) Type of respirator tested including manufacturer, model, and size;

(iii) Type of fit test and instrumentation or equipment used;

- (iv) Name or identification of test operator;
- (v) Name of person tested;
- (vi) Date of test; and
- (vii) Results of test.

Note: Fire fighters should be issued individual facepieces.

(8) Facial hair, contact lenses, and eye and face protective devices.

(a) A negative pressure respirator, any self-contained breathing apparatus, or any respirator which is used in an atmosphere immediately dangerous to life or health (IDLH) equipped with a facepiece shall not be worn if facial hair comes between the sealing periphery of the facepiece and the face or if facial hair interferes with the valve function.

(b) The wearer of a respirator shall not be allowed to wear contact lenses if the risk of eye damage is increased by their use.

(c) If a spectacle, goggle, or face shield must be worn with a facepiece, it shall be worn so as to not adversely affect the seal of the facepiece to the face. See WAC ((296-62-07115(3))) 296-62-07170(2).

(d) Straps or temple bars shall not pass between the seal or surface of the respirator and the user's face.

(9) At the end of suppression activities (to include fire overhaul) and before returning to quarters:

(a) Fire fighters shall be decontaminated prior to removal of respirators whenever fire fighting activities resulted in exposure to a hazardous substance.

(b) When exchanging air supply bottles during suppression or overhaul activities, reasonable precautions shall be taken to maintain uncontaminated atmosphere to the breathing zone and facepiece supply hose.

(10) Self-contained respiratory equipment shall be available and used by all fire fighters who enter into hazardous atmospheres during structural fire fighting activities.

(11) Positive pressure air line respirators may be used only for atmospheres other than IDLH and must be equipped with a five minute minimum capacity positive pressure escape bottle.

(a) If the service life of the auxiliary air supply is fifteen minutes or less it shall not be used for entry into an IDLH atmosphere but it may be used for escape purposes. The auxiliary air supply may be used for entry into an IDLH atmosphere only when the service life of the unit exceeds fifteen minutes and when not more than twenty percent of the noted air supply will be used during entry.

(b) The maximum length of hose for supplied air respirators is 300 feet (91 meters). Such hose shall be heavy duty nonkinking and NIOSH approved.

(12) Respirators shall be provided for, and shall be used by, all personnel working in areas where:

- (a) The atmosphere is hazardous;
- (b) The atmosphere is suspected of being hazardous; or
- (c) The atmosphere may rapidly become hazardous;

(13) Anytime fire fighters are working inside a confined space, such persons shall be provided with SCBA or air line respirator with escape bottle, and shall use the equipment unless the safety of the atmosphere can be established by testing and continuous monitoring.

(14) Fire fighters using a properly functioning SCBA shall not compromise the protective integrity of the SCBA by removing the facepiece for any reason in hazardous atmospheres or in atmospheres where the quality of air is unknown.

(15) Fire fighters shall receive training for each type and manufacturer of respiratory equipment available for their use, the step-by-step procedure for donning the respirator and checking it for proper function. Required training shall include:

- (a) Recognizing hazards that may be encountered;
- (b) Understanding the components of the respirator;
- (c) Understanding the safety features and limitations of the respirator; and
- (d) Donning and doffing the respirator.

(16) After completing such training, each fire fighter shall practice at least quarterly, for each type and manufacturer of respirator available for use, the step-by-step procedure for donning the respirator and checking it for proper function.

(17) Members shall be tested at least annually on the knowledge of respiratory protection equipment operation, safety, organizational policies and procedures, and facepiece seals, to the fire department's standard. Such records shall remain part of the member training file.

(18) Members shall be allowed to use only the make, model, and size respirator for which they have passed a fit test within the last twelve months.

(19) In cases where there is a reported failure of a respirator, it shall be removed from service, tagged and recorded as such, and tested before being returned to service.

(20) Fire fighters shall be thoroughly trained in accordance with the manufacturer's instructions on emergency procedures such as use of regulator bypass valve, corrective action for facepiece and breathing tube damage, and breathing directly from the regulator (where applicable).

(21) Compressed gaseous breathing air in the SCBA cylinder shall meet the requirements of ANSI/CGA G7.1 - Commodity Specification for Air, with a minimum air quality of grade D, as well as meeting a water vapor level of 24 ppm or less.

(22) SCBA cylinders shall be hydrostatically tested within the periods specified by the manufacturer and the applicable governmental agencies.

Additional reference: Chapter 296-62 WAC, Part E.

AMENDATORY SECTION (Amending WSR 96-11-067, filed 5/10/96, effective 1/1/97)

WAC 296-305-05003 Confined space rescue operations. (1) Fire departments shall comply with chapter 296-62 WAC, Part M for their own confined spaces.

(2) Fire departments which have been contracted as an outside rescue service provider shall also comply with Part M and in particular the specific provisions of WAC ((296-62-14519(1))) 296-62-14150(2) which requires authorized entrant training and rescue practices from the host's actual permit spaces or representative permit spaces.

(3) Fire departments which have responded or will respond to calls to perform rescue from a noncontracted permit-required confined space are required to have each mem-

ber of a rescue team practice making permit space rescues at least every 12 months by means of simulated rescue operations in which they remove dummies, mannequins or actual persons from permit space. A permit is required for the practice permit space entry.

(4) During an actual rescue response, written and/or verbally recorded hazard sizeup will be allowed in lieu of the written permit requirements in WAC 296-62-14507 and 296-62-14509 and shall be completed prior to any entry. This sizeup shall include at a minimum:

- (a) Recognition and declaration of the situation as a confined space incident.
- (b) Denial of entry to unprotected persons.
- (c) Assessment of all readily available confined space documentation, e.g., MSDSs, any existing permit, plans or blueprints of the space.
- (d) Assessment of number of victim(s), locations and injury conditions.
- (e) Discussion with witnesses, supervisor, etc.
- (f) Assessment of any current or potential space hazards, in particular, any hazard(s) which lead to the necessary rescue.
- (g) Determination and declaration if body recovery or victim rescue.

(5) At confined space incidents, at least two people outside shall be equipped with appropriate breathing apparatus to act as the back-up team, which shall remain free of the contaminated area in order to rescue disabled fire fighters.

(6) Written documentation of the rescue team's training on the fire department's confined space operating procedures, authorized entrant training, if applicable, the contracted host's confined space program. A record of each of the hazard sizeups shall be maintained for at least one year.

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

WAC 296-307-039 First-aid rule summary. Your responsibility: Make sure first-aid trained personnel are available to provide quick and effective first aid.

You must:

Make sure that first-aid trained personnel are available to provide quick and effective first aid.

WAC ((246-307-03905)) 296-307-03905.

Make sure first-aid training contains required subjects.

WAC 296-307-03910.

Keep current and document your first-aid training.

WAC 296-307-03915.

Make sure appropriate first-aid supplies are readily available.

WAC 296-307-03920.

Provide a first-aid station when required.

WAC 296-307-03925.

Note: Additional requirements relating to first-aid are also located in the following sections:

- WAC 296-307-07013(12), What rules apply to vehicles used to transport employees?
- WAC 296-307-16175, First-aid requirements for operators of temporary worker housing.
- WAC 296-307-16380, First-aid requirements for operators of cherry harvest camps.

Definitions:

First aid: The extent of treatment you would expect from a person trained in basic first aid, using supplies from a first-aid kit.

Emergency medical service: Medical treatment and care given at the scene of any medical emergency or while transporting any victim to a medical facility.

You can get copies of these rules by calling 1-800-4BE SAFE (1-800-423-7233), or by going to <http://www.lni.wa.gov>.

AMENDATORY SECTION (Amending WSR 98-24-096, filed 12/1/98, effective 3/1/99)

WAC 296-307-08009 What requirements apply to the testing and performance of ROPS used on agricultural tractors? You must provide a rollover protective structure (ROPS) for each employee-operated tractor that is covered by WAC 296-307-080. ROPS used on wheel-type tractors must meet the test and performance requirements of OSHA 1928.((52))51 CFR((;)). Protective frames for wheel type agricultural tractors, and ROPS used on track-type tractors must meet the test and performance requirements of SAE Standard J334a (July 1970) and the portions of SAE Standard J167 (1971) pertaining to overhead protection requirements.

WSR 02-12-105

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed June 5, 2002, 9:05 a.m.]

Date of Adoption: June 1, 2002.

Purpose: The proposed changes adjust the licensing fees for medical test sites. The fee increase is needed to defray the cost of administering the medical test site licensure program, as mandated under RCW 70.42.090.

Citation of Existing Rules Affected by this Order: Amending WAC 246-338-020 and 246-338-990.

Statutory Authority for Adoption: RCW 70.42.090.

Other Authority: Chapter 371, Laws of 2002.

Adopted under notice filed as WSR 02-09-026 on April 9, 2002.

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 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 2, 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.

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Effective Date of Rule: Thirty-one days after filing.
 May 31, 2002
 M. C. Selecky
 Secretary

AMENDATORY SECTION (Amending WSR 01-02-069, filed 12/29/00, effective 1/29/01)

WAC 246-338-020 Licensure—Types of medical test site licenses. After July 1, 1990, any person advertising, operating, managing, owning, conducting, opening, or maintaining a medical test site must first obtain a license from the department. License types are described in Table 020-1.

(1) Certificate of waiver.

Applicable if the medical test site performs only the tests classified as waived.

(2) Provider performed microscopic procedures (PPMP).

Applicable if the medical test site restricts its testing performance to one or more of the following moderate complexity tests performed by one of the licensed professionals listed, in conjunction with a patient's visit. In addition, the medical test site can perform tests classified as waived with this type of license.

(a) PPMP may be performed only by one of the following licensed professionals:

(i) Physician licensed under chapter 18.71 RCW, Physicians; chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery; or chapter 18.22 RCW, Podiatric medicine and surgery;

(ii) Advanced registered nurse practitioner, licensed under chapter 18.79 RCW, Nursing care;

(iii) Midwife licensed under chapter 18.50 RCW, Midwifery;

(iv) Physician assistant licensed under chapter 18.71A RCW, Physician assistants;

(v) Naturopath licensed under chapter 18.36A RCW, Naturopathy; or

(vi) Dentist licensed under chapter 18.32 RCW, Dentistry.

(b) Microscopic procedures authorized under a PPMP license are:

(i) All direct wet mount preparations for the presence or absence of bacteria, fungi, parasites, and human cellular elements;

(ii) All potassium hydroxide (KOH) preparations;

(iii) Pinworm examinations;

(iv) Fern tests;

(v) Postcoital direct, qualitative examinations of vaginal or cervical mucous;

(vi) Urine sediment examinations;

(vii) Nasal smears for granulocytes;

(viii) Fecal leukocyte examinations;

(ix) Qualitative semen analysis (limited to the presence or absence of sperm and detection of motility); and

(x) Any other tests subsequently categorized under CLIA as provider-performed microscopy procedures.

(3) Moderate/high complexity.

(a) ~~(Limited testing)~~ **Low volume, Category A-J**, as described in Table 990-1.

Applicable if the medical test site performs any tests that are not classified as waived or qualified as PPMP under subsection (2) of this section. Under this type of license, the medical test site may also perform tests classified as waived.

(b) **Accredited: Low volume, Category A-J, as described in Table 990-1.**

Applicable if the medical test site performs any tests that are not classified as waived, and is accredited and inspected by an accreditation organization approved by the department under WAC 246-338-040. Under this type of license, the medical test site may also perform tests classified as waived.

020-1 Table of Requirements for Each License Type

LICENSE TYPE	REQUIREMENTS	INSPECTIONS	
		TYPE	FREQUENCY
(1) Certificate of Waiver	<ul style="list-style-type: none"> Restrict testing to tests classified as waived. Meet the requirements of WAC 246-338-020 Licensure—Types of Medical Test Site Licenses; WAC 246-338-022 Initial Application for Medical Test Site License; WAC 246-338-024 License Renewal/Reapplication Process; WAC 246-338-026 Notification Requirements; WAC 246-338-028 On-site Inspections. Follow manufacturers' instructions for performing the test. 	<ul style="list-style-type: none"> Complaint Technical assistance 	<ul style="list-style-type: none"> When indicated

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LICENSE TYPE	REQUIREMENTS	INSPECTIONS	
		TYPE	FREQUENCY
(2) PPMP	<ul style="list-style-type: none"> Restrict testing to tests classified as PPMP or waived. Meet the requirements of WAC 246-338-020 Licensure—Types of Medical Test Site Licenses; WAC 246-338-022 Initial Application for Medical Test Site License; WAC 246-338-024 License Renewal/Reapplication Process; WAC 246-338-026 Notification Requirements; WAC 246-338-028 On-site Inspections; WAC 246-338-050 Proficiency Testing (if applicable); WAC 246-338-060 Personnel; WAC 246-338-070 Records; WAC 246-338-080 Quality Assurance; WAC 246-338-090 Quality Control. Follow manufacturers' instructions for performing the test. 	<ul style="list-style-type: none"> Complaint Technical assistance 	<ul style="list-style-type: none"> When indicated
(3) Moderate/High Complexity (a) (((Limited Testing))) Low Volume, Category A-J	<ul style="list-style-type: none"> Perform tests classified as moderate or high complexity. Meet the requirements of WAC 246-338-020 Licensure—Types of Medical Test Site Licenses; WAC 246-338-022 Initial Application for Medical Test Site License; WAC 246-338-024 License Renewal/Reapplication Process; WAC 246-338-026 Notification Requirements; WAC 246-338-028 On-site Inspections; WAC 246-338-050 Proficiency Testing (if applicable); WAC 246-338-060 Personnel; WAC 246-338-070 Records; WAC 246-338-080 Quality Assurance; WAC 246-338-090 Quality Control. Follow manufacturers' instructions for performing test. 	<ul style="list-style-type: none"> Initial Routine Complaint On-site follow-up Technical assistance 	<ul style="list-style-type: none"> First 6 months of license Every 2 years When indicated When indicated When indicated

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LICENSE TYPE	REQUIREMENTS	INSPECTIONS	
		TYPE	FREQUENCY
(b) <u>Accredited;</u> <u>Low Volume;</u> <u>Category A-I</u>	<ul style="list-style-type: none"> • Perform tests classified as moderate or high complexity. • Meet the requirements of WAC 246-338-020 Licensure—Types of Medical Test Site Licenses; WAC 246-338-022 Initial Application for Medical Test Site License; WAC 246-338-024 License Renewal/Reapplication Process; WAC 246-338-026 Notification Requirements; WAC 246-338-028 On-site Inspections; WAC 246-338-050 Proficiency Testing (if applicable); WAC 246-338-060 Personnel; WAC 246-338-070 Records; WAC 246-338-080 Quality Assurance; WAC 246-338-090 Quality Control. • Follow manufacturers' instructions for performing the test. • Submit to the department upon request, or authorize the accreditation organization to submit: <ul style="list-style-type: none"> • Proof of accreditation; • On-site inspection results; • Statement of deficiencies; • Plan of correction for the deficiencies cited; • Any disciplinary action and results of any disciplinary action taken by the accreditation organization against the medical test site. 	<ul style="list-style-type: none"> • Validation • Complaint • On-site follow-up • Technical assistance 	<ul style="list-style-type: none"> • 2.5 % of accredited sites annually • When indicated • When indicated • When indicated

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AMENDATORY SECTION (Amending WSR 01-02-069, filed 12/29/00, effective 1/29/01)

WAC 246-338-990 Fees. (1) The department will assess and collect biennial fees for medical test sites as follows:

(a) Charge fees, based on the requirements authorized under RCW 70.42.090 and this section;

(b) Assess additional fees when changes listed in WAC 246-338-026 occur that require a different type of license than what the medical test site currently holds; and

(c) Determine fees according to criteria described in Table 990-1.

Table 990-1 License Categories and Fees

Category of License	Number of Tests/Year	Biennial Fee	Low Volume	Category A	Category B	Category C	Category D	Category E	Category F	Category G
Certificate of Waiver	N/A	\$ ((108)) <u>150</u>	((751)) <u>1-2,000</u> tests	2,001-10,000 tests, 1-3 specialties	2,001-10,000 tests, 4 or more specialties	10,001-25,000 tests, 1-3 specialties	10,001-25,000 tests, 4 or more specialties	25,001-50,000 tests	50,001-75,000 tests	75,001-100,000 tests
PPMP	N/A	\$ ((163)) <u>200</u>	\$((1,086)) <u>450</u>	\$((1,629)) <u>1,364</u>	\$((1,955)) <u>1,769</u>	\$((2,281)) <u>2,454</u>	\$((2,715)) <u>2,818</u>	\$((3,259)) <u>3,382</u>	\$((3,802)) <u>4,187</u>	\$((4,453)) <u>4,991</u>
((Accredited	N/A	\$ <u>325</u>								
Limited Testing	1-750 tests	\$ <u>543</u>)								

Category H	100,001-500,000 tests	\$(5,105) 5,835
Category I	500,001-1,000,000 tests	\$(5,432) 10,369
Category J	> 1,000,000 tests	\$(5,974) 12,443
<u>Accredited:</u>		
<u>Low Volume</u>	<u>1-2,000 tests</u>	<u>\$ 165</u>
<u>Category A</u>	<u>2,001-10,000 tests, 1-3 specialties</u>	<u>\$ 211</u>
<u>Category B</u>	<u>2,001-10,000 tests, 4 or more specialties</u>	<u>\$ 231</u>
<u>Category C</u>	<u>10,001-25,000 tests, 1-3 specialties</u>	<u>\$ 531</u>
<u>Category D</u>	<u>10,001-25,000 tests, 4 or more specialties</u>	<u>\$ 559</u>
<u>Category E</u>	<u>25,001-50,000 tests</u>	<u>\$ 787</u>
<u>Category F</u>	<u>50,001-75,000 tests</u>	<u>\$1,254</u>
<u>Category G</u>	<u>75,001-100,000 tests</u>	<u>\$1,722</u>
<u>Category H</u>	<u>100,001-500,000 tests</u>	<u>\$2,227</u>
<u>Category I</u>	<u>500,001-1,000,000 tests</u>	<u>\$6,428</u>
<u>Category J</u>	<u>> 1,000,000 tests</u>	<u>\$8,168</u>
Follow-up survey for deficiencies		Direct staff time
Complaint investigation		Direct staff time

(2) The following programs are excluded from fee charges when performing only waived hematocrit or hemoglobin testing for nutritional evaluation and food distribution purposes:

- (a) Women, infant and children programs (WIC); and
- (b) Washington state migrant council.

WSR 02-12-106
PERMANENT RULES
STATE BOARD OF HEALTH
 [Filed June 5, 2002, 9:07 a.m.]

Date of Adoption: May 8, 2002.

Purpose: Existing rules regarding HIV counseling and testing in pregnant women were adopted in 1988. Since that time, therapies and medical practices have been identified that prevent most cases of perinatal HIV transmission.

Changes are necessary to assure these rules are consistent with current medical science, public health practice, federal recommendations, and community needs. Updating the standards will facilitate HIV testing where there is a medical need and better focus prevention counseling toward those with behavioral risk factors.

Citation of Existing Rules Affected by this Order: Amending WAC 246-100-206, 246-100-207, and 246-100-208.

Statutory Authority for Adoption: RCW 70.24.380.

Adopted under notice filed as WSR 02-08-018 on March 25, 2002.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-100-108 (1)(c) was amended to be clear that in order to give informed consent, the pregnant woman must be aware a test for HIV is being done.

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 3, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

June 3, 2002

Don R. Sloma

Executive Director

AMENDATORY SECTION (Amending 99-17-077, filed 8/13/99, effective 9/1/99)

WAC 246-100-206 Special diseases—Sexually transmitted diseases. (1) Any person who violates a rule adopted by the board for the control and treatment of a sexually transmitted disease is subject to penalty under RCW 70.24.080.

(2) Definitions.

(a) "Anonymous HIV testing" means that the name or identity of the individual tested for HIV will not be recorded or linked to the HIV test result. However, once the individual testing positive receives HIV health care or treatment services, reporting of the identity of the individual to the state or local public health officer is required.

(b) "Behaviors presenting imminent danger to public health (BPID)" means the following activities, under conditions specified below, performed by an individual with a laboratory confirmed HIV infection:

- (i) Anal or vaginal intercourse without a latex condom;
- or
- (ii) Shared use of blood-contaminated injection equipment;

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(iii) Donating or selling HIV-infected blood, blood products, or semen; and

(iv) Under the following specified conditions:

(A) The infected individual received post-test counseling as described in WAC 246-100-209 prior to repeating activities in subsection ~~((1))~~ (2)(b)(i) and (ii) of this section; and

(B) The infected individual did not inform the persons, with whom activities described in subsection ~~((1))~~ (2)(b)(i) and (ii) of this section occurred, of his or her infectious status.

(c) "Behaviors presenting possible risk" means:

(i) Actual actions resulting in "exposure presenting a possible risk" limited to:

(A) Anal, oral, or vaginal intercourse excluding conjugal visits; or

(B) Physical assault; or

(C) Sharing of injection equipment or sharp implements; or

(D) Throwing or smearing of blood, semen, or vaginal fluids; or

(ii) Threatened action if:

(A) The threatening individual states he or she is infected with HIV; and

(B) The threatened behavior is listed in subsection ~~((1))~~ (2)(b)(i)(A), (B), (C), and (D) of this section; and

(C) The threatened behavior could result in "exposure presenting a possible risk."

(d) "Conduct endangering public health" means:

(i) Anal, oral, or vaginal intercourse for all sexually transmitted diseases;

(ii) For HIV and Hepatitis B:

(A) Anal, oral, or vaginal intercourse; and/or

(B) Sharing of injection equipment; and/or

(C) Donating or selling blood, blood products, body tissues, or semen; and

(iii) Activities described in subsection ~~((1))~~ (2)(d)(i) and (ii) of this section resulting in introduction of blood, semen, and/or vaginal fluids to:

(A) Mucous membranes;

(B) Eyes;

(C) Open cuts, wounds, lesions; or

(D) Interruption of epidermis.

(e) "Confidential HIV testing" means that the name or identity of the individual tested for HIV will be recorded and linked to the HIV test result, and that the name of the individual testing positive for HIV will be reported to the state or local health officer in a private manner.

(f) "Exposure presenting possible risk" means one or more of the following:

(i) Introduction of blood, semen, or vaginal fluids into:

(A) A body orifice or a mucous membrane;

(B) The eye; or

(C) An open cut, wound, lesion, or other interruption of the epidermis.

(ii) A needle puncture or penetrating wound resulting in exposure to blood, semen, and/or vaginal fluids.

(g) "Reasonably believed" or "reason to believe," in reference to a sexually transmitted disease, means a health officer's belief which:

(i) For the purpose of investigating the source and spread of disease, is based upon a credible report from an identifi-

able individual indicating another person is likely to have a sexually transmitted disease (STD) or to have been exposed to a STD; and

(ii) For the purpose of issuing a written order for an individual to submit to examination, counseling, or treatment is based upon:

(A) Laboratory test results confirming or suggestive of a STD; or

(B) A health care provider's direct observation of clinical signs confirming an individual has or is likely to have a STD; or

(C) Obtaining information directly from an individual infected with a STD about the identity of his or her sexual or needle-sharing contacts when:

(I) Contact with the infected individual occurred during a period when the disease may have been infectious; and

(II) The contact was sufficient to transmit the disease; and

(III) The infected individual is, in the health officer's judgment, credible and believable.

(h) "Substantial exposure" means physical contact resulting in exposure presenting possible risk, limited to:

(i) A physical assault upon the exposed person involving blood or semen;

(ii) Intentional, unauthorized, nonconsensual use of needles or sharp implements to inject or mutilate the exposed person;

(iii) An accidental parenteral or mucous membrane or nonintact skin exposure to blood, semen, or vaginal fluids.

~~((2))~~ (3) Health care providers shall:

(a) Report each case of sexually transmitted disease as required in chapter 246-100 WAC, and

(b) Instruct each patient regarding:

(i) Communicability of the disease, and

(ii) Requirements to refrain from acts that may transmit the disease to another.

(c) Ensure completion of a prenatal serologic test for syphilis in each pregnant woman pursuant to RCW 70.24.090 including:

(i) Submission of a blood sample for syphilis to a laboratory approved to perform prenatal serologic tests for syphilis, as required in RCW 70.24.090, at the time of the first prenatal visit, and

(ii) Decide whether or not to omit the serologic test for syphilis if the test was performed elsewhere during the current pregnancy.

~~((3))~~ (4) Laboratories, health care providers, and other persons shall deny issuance of a certificate or statement implying an individual is free from sexually transmitted disease.

~~((4))~~ (5) Local health officers, health care providers, and others, in addition to requirements in chapter 246-100 WAC, shall comply with the provisions in chapter 70.24 RCW.

~~((5))~~ (6) Prevention of ophthalmia neonatorum.

(a) Health care providers diagnosing or caring for a patient with gonococcal or chlamydial ophthalmia neonatorum shall report the case to the local health officer or local health department in accordance with the provisions of this chapter.

(b) The principal health care provider attending or assisting in the birth of any infant or caring for an infant after birth, shall ensure instillation of a department-approved prophylactic ophthalmic agent into the conjunctival sacs of the infant within the time frame established by the department in policy statement of ophthalmia agents approved for the prevention of ophthalmia neonatorum in the newborn, issued June 19, 1981.

~~((6))~~ (7) State and local health officers or their authorized representatives shall:

(a) Have authority to conduct or cause to be conducted an interview and investigation of persons infected or reasonably believed to be infected with a sexually transmitted disease; and

(b) Use procedures and measures described in WAC 246-100-036(4) in conducting investigations.

~~((7))~~ (8) State and local health officers and their authorized representatives shall have authority to:

(a) Issue written orders for medical examination, testing, and/or counseling under chapter 70.24 RCW, only after:

(i) All other efforts to protect public health have failed, including reasonable efforts to obtain the voluntary cooperation of the person to be affected by the order; and

(ii) Having sufficient evidence to "reasonably believe" the individual to be affected by the order:

(A) Has a sexually transmitted disease; and

(B) Is engaging in "conduct endangering public health"; and

(iii) Investigating and confirming the existence of "conduct endangering public health" by:

(A) Interviewing sources to assess their credibility and accuracy; and

(B) Interviewing the person to be affected by the order; and

(iv) Including in a written order all information required in RCW 70.24.024.

(b) Issue written orders for treatment under RCW 70.24.022 only after laboratory test results, or direct observation of clinical signs or assessment of clinical data by a physician, confirm the individual has, or is likely to have, a sexually transmitted disease;

(c) Issue written orders to cease and desist from specified activities, under RCW 70.24.024 only after:

(i) Determining the person to be affected by the order is engaging in "conduct endangering public health"; and

(ii) Laboratory test results, or direct observation of clinical signs or assessment of clinical data by a physician, confirm the individual has, or is likely to have, a sexually transmitted disease; and

(iii) Exhausting procedures described in subsection ~~((7))~~ (8)(a) of this section; and

(iv) Enlisting, if appropriate, court enforcement of the orders described in subsection ~~((s-7))~~ (8)(a) and (b) of this section; and

(d) Seek court orders for detainment under RCW 70.24.034, only for persons infected with HIV and only after:

(i) Exhausting procedures described in subsection ~~((7))~~ (8)(a), (b), and (c) of this section; and

(ii) Enlisting, if appropriate, court enforcement of orders to cease and desist; and

(iii) Having sufficient evidence to "reasonably believe" the person is engaging in "behaviors presenting an imminent danger to public health."

~~((8))~~ (9) Conditions for detainment of individuals infected with sexually transmitted disease.

(a) A local health officer may notify the state health officer if he or she determines:

(i) The criteria for "behaviors presenting imminent danger to public health (BPID)" are met by an individual; and

(ii) Such individual fails to comply with a cease and desist order affirmed or issued by a court.

(b) A local or state health officer may request the prosecuting attorney to file an action in superior court to detain an individual specified in subsection ~~((8))~~ (9)(a) of this section.

(c) The requesting local or state health officer or authorized representative shall:

(i) Notify the department prior to recommending the detainment setting where the individualized counseling and education plan may be carried out consistent with subsection ~~((s-8))~~ (9)(d), (e), and (f) of this section;

(ii) Make a recommendation to the court for placement of such individual consistent with subsection ~~((s-8))~~ (9)(d) and (f) of this section; and

(iii) Provide to the court an individualized plan for education and counseling consistent with subsection ~~((8))~~ (9)(e) of this section.

(d) State board of health requirements for detainment of individuals demonstrating BPID:

(i) Sufficient number of staff, caregivers, and/or family members to:

(A) Provide round-the-clock supervision, safety of detainee, and security; and

(B) Limit and restrict activities to prevent BPID; and

(C) Make available any medical, psychological, or nursing care when needed; and

(D) Provide access to AIDS education and counseling; and

(E) Immediately notify the local or state health officer of unauthorized absence or elopement; and

(ii) Sufficient equipment and facilities to provide:

(A) Meals and nourishment to meet nutritional needs; and

(B) A sanitary toilet and lavatory; and

(C) A bathing facility; and

(D) Bed and clean bedding appropriate to size of detainee; and

(E) A safe detention setting appropriate to chronological and developmental age of detainee; and

(F) A private sleeping room; and

(G) Prevention of sexual exploitation.

(iii) Sufficient access to services and programs directed toward cessation of BPID and providing:

(A) Linguistically, socially, culturally, and developmentally appropriate ongoing AIDS education and counseling; and

(B) Psychological and psychiatric evaluation and counseling; and

(C) Implementation of court-ordered plan for individualized counseling and education consistent with subsection ~~((8))~~ (9)(e) of this section.

(iv) If required, provide access to isolation and/or restraint in accordance with restraint and seclusion rules in WAC 275-55-263 (2)(c);

(v) Maintain a safe, secure environment free from harassment, physical danger, and sexual exploitation.

(e) Washington state board of health standards for an individualized counseling and education plan for a detainee include:

(i) Consideration of detainee's personal and environmental characteristics, culture, social group, developmental age, and language;

(ii) Identification of habitual and addictive behavior and relapse pattern;

(iii) Identification of unique risk factors and possible cross-addiction leading to behavior presenting imminent danger to public health;

(iv) Identification of obstacles to behavior change and determination of specific objectives for desired behavior;

(v) Provision of information about acquisition and transmission of HIV infection;

(vi) Teaching and training of individual coping skills to prevent relapse to BPID;

(vii) Specific counseling for chemical dependency, if required;

(viii) Identification of and assistance with access to community resources, including social services and self-help groups appropriate to provide ongoing support and maintenance of behavior change; and

(ix) Designation of a person primarily responsible for counseling and/or education who:

(A) Completed pretest and post-test counselor training approved by the office on AIDS; and

(B) Received training, as approved by the office on AIDS, focused on facilitating behavior change related to preventing BPID; and

(C) Has a post-graduate degree in social work, psychology, counseling, psychosocial nursing, or other allied profession; and

(D) Completed at least one year clinical experience after post-graduate education with a primary focus on individualized behavior change; and

(E) Is a certified counselor under chapter 18.19 RCW.

(x) Designation and provision of a qualified counselor under WAC 275-19-145 when the detainee is assessed to have a drug or alcohol problem.

(f) The state board of health designates the following settings appropriate for detainment provided a setting meets requirements in subsection ~~((8))~~ (9)(d)(i), (ii), (iii), (iv), and (v) of this section:

(i) Homes, care facilities, or treatment institutions operated or contracted by the department;

(ii) Private homes, as recommended by the local or state health officer;

(iii) Boarding homes licensed under chapter 18.20 RCW;

(iv) Nursing homes licensed under chapter 18.51 RCW;

(v) Facilities licensed under chapter 71.12 RCW, including:

(A) Psychiatric hospitals, per chapter 246-322 WAC;

(B) Alcoholism treatment centers if certified for substance use under chapter 275-19 WAC;

(C) Adult residential rehabilitation centers, per chapter 246-325 WAC;

(D) Private adult treatment homes, per chapter 246-325 WAC;

(E) Residential treatment facilities for psychiatrically impaired children and youth, per chapter 246-323 WAC;

(vi) A hospital licensed under chapter 70.41 RCW.

~~((9))~~ (10) Jail administrators may order pretest counseling, post-test counseling, and HIV testing of persons detained in jail according to RCW 70.24.360 only under the following conditions:

(a) The jail administrator documents and reports to the local health officer, within seven days after the incident, any incident perceived to be actual or threatened "behaviors presenting possible risk"; and

(b) The local health officer:

(i) Determines the documented behavior or behaviors meet the criteria established in the definition of "behaviors presenting a possible risk"; and

(ii) Interviews the detained individual to evaluate the factual basis for alleged actual or threatened behavior; and

(iii) Makes a fact determination, based upon the documented behavior, the interview with the detained individual, and/or independent investigation, that sufficient factual evidence exists to support the allegation of actual or threatened "behaviors presenting possible risk"; and

(iv) Arranges for testing of the individual who is the source of the behavior to occur within seven days of the request from the jail administrator; and

(v) Reviews with the detained individual who is the source of the behavior the documentation of the actual or threatened behavior to try to assure understanding of the basis for HIV testing; and

(vi) Provides written approval of the jail administrator's order prior to HIV testing in accordance with subsection (7)(a)(i) of this section.

(c) The jail administrator maintains HIV test results and identity of the tested individual as a confidential, nondisclosable record, as provided in RCW 70.24.105.

~~((10))~~ (11) When an individual experiences a substantial exposure to another individual's body fluids and requests HIV testing of that other individual, the state and local health officers have authority to order pretest counseling, HIV testing, and post-test counseling of that other individual providing:

(a) The alleged exposure occurred when the individual was employed or acting as an authorized volunteer in one of the following employment categories:

(i) Law enforcement officer;

(ii) Firefighter;

(iii) Health care provider;

(iv) Staff of health care facilities;

(v) Funeral director;

(vi) Embalmer; and

(b) The alleged substantial exposure occurred on the job; and

(c) The request to the health officer for testing and counseling of the individual was made within seven days of the occurrence of the alleged exposure; and

(d) The local health officer:

(i) Determines that the alleged exposure meets the criteria established in the definition of "substantial exposure"; and

(ii) Ensures that pretest counseling of the individual to be tested, or a legal representative, occurs; and

(iii) Arranges for testing of the individual who is the source of the exposure to occur within seven days of the request from the person exposed; and

(e) The exposed individual agrees to be tested for HIV if such testing is determined appropriate by the health officer; and

(f) Records on HIV testing ordered by a health officer are maintained only by the ordering health officer.

((H)) (12) For the purpose of RCW 49.60.172 concerning the absence of HIV infection as a bona fide occupational qualification only, "significant risk" means a job qualification which requires person-to-person contact likely to result in direct introduction of blood into the eye, an open cut or wound, or other interruption of the epidermis, when:

(a) No adequate barrier protection is practical; and

(b) Determined only on case-by-case basis consistent with RCW 49.60.180.

AMENDATORY SECTION (Amending WSR 99-17-077, filed 8/13/99, effective 9/1/99)

WAC 246-100-207 Human immunodeficiency virus (HIV) testing—Ordering—Laboratory screening—Interpretation—Reporting. (1) Any person ordering or prescribing an HIV test for another, except for seroprevalent studies under chapter 70.24 RCW or provided under subsections (2) and (3) of this section or provided under WAC 246-100-208(1), shall:

(a) Provide or refer for pretest counseling described under WAC 246-100-209;

(b) Obtain or ensure informed specific consent of the individual to be tested separate from other consents prior to ordering or prescribing an HIV test, unless excepted under provisions in chapter 70.24 RCW;

(c) Inform, orally or in writing, the individual to be tested of the availability of anonymous HIV testing and of the differences between "anonymous HIV testing" and "confidential HIV testing"; and

(d) Provide or refer for post-test counseling described under WAC 246-100-209 if HIV test is positive for or suggestive of HIV infection.

(2) Any person authorized to order or prescribe an HIV test for another may offer anonymous HIV testing without restriction.

(3) Blood banks, tissue banks, and others collecting or processing blood, sperm, tissues, or organs for transfusion/transplanting shall:

(a) Obtain or ensure informed specific consent of the individual prior to ordering or prescribing an HIV test, unless excepted under provisions in chapter 70.24 RCW;

(b) Explain that the reason for HIV testing is to prevent contamination of the blood supply, tissue, or organ bank donations;

(c) At the time of notification regarding a positive HIV test, provide or ensure at least one individual counseling session; and

(d) Inform the individual that the name of the individual testing positive for HIV infection will be confidentially reported to the state or local health officer.

(4) Persons subject to regulation under Title 48 RCW and requesting an insured, subscriber, or potential insured or subscriber to furnish the results of an HIV test for underwriting purposes, as a condition for obtaining or renewing coverage under an insurance contract, health care service contract, or health maintenance organization agreement shall:

(a) Before obtaining a specimen to perform an HIV test, provide written information to the individual tested explaining:

(i) What an HIV test is;

(ii) Behaviors placing a person at risk for HIV infection;

(iii) The purpose of HIV testing in this setting is to determine eligibility for coverage;

(iv) The potential risks of HIV testing; and

(v) Where to obtain HIV pretest counseling.

(b) Obtain informed specific written consent for an HIV test. The written informed consent shall include:

(i) An explanation of confidential treatment of test result reports limited to persons involved in handling or determining applications for coverage or claims for the applicant or claimant; and

(ii) That the name of the individual testing positive for HIV infection will be confidentially reported to the state or local health officer; and

(iii) Requirements under subsection (4)(c) of this section.

(c) Establish procedures to inform an applicant of the following:

(i) Post-test counseling specified under WAC 246-100-209(4) is required if an HIV test is positive or indeterminate;

(ii) Post-test counseling is done at the time any positive or indeterminate HIV test result is given to the tested individual;

(iii) The applicant is required to designate a health care provider or health care agency to whom positive or indeterminate HIV test results are to be provided for interpretation and post-test counseling; and

(iv) When an individual applicant does not identify a designated health care provider or health care agency and the applicant's HIV test results are positive or indeterminate, the insurer, health care service contractor, or health maintenance organization shall provide the test results to the state or local health department for interpretation and post-test counseling.

(5) Laboratories and other places where HIV testing is performed shall demonstrate complete and satisfactory participation in an HIV proficiency testing program approved by the Department Laboratory Quality Assurance Section, Mailstop K17-9, 1610 N.E. 150th, Seattle, Washington 98155.

(6) The department laboratory quality assurance section shall accept substitutions for EIA screening only as approved

by the United States Food and Drug Administration (FDA) and a published list or other written FDA communication.

(7) Persons informing a tested individual of positive laboratory test results indicating HIV infection shall do so only when:

- (a) HIV is isolated by viral culture technique; or
- (b) HIV nucleic acid (RNA or DNA) is detected; or
- (c) HIV is detected through a P24 antigen (neutralizable) test; or
- (d) HIV antibodies are identified by a sequence of tests which are reactive and include:
 - (i) A repeatedly reactive screening test such as the enzyme immunoassay (EIA); and
 - (ii) An additional, more specific, assay such as a positive western blot assay (WBA) or other tests as approved by the United States Food and Drug Administration (FDA) in a published list or other written FDA communication.
- (e) Such information consists of relevant, pertinent facts communicated in such a way that it will be readily understood by the recipient.

AMENDATORY SECTION (Amending 99-17-077, filed 8/13/99, effective 9/1/99)

WAC 246-100-208 Counseling standard—AIDS counseling. (1) Principal health care providers shall counsel or ensure AIDS counseling for(:

- ~~(a))~~ each pregnant woman(~~;~~and
- ~~(b))~~. "AIDS counseling" for a pregnant woman means:
 - (a) Performing a risk screening that includes an assessment of sexual and drug use history as part of the intake process;
 - (b) Providing written or verbal information on HIV infection that at a minimum includes:
 - (i) All pregnant women are recommended to have an HIV test;
 - (ii) HIV is the cause of AIDS and how HIV is transmitted;
 - (iii) A woman may be at risk for HIV infection, and not know it;
 - (iv) The efficacy of treatments to reduce vertical transmission;
 - (v) The availability of anonymous testing, and why confidential testing is recommended for pregnant women;
 - (vi) The need to report HIV infection;
 - (vii) Public funds are available to assist eligible HIV-infected women receive medical care and other assistance; and
 - (viii) Women who decline testing will not be denied care for themselves or their infants;
 - (c) Obtaining the informed consent of the pregnant woman, separately or as part of the consent for a battery of other routine tests provided that the woman is specifically informed in writing or verbally that a test for HIV is included;
 - (d) Providing HIV testing unless the pregnant woman refuses to give consent;
 - (e) If the pregnant woman refuses a confidential test, discussing and addressing reasons for refusal and document in the medical record that refusal and the provision of education on the benefits of HIV testing;

(f) If the risk screening indicates, providing or referring for behavioral change counseling for women who:

- (i) Have or recently have had a sexual partner(s) who is known to be HIV infected or is a man who has sex with another man or is an injection drug user;
- (ii) Uses or recently used injection drugs;
- (iii) Has signs or symptoms of HIV seroconversion;
- (iv) Currently or has recently exchanged sex for drugs or money or had a sexually transmitted disease or had multiple sex partners; or
- (v) Expresses a need for further, more intensive counseling; and
- (g) Basing the behavioral change counseling on the standards defined in WAC 246-100-209 and the recommendations of the Federal Centers for Disease Control and Prevention published in Revised Guidelines for HIV Counseling, Testing and Referral, and Revised Recommendations for HIV Screening of Pregnant Women, November 9, 2001; and
- (h) Offering referrals and providing follow-up to other necessary medical, social and HIV prevention services.

(2) Health care providers may obtain a sample brochure addressing the elements of subsection (1)(b) of this section by contacting the department of health's HIV prevention program at P.O. Box 47840, Olympia, WA 98504-7840.

(3) Principal health care providers shall counsel or ensure AIDS counseling as defined in WAC 246-100-011(2) for each patient seeking treatment of a sexually transmitted disease.

~~((2))~~ (4) Drug treatment programs under chapter 70.96A RCW shall provide or ensure provision of AIDS counseling as defined in WAC 246-100-011(2) for each person in a drug treatment program.

~~((3))~~ (5) Health care providers, persons, and organizations providing AIDS counseling in subsections (3) and (4) of this section shall:

- (a) Assess the behaviors of each individual counseled for risk of acquiring and transmitting human immunodeficiency virus (HIV);
- (b) Maintain a nonjudgmental environment during counseling which:
 - (i) Considers the individual's particular circumstances; and
 - (ii) Is culturally, socially, linguistically, and developmentally appropriate to the individual being counseled.
- (c) Focus counseling on behaviors increasing the risk of HIV acquisition and transmission;
- (d) Provide or ensure provision of personalized risk reduction education to individuals who:
 - (i) Are men who had sex with other men at any time since 1977;
 - (ii) Used intravenous substances at any time since 1977;
 - (iii) Engaged in sex for money or drugs at any time since 1977;
 - (iv) Have had sexual and/or injection equipment-sharing contact with persons listed in ~~((subsection (3))~~(d)(i), (ii), and (iii) of this ~~((section))~~ subsection;
 - (v) Have been exposed to or known to have had a sexually transmitted disease at any time since 1977;

(vi) Are at increased risk of HIV infection by definition of United States Public Health Service, Centers for Disease Control and Prevention;

(vii) Are enrolled in a drug treatment program under chapter 69.54 RCW; or

(viii) Received multiple transfusions of blood, plasma, or blood products from 1977 to 1985.

(e) Encourage individuals assessed to be at other than virtually no risk of HIV infection to:

(i) Receive AIDS risk reduction counseling;

(ii) Consider information about the nature, purpose, and potential ramifications of HIV testing;

(iii) Receive pretest counseling;

(iv) Consider confidential or anonymous voluntary HIV testing if appropriate and understand the differences between "anonymous HIV testing" and "confidential HIV testing"; and

(v) "Virtually no risk of HIV infection" means persons with medical histories absent of and reporting none of the following factors:

(A) Transfusion with blood or blood products at any time since 1977;

(B) Residence at any time in countries where HIV is considered endemic since 1977;

(C) Unprotected sex between men at any time since 1977;

(D) Use of intravenous substances at any time since 1977, especially when sharing injection equipment;

(E) Engagement in sex for money or drugs at any time since 1977;

(F) Sexual and/or injection equipment-sharing contacts at any time since 1977 with persons listed in ~~((subsection (3)))~~(v)(C), (D), and (E) of this ~~((section))~~ subsection;

(G) Exposure to a sexually transmitted disease; and

(H) Increased risk of HIV infection by definition of United States Public Health Service, Centers for Disease Control and Prevention.

~~((4))~~ (6) Persons and organizations providing AIDS counseling may provide additional or more comprehensive counseling than required in this section.

WSR 02-12-107
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed June 5, 2002, 9:10 a.m.]

Date of Adoption: May 22, 2002.

Purpose: The purpose of the proposed rule change is to ensure that all level I, II, III and IV designated trauma care facilities and all level I, II, and III designated pediatric trauma care facilities have the appropriate pediatric education pertinent to the level of care that they provide and relevant to each of the various types of providers.

Citation of Existing Rules Affected by this Order: Amending WAC 246-976-500, 246-976-510, 246-976-550, 246-976-560, 246-976-600, 246-976-610, 246-976-650, 246-976-720, 246-976-730, 246-976-770, 246-976-780, 246-976-810, and 246-976-820.

Statutory Authority for Adoption: Chapter 70.168 RCW.

Adopted under notice filed as WSR 02-09-043 on April 12, 2002.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 13, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 13, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 13, Repealed 0.

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

May 31, 2002

M. C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-500 Designation standards for facilities providing level I trauma care service—Administration and organization. A facility with a designated level I trauma care service shall have:

(1)(a) Organization and direction by a general surgeon with special competence in care of the injured. The service may have as codirector another general surgeon with special competence in care of the injured;

(b) Ongoing coordination of the trauma care service by a registered nurse with special competence in care of the injured;

(c) A multidisciplinary trauma committee chaired by the trauma service director with input to hospital management, including:

(i) An emergency physician;

(ii) An emergency department registered nurse;

(iii) A general surgeon with special competence in trauma care;

(iv) A neurosurgeon;

(v) An orthopaedic surgeon;

(vi) A pediatrician;

(vii) An anesthesiologist;

(viii) The physician director of critical care service;

(ix) The trauma care service nurse coordinator;

(x) Critical care registered nurse; and

(xi) The trauma rehabilitation coordinator;

(d) The multidisciplinary trauma committee shall adopt an approved method to determine activation of the trauma team, as described in WAC 246-976-870.

(e) A trauma team to provide initial evaluation, resuscitation and treatment.

(i) The team shall be organized and directed by a general surgeon with special competence in care of the injured, and who assumes responsibility for coordination of overall care of the trauma patient. The surgeon shall be at least a (~~post-graduate~~) postgraduate year four resident;

(ii) All members of the team, including the surgeon, shall be available within five minutes of notification of team activation;

(iii) The team shall include an emergency physician who is:

(A) Responsible for activating the team, using an approved method as defined in WAC 246-976-870; and

(B) Responsible for providing team leadership and care for the trauma patient until the arrival of the general surgeon in the resuscitation area;

(iv) The trauma care service shall identify all other members of the team;

(f) Specific delineation of trauma surgery privileges by the medical staff.

(2) An emergency department with written standards of care to ensure immediate and appropriate care for adult and pediatric trauma patients.

(3) A surgery department, including:

(a) General surgery;

(b) A neurosurgical service. Coverage shall be available within five minutes of notification of team activation. Coverage shall be provided by:

(i) A neurosurgeon; or

(ii) A surgeon who has been judged competent by the neurosurgical consultants on staff to initiate measures to stabilize the patient, and to initiate diagnostic procedures, with a board-certified neurosurgeon on-call and available within thirty minutes of notification of team activation.

(c) The following surgical services on-call and available within thirty minutes of request by the trauma team leader:

(i) Cardiac surgery;

(ii) Gynecologic surgery;

(iii) Hand surgery;

(iv) Microsurgery;

(v) Obstetric surgery;

(vi) Ophthalmic surgery;

(vii) Oral/maxillofacial or otorhinolaryngologic surgery;

(viii) Orthopaedic surgery;

(ix) Pediatric surgery;

(x) Plastic surgery;

(xi) Thoracic surgery;

(xii) Urologic surgery; and

(xiii) Vascular surgery.

(4) Nonsurgical specialties including:

(a) Anesthesiology, with an anesthesiologist who (~~(is)~~):

(i) Is ACLS trained, except this requirement shall not apply to a physician board-certified in anesthesiology;

(ii) (~~(PALS or approved equivalent trained)~~) Has completed the pediatric education requirement (PER) as defined in WAC 246-976-886;

(iii) Is available within five minutes of notification of team activation;

(b) A radiologist on-call and available for patient service within twenty minutes of notification of team activation;

(c) The following services on-call and available for patient consultation or management:

(i) Cardiology;

(ii) Gastroenterology;

(iii) Hematology;

(iv) Infectious disease specialists;

(v) Internal medicine;

(vi) Nephrology;

(vii) Neurology;

(viii) Pathology;

(ix) Pediatrics; and

(x) Pulmonology.

(5) Written policy and procedures for access to ancillary services, including:

(a) Chemical dependency services;

(b) Child and adult protection services;

(c) Clergy or pastoral care;

(d) Nutritionist services;

(e) Occupational therapy services;

(f) Pharmacy services, with a pharmacist in-house;

(g) Physical therapy services;

(h) Rehabilitation services;

(i) Social services;

(j) Psychological services; and

(k) Speech therapy services.

(6) A pediatric trauma policy that:

(a) Provides for initial stabilization and resuscitation of pediatric trauma patients, including emergency department and surgical interventions; and

(b) If the facility is not designated as a pediatric trauma care service, identifies and establishes its scope of pediatric trauma care, including but not limited to:

(i) Criteria for admission of pediatric patients;

(ii) Written transfer guidelines and agreements for pediatric trauma patients requiring critical care services.

(7) A written policy and procedures to divert patients to other designated trauma care services. The policy shall be based on criteria which reflect the service's ability to resuscitate and stabilize each patient at a particular time.

(8) A trauma registry as required in WAC 246-976-430.

(9) A quality assurance program in accordance with WAC 246-976-880; and cooperate with regional trauma care quality assurance programs throughout the state established pursuant to WAC 246-976-910.

(10) Interfacility transfer guidelines and agreements consistent with WAC 246-976-890.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-510 Designation standards for facilities providing level I trauma care service—Basic resources and capabilities. A facility with a designated level I trauma care service shall have:

(1) An emergency department with:

(a) A physician director who:

(i)(A) Is board-certified in emergency medicine, surgery or other relevant specialty; or

(B) Has documented experience as director of an emergency department which has been previously recognized as a level I trauma center either by a regional entity or as verified by the Committee on Trauma of the American College of Surgeons;

(ii) Is ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine; and

(iii) ~~((Is PALS or approved equivalent trained))~~ Has completed the pediatric education requirement (PER) as defined in WAC 246-976-886, except that this requirement shall not apply to a physician board-certified in pediatric emergency medicine.

(b) Physicians who:

(i) Are board-certified in emergency medicine, or board-certified in a specialty and practicing emergency medicine as their primary practice with special competence in care of trauma patients; (this requirement may be met by a surgical resident post graduate year two who is ATLS, and ACLS trained, has completed the PER as defined in WAC 246-976-886, and ~~((PALS or approved equivalent trained,))~~ is working under the direct supervision of the attending emergency physician, until the arrival of the surgeon to assume leadership of the trauma team);

(ii) Are available within five minutes of patient's arrival in the emergency department;

(iii) Are ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine;

(iv) ~~((Are PALS or approved equivalent trained))~~ Have completed the PER as defined in WAC 246-976-886, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine; and

(v) Are designated as members of the trauma team;

(c) Registered nurses who:

(i) Are ACLS trained;

(ii) ~~((Are PALS or approved equivalent trained;))~~ Have completed the PER as defined in WAC 246-976-886;

(iii) Have successfully completed a trauma life support course as defined in WAC 246-976-885; and

(iv) Are in the emergency department and available within five minutes of patient's arrival in the emergency department;

(d) An area designated for adult and pediatric resuscitation, with equipment for resuscitation and life support of pediatric and adult trauma patients, including equipment described in WAC 246-976-620;

(e) Routine radiological capabilities by a technician available within five minutes of notification of team activation.

(2) A surgery department including:

(a) An attending general surgeon available within five minutes of notification of team activation, except as provided in (b) of this subsection. The attending surgeon shall:

(i) Provide trauma team leadership upon arrival in the resuscitation area;

(ii) Be board-certified;

(iii) Have trauma surgery privileges as delineated by the medical staff;

(b) A ~~((post-graduate))~~ postgraduate year four or above surgical resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending surgeon. In this case the attending surgeon shall be available within twenty minutes of notification of team activation.

(c) All general surgeons and surgical residents who are responsible for care and treatment of trauma patients shall ~~((be trained in))~~:

(i) Be trained in ATLS and ACLS, except this requirement shall not apply to a physician board-certified in surgery; and

(ii) ~~((PALS or approved equivalent;))~~ Have completed the PER as defined in WAC 246-976-886.

(3) An operating room available within five minutes of notification of team activation, with:

(a) A registered nurse or designee of the operating room staff who is available within five minutes of notification of team activation to open the operating room, and to coordinate responsibilities to ensure the operating room is ready for surgery upon arrival of the patient, the surgeon, and the anesthesiologist;

(b) A written policy providing for mobilization of additional surgical teams for trauma patients; and

(c) Instruments and equipment appropriate for pediatric and adult surgery, including equipment described in WAC 246-976-620.

(4) A post anesthetic recovery unit with:

(a) Essential personnel, including at least one registered nurse available twenty-four hours a day;

(b) Nurses ACLS trained;

(c) Nurses ~~((PALS or approved equivalent trained))~~ who have completed the PER as defined in WAC 246-976-886; and

(d) Appropriate monitoring and resuscitation equipment.

(5) A critical care service with:

(a) A medical director of the surgical critical care unit who is:

(i) Board-certified in surgery with special competence in critical care;

(ii) ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in surgery;

(iii) Responsible for coordinating with the attending staff for the care of trauma patients, including:

(A) Development and implementation of policies;

(B) Coordination of medical care;

(C) Determination of patient isolation;

(D) Authority for patient placement decisions;

(E) Equipment;

(F) Coordination of staff education;

(G) Coordination of statistics;

(H) Identification of criteria for reviewing quality of care on all critical care unit trauma patients, in conjunction with the trauma service medical director;

(b) A physician with special competence in critical care available in the critical care unit within five minutes of notification;

(c) A physician directed code team;

(d) Critical care unit registered nurses with special competence in trauma care, who:

- (i) Are ACLS trained; and
- (ii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;
- (e) If the facility is not designated as a pediatric trauma care service, have a written transfer agreement and guidelines for pediatric trauma patients;
- (f) Equipment as described in WAC 246-976-620.
- (6) Respiratory therapy available within five minutes of notification.
- (7) A clinical laboratory technologist available within five minutes of notification;
- (8) Clinical laboratory services, including:
 - (a) Standard analysis of blood, urine, and other body fluids;
 - (b) Coagulation studies;
 - (c) Blood gases and pH determination;
 - (d) Serum and urine osmolality;
 - (e) Microbiology;
 - (f) Serum alcohol and toxicology determination;
 - (g) Drug screening; and
 - (h) Microtechnique.
- (9) Blood and blood-component services, including:
 - (a) Blood and blood components available from in-house or through community services, to meet patient needs;
 - (b) Noncrossmatched blood available on patient arrival in the emergency department;
 - (c) Blood typing and cross-matching;
 - (d) Policies and procedures for massive transfusion;
 - (e) Autotransfusion; and
 - (f) Blood storage capability.
- (10) Radiological services, including:
 - (a) A technician available within five minutes of notification, able to perform the following:
 - (i) Computerized tomography; and
 - (ii) Routine radiological capabilities;
 - (b) A technician on-call and available within twenty minutes of notification, able to perform the following:
 - (i) Angiography of all types;
 - (ii) Sonography; and
 - (iii) Nuclear scanning.
- (11) Acute dialysis capability, or written transfer agreements.
- (12)(a) A physician-directed burn unit staffed by nursing personnel trained in burn care; and is equipped to care for extensively burned patients; or
- (b) Written transfer guidelines in accordance with the guidelines of the American Burn Association, and transfer agreements for burn care.
- (13) The ability to manage acute head and/or spinal cord injuries. Early transfer to an appropriate designated trauma rehabilitation service shall be considered.
- (14) A trauma rehabilitation coordinator to facilitate the trauma patient's access to rehabilitation services.
- (15)(a) A designated trauma rehabilitation service; or
- (b) Written agreements to transfer patients to a designated trauma rehabilitation service when medically feasible.
- (16) A heli-stop, landing zone, or airport located close enough to permit the facility to receive or transfer patients by fixed-wing or rotary-wing aircraft.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-550 Designation standards for facilities providing level II trauma care service—Administration and organization. A facility with a designated level II trauma care service shall have:

(1)(a) Organization and direction by a general surgeon with special competence in care of the injured. The service may have as codirector another physician with special competence in care of the injured;

(b) Ongoing coordination of the trauma care service by a registered nurse with special competence in care of the injured;

(c) A multidisciplinary trauma committee chaired by the trauma service director, with input to hospital management, including:

(i) An emergency physician;

(ii) An emergency department registered nurse;

(iii) A general surgeon with special competence in trauma care;

(iv) A neurosurgeon;

(v) An orthopaedic surgeon;

(vi) A pediatrician;

(vii) An anesthesiologist;

(viii) The physician director of the critical care service;

(ix) The trauma care service nurse coordinator;

(x) A critical care registered nurse; and

(xi) The trauma rehabilitation coordinator;

(d) The multidisciplinary trauma committee shall adopt an approved method to determine activation of the trauma team, as described in WAC 246-976-870;

(e) A trauma team to provide initial evaluation, resuscitation and treatment.

(i) The team shall be organized and directed by a general surgeon with special competence in care of the injured, and who assumes responsibility for coordination of overall care of the trauma patient;

(ii) All members of the team, except the surgeon and anesthesiologist, shall be available within five minutes of notification of team activation;

(iii) The team shall include:

(A) An emergency physician who is:

(I) Responsible for activating the team, using an approved method as defined in WAC 246-976-870; and

(II) Responsible for providing team leadership and care for the trauma patient until the arrival of the general surgeon in the resuscitation area;

(B) A general surgeon on-call and available within twenty minutes of notification of team activation, who shall assume responsibility for patient care upon arrival in the resuscitation area;

(iv) The trauma care service shall identify all other members of the team;

(f) Specific delineation of trauma surgery privileges by the medical staff.

(2) An emergency department with written standards of care to ensure immediate and appropriate care for adult and pediatric trauma patients.

(3) A surgery department, including:

(a) General surgery;

(b) A neurosurgical service. Coverage shall be available within five minutes of notification of team activation. In-house coverage shall be provided by:

(i) A neurosurgeon; or

(ii) A surgeon or other physician who has been judged competent by the neurosurgical consultants on staff to initiate measures to stabilize the patient, and to initiate diagnostic procedures; with a surgeon with neurosurgical privileges on-call and available within thirty minutes of notification of team activation;

(c) The following surgical services on-call and available within thirty minutes of request by the trauma team leader:

(i) Gynecologic surgery;

(ii) Hand surgery;

(iii) Obstetric surgery;

(iv) Ophthalmic surgery;

(v) Oral/maxillofacial or otorhinolaryngologic surgery;

(vi) Orthopaedic surgery;

(vii) Plastic surgery;

(viii) Thoracic surgery;

(ix) Urologic surgery; and

(x) Vascular surgery.

(4) Nonsurgical specialties, including:

(a) Anesthesiology, with an anesthesiologist who ((is)):

(i) Is ACLS trained, except this requirement shall not apply to a physician board-certified in anesthesiology;

(ii) ~~((PALS or approved equivalent trained; and))~~ Has completed the pediatric education requirement (PER) as defined in WAC 246-976-886; and

(iii) Is on-call and available within twenty minutes of notification of team activation;

(b) A radiologist on-call and available for patient service within twenty minutes of notification of team activation; and

(c) The following services on-call and available for patient consultation or management:

(i) Cardiology;

(ii) Gastroenterology;

(iii) Hematology;

(iv) Infectious disease specialists;

(v) Internal medicine;

(vi) Nephrology;

(vii) Neurology;

(viii) Pathology;

(ix) Pediatrics; and

(x) Pulmonology.

(5) Written policy and procedures for access to ancillary services, including:

(a) Chemical dependency services;

(b) Child and adult protection services;

(c) Clergy or pastoral care;

(d) Nutritionist services;

(e) Occupational therapy services;

(f) Pharmacy;

(g) Physical therapy services;

(h) Rehabilitation services;

(i) Social services; and

(j) Speech therapy services.

(6) A pediatric trauma policy that:

(a) Provides for initial stabilization and resuscitation of pediatric trauma patients, including emergency department and surgical interventions; and

(b) If the facility is not designated as a pediatric trauma care service, identifies and establishes its scope of pediatric trauma care, including but not limited to:

(i) Criteria for admission of pediatric patients;

(ii) Written transfer guidelines and agreements for pediatric trauma patients requiring critical care services.

(7) A written policy and procedures to divert patients to other designated trauma care services. The policy shall be based on criteria which reflect the service's ability to resuscitate and stabilize each patient at a particular time.

(8) A trauma registry as required in WAC 246-976-430.

(9) A quality assurance program in accordance with WAC 246-976-880; and cooperate with regional trauma care quality assurance programs throughout the state established pursuant to WAC 246-976-910.

(10) Interfacility transfer guidelines and agreements consistent with WAC 246-976-890.

AMENDATORY SECTION (Amending WSR 98-19-107, filed 9/23/98, effective 10/24/98)

WAC 246-976-560 Designation standards for facilities providing level II trauma care service—Basic resources and capabilities. A facility with a designated level II trauma care service shall have:

(1) An emergency department, with:

(a) A physician director who ((is)):

(i) Is board-certified in emergency medicine or other relevant specialty;

(ii) Is ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine; and

(iii) ~~((PALS or approved equivalent trained))~~ Has completed the pediatric education requirement (PER) as defined in WAC 246-976-886, except that this requirement shall not apply to a physician board-certified in pediatric emergency medicine.

(b) Physicians who:

(i) Are board-certified in emergency medicine, or board-certified in a specialty and practicing emergency medicine as their primary practice with special competence in care of trauma patients;

(ii) Are available within five minutes of patient's arrival in the emergency department;

(iii) Are ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine;

(iv) ~~((Are PALS or approved equivalent trained))~~ Have completed the PER as defined in WAC 246-976-886, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine; and

(v) Are designated as members of the trauma team;

(c) Registered nurses who:

(i) Are ACLS trained;

(ii) ~~((Are PALS or approved equivalent trained;))~~ Have completed the PER as defined in WAC 246-976-886;

(iii) Have successfully completed a trauma life support course as defined in WAC 246-976-885; and

(iv) Are in the emergency department and available within five minutes of patient's arrival in the emergency department;

(d) An area designated for adult and pediatric resuscitation, with equipment for resuscitation and life support of pediatric and adult trauma patients, including equipment as described in WAC 246-976-620;

(e) Routine radiological capabilities by a technician available within five minutes of notification of team activation.

(2) A surgery department, including:

(a) An attending general surgeon on-call and available within twenty minutes of notification of team activation. The attending surgeon shall:

(i) Provide trauma team leadership upon arrival in the resuscitation area;

(ii) Be board-certified;

(iii) Have trauma surgery privileges as delineated by the medical staff; or

(b) A ~~((post-graduate))~~ postgraduate year four or above surgical resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending surgeon. The attending surgeon shall be available within twenty minutes upon notification of team activation. The resident shall have ATLS training and ((PALS or approved equivalent training)) have completed the PER as defined in WAC 246-976-886;

(c) All general surgeons who are responsible for care and treatment of trauma patients shall ~~((be trained in))~~:

(i) Be trained in ATLS and ACLS, except this requirement shall not apply to a physician board-certified in surgery; and

(ii) ~~((PALS or approved equivalent.))~~ Have completed the PER as defined in WAC 246-976-886.

(3) An operating room available within five minutes of notification of team activation, with:

(a) A registered nurse or designee of the operating room staff who is available within five minutes of notification of team activation to open the operating room, and to coordinate responsibilities to ensure the operating room is ready for surgery upon arrival of the patient, the surgeon, and the anesthesiologist;

(b) Other essential personnel on-call and available within twenty minutes of notification of team activation;

(c) A written policy providing for mobilization of additional surgical teams for trauma patients; and

(d) Instruments and equipment appropriate for pediatric and adult surgery, including equipment as described in WAC 246-976-620.

(4) A post anesthetic recovery unit with:

(a) Essential personnel, including at least one registered nurse, on-call and available twenty-four hours a day;

(b) Nurses ACLS trained;

(c) Nurses ~~((PALS or approved equivalent trained; and))~~ who have completed the PER as defined in WAC 246-976-886; and

(d) Appropriate monitoring and resuscitation equipment.

(5) A critical care service, with:

(a) A medical director who is:

(i) Board-certified in surgery, internal medicine, or anesthesiology, with special competence in critical care; and

(ii) Responsible for coordinating with the attending staff for the care of trauma patients, including:

(A) Development and implementation of policies;

(B) Coordination of medical care;

(C) Determination of patient isolation;

(D) Authority for patient placement decisions;

(E) Equipment;

(F) Coordination of staff education;

(G) Coordination of statistics;

(H) Identification of criteria for reviewing quality of care on all critical care unit trauma patients, in conjunction with the trauma service medical director;

(b) A physician available in the critical care unit within five minutes of notification;

(c) A physician directed code team;

(d) Critical care unit registered nurses with special competence in trauma care, who:

(i) Are ACLS trained;

(ii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;

(e) If the facility is not designated as a pediatric trauma care service, have a written transfer agreement and guidelines for pediatric trauma patients;

(f) Equipment as described in WAC 246-976-620.

(6) Respiratory therapy available within five minutes of notification.

(7) A clinical laboratory technologist available within five minutes of notification.

(8) Clinical laboratory services, including:

(a) Standard analysis of blood, urine, and other body fluids;

(b) Coagulation studies;

(c) Blood gases and pH determination;

(d) Serum and urine osmolality;

(e) Microbiology;

(f) Serum alcohol and toxicology determination;

(g) Drug screening; and

(h) Microtechnique.

(9) Blood and blood-component services, including:

(a) Blood and blood components available from in-house or through community services, to meet patient needs;

(b) Noncrossmatched blood available on patient arrival in emergency department;

(c) Blood typing and cross-matching;

(d) Policies and procedures for massive transfusion;

(e) Autotransfusion; and

(f) Blood storage capability.

(10) Radiological services, including:

(a) A technician available within five minutes of notification, able to perform routine radiological procedures;

(b) A technician on-call and available within twenty minutes of notification, able to perform the following:

(i) Computerized tomography;

(ii) Angiography of all types; and

(iii) Sonography.

(11) Acute dialysis capability, or written transfer agreements.

(12)(a) A physician-directed burn unit staffed by nursing personnel trained in burn care; and equipped to care for extensively burned patients; or

(b) Written transfer guidelines in accordance with the guidelines of the American Burn Association, and transfer agreements for burn care.

(13)(a) The ability to manage acute head and/or spinal cord injuries or;

(b) Have written transfer guidelines and agreements for head and spinal cord injuries.

(c) Early transfer to an appropriate designated trauma rehabilitation service shall be considered.

(14) A trauma rehabilitation coordinator to facilitate the trauma patient's access to rehabilitation services.

(15)(a) A designated trauma rehabilitation service; or

(b) Written agreements to transfer patients to a designated trauma rehabilitation service when medically feasible.

(16) A heli-stop, landing zone, or airport located close enough to permit the facility to receive or transfer patients by fixed-wing or rotary-wing aircraft.

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

WAC 246-976-600 Designation standards for facilities providing level III trauma care service—Administration and organization. A facility with a designated level III trauma care service shall have:

(1)(a) Organization and direction by a general surgeon or other physician with special competence in care of the injured. The service may have as codirector another physician with special competence in care of the injured;

(b) Ongoing coordination of the trauma care service by a registered nurse with special competence in care of the injured;

(c) A multidisciplinary trauma committee chaired by the trauma service director, with input to hospital management, including:

(i) An emergency physician;

(ii) An emergency department registered nurse;

(iii) A general surgeon with special competence in trauma care;

(iv) An orthopaedic surgeon;

(v) A pediatrician;

(vi) An anesthesiologist;

(vii) The physician director of the critical care service;

(viii) The trauma care service nurse coordinator;

(ix) A critical care registered nurse; and

(x) The trauma rehabilitation coordinator.

(d) The multidisciplinary trauma committee shall adopt an approved method to determine activation of the trauma team, as described in WAC 246-976-870.

(e) A trauma team to provide initial evaluation, resuscitation and treatment.

(i) The team shall be organized and directed by a general surgeon with special competence in care of the injured, and who assumes responsibility for coordination of overall care of the trauma patient;

(ii) All members of the team, except the surgeon and anesthesiologist or CRNA (if a member of the team), shall be available within five minutes of notification of team activation;

(iii) The team shall include:

(A) An emergency physician who is:

(I) Responsible for activating the trauma team, using an approved method as defined in WAC 246-976-870; and

(II) Responsible for providing team leadership and care for the trauma patient until the arrival of the general surgeon in the resuscitation area;

(B) A general surgeon on-call and available within thirty minutes of notification of team activation, who shall assume responsibility for patient care upon arrival in the resuscitation area;

(iv) The trauma care service shall identify all other members of the team.

(f) Specific delineation of trauma surgery privileges by the medical staff.

(2) An emergency department with written standards of care to ensure immediate and appropriate care for adult and pediatric trauma patients.

(3) A surgery department, including:

(a) General surgery;

(b)(i) Written transfer guidelines and agreements for head and spinal cord injuries; or

(ii) Neurosurgery, with a neurosurgeon on-call and available within thirty minutes of notification of team activation.

(c)(i) Have written transfer guidelines and procedures for patients requiring orthopaedic surgery; or

(ii) Orthopaedic surgery, with an orthopaedic surgeon on-call and available within thirty-minutes of request by the trauma team leader.

(4) Nonsurgical specialties, including:

(a) Anesthesiology, with an anesthesiologist or certified registered nurse anesthetist who ((~~is~~)):

(i) Is ACLS trained, except this requirement shall not apply to a physician board-certified in anesthesiology;

(ii) ~~((PALS or approved equivalent trained;))~~ Has completed the pediatric education requirement (PER) as defined in WAC 246-976-886;

(iii) Is on-call and available within thirty minutes of notification of team activation;

(b) A radiologist on-call and available for patient service within thirty minutes of notification of team activation.

(c) The following services on-call and available for patient consultation or management:

(i) Internal medicine; and

(ii) General pediatrics, with board-certified pediatricians available for pediatric patient consultation or management.

(5) Written policy and procedures for access to ancillary services, including:

(a) Chemical dependency services;

(b) Child and adult protection services;

(c) Clergy or pastoral care;

(d) Nutritionist services;

(e) Occupational therapy services;

(f) Pharmacy services;

(g) Physical therapy services;

(h) Rehabilitation services;

- (i) Social services.
- (6) A pediatric trauma policy that:
 - (a) Provides for initial stabilization and resuscitation of pediatric trauma patients including emergency department and surgical interventions; and
 - (b) If the facility is not designated as a pediatric trauma care service, identifies and establishes its scope of pediatric trauma care, including but not limited to:
 - (i) Criteria for admission of pediatric patients;
 - (ii) Written transfer guidelines and agreements for pediatric trauma patients requiring critical care services.
 - (7) A written policy and procedure to divert patients to other designated trauma care services. The policy shall be based on criteria which reflect the service's ability to resuscitate and stabilize each patient at a particular time.
 - (8) A trauma registry as required in WAC 246-976-430.
 - (9) A quality assurance program in accordance with WAC 246-976-880; and cooperate with regional trauma care quality assurance programs throughout the state established pursuant to WAC 246-976-910.
 - (10) Interfacility transfer guidelines and agreements consistent with WAC 246-976-890.

AMENDATORY SECTION (Amending WSR 98-19-107, filed 9/23/98, effective 10/24/98)

WAC 246-976-610 Designation standards for facilities providing level III trauma care service—Basic resources and capabilities. A facility with a designated level III trauma care service shall have:

- (1) An emergency department with:
 - (a) A physician director who ~~((is))~~:
 - (i) Is board-certified in emergency medicine, or other relevant specialty;
 - (ii) Is ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine;
 - (iii) ~~((PALS or approved equivalent training))~~ Has completed the pediatric education requirement (PER) as defined in WAC 246-976-886, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine.
 - (b) Physicians who:
 - (i) Have special competence in the resuscitation and care of trauma patients;
 - (ii) Are available within five minutes of patient's arrival in the emergency department;
 - (iii) Are ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine;
 - (iv) ~~((Are PALS or approved equivalent trained))~~ Have completed the PER as defined in WAC 246-976-886, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine; and
 - (v) Are designated as members of the trauma team;
 - (c) Registered nurses who:
 - (i) Are ACLS trained;
 - (ii) ~~((Are PALS or approved equivalent trained))~~ Have completed the PER as defined in WAC 246-976-886;

- (iii) Have successfully completed a trauma life support course as defined in WAC 246-976-885; and
- (iv) Are in the emergency department and available within five minutes of patient's arrival in the emergency department;
- (d) An area designated for adult and pediatric resuscitation, with equipment for resuscitation and life support of pediatric and adult trauma patients, including equipment as described in WAC 246-976-620.
- (e) Routine radiological capabilities by a technician available within twenty minutes of notification of team activation.
- (2) A surgery department, including an attending general surgeon who:
 - (a) Is on-call and available within thirty minutes of notification of team activation;
 - (b) Has general surgery privileges;
 - (c) Has ATLS and ACLS training, except this requirement shall not apply to a physician board-certified in surgery; and
 - (d) ~~((Has PALS or approved equivalent training))~~ Has completed the PER as defined in WAC 246-976-886.
 - (3) An operating room available within five minutes of notification of team activation, with:
 - (a) A registered nurse or designee of the operating room staff who is available within five minutes of notification of team activation to open the operating room, and to coordinate responsibilities to ensure the operating room is ready for surgery upon arrival of the patient, the surgeon, and the anesthesiologist;
 - (b) Other essential personnel on-call and available within thirty minutes of notification of team activation;
 - (c) A written policy providing for mobilization of additional surgical teams for trauma patients; and
 - (d) Instruments and equipment appropriate for pediatric and adult surgery, including equipment as described in WAC 246-976-620.
 - (4) A post anesthetic recovery unit with:
 - (a) Essential personnel on-call and available twenty-four hours a day;
 - (b) Nurses ACLS trained;
 - (c) Nurses ~~((PALS or approved equivalent trained; and))~~ who have completed the PER as defined in WAC 246-976-886; and
 - (d) Appropriate monitoring and resuscitation equipment.
 - (5) A critical care service, with:
 - (a) A medical director who is:
 - (i) Board-certified in surgery, internal medicine, or anesthesiology, with special competence in critical care;
 - (ii) Responsible for coordinating with the attending staff for the care of trauma patients, including:
 - (A) Development and implementation of policies;
 - (B) Coordination of medical care;
 - (C) Determination of patient isolation;
 - (D) Authority for patient placement decisions;
 - (E) Equipment;
 - (F) Coordination of staff education;
 - (G) Coordination of statistics;

(H) Identification of criteria for reviewing quality of care on all critical care unit trauma patients, in conjunction with the trauma service medical director;

(b) A physician-directed code team;

(c) Critical care unit registered nurses with special competence in trauma care, who:

(i) Are ACLS trained; and

(ii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;

(d) If the facility is not designated as a pediatric trauma care service, have a written transfer agreement and guidelines for pediatric trauma patients requiring critical care services;

(e) Equipment as described in WAC 246-976-620.

(6) Respiratory therapy on-call and available within thirty minutes of notification.

(7) A clinical laboratory technologist available within twenty minutes of notification.

(8) Clinical laboratory services, including:

(a) Standard analysis of blood, urine, and other body fluids;

(b) Coagulation studies;

(c) Blood gases and pH determination;

(d) Microbiology;

(e) Serum alcohol and toxicology determination; and

(f) Microtechnique.

(9) Blood and blood-component services, including:

(a) Blood and blood components available from in-house or through community services, to meet patient needs;

(b) Noncrossmatched blood available on patient arrival in emergency department;

(c) Blood typing and cross-matching;

(d) Policies and procedures for massive transfusion;

(e) Autotransfusion; and

(f) Blood storage capability.

(10) Radiological services with a technician on-call and available within twenty minutes of notification, able to perform:

(a) Routine radiological procedures; and

(b) Computerized tomography.

(11) Acute dialysis capability, or written transfer agreements.

(12) Ability to resuscitate and stabilize burn patients, and have written transfer guidelines in accordance with the guidelines of the American Burn Association, and transfer agreements for burn care.

(13) Ability to resuscitate and stabilize head and spinal cord injuries, and have:

(a) Written transfer guidelines and agreements for patients with head or spinal cord injuries; or

(b) Neurosurgery, with a neurosurgeon on-call and available within thirty minutes of request by the trauma team leader.

(c) Early transfer to an appropriate designated trauma rehabilitation service shall be considered.

(14) A trauma rehabilitation coordinator to facilitate the trauma patient's access to rehabilitation services.

(15)(a) A designated trauma rehabilitation service; or

(b) Written agreements to transfer patients to a designated trauma rehabilitation service when medically feasible.

(16)(a) A heli-stop, landing zone, or airport located close enough to permit the facility to receive or transport patients by fixed-wing or rotary-wing aircraft; or

(b) A written policy and procedures addressing the receipt of patients by air, and transfer of patients to other designated trauma services by ground or air.

AMENDATORY SECTION (Amending WSR 98-19-107, filed 9/23/98, effective 10/24/98)

WAC 246-976-650 Designation standards for facilities providing level IV trauma care services—Basic resources and capabilities. A facility with a designated level IV trauma care service shall have:

(1) An emergency department with:

(a) A physician with special competence in resuscitation, care and treatment of trauma patients, who ((§)):

(i) Is on-call and available within twenty minutes of notification;

(ii) Is responsible for activating trauma-response personnel;

(iii) Is ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine; and

(iv) (~~(PALS or approved equivalent trained)~~) Has completed the pediatric education requirement (PER) as defined in WAC 246-976-886, except this requirement shall not apply to a physician board-certified in emergency medicine or pediatric emergency medicine;

(b) A registered nurse in-house and available within five minutes of notification, who:

(i) Is ACLS trained;

(ii) Has successfully completed a trauma life support course as defined in WAC 246-976-885; and

(iii) (~~(Is PALS or approved equivalent trained;)~~) Has completed the PER as defined in WAC 246-976-886;

(c) Basic emergency services including:

(i) Assessment of the patient's condition;

(ii) Determination of the nature and urgency of the patient's medical need, including the timing and place of care; and

(iii) Diagnosis and treatment of any life threatening condition, including procedures to minimize aggravation of the patient's condition during transport to another designated trauma care service;

(d) Equipment available for resuscitation and life support of adult and pediatric trauma patients, including:

(i) Airway control and ventilation equipment including:

(A) Airways, neonatal to adult;

(B) Laryngoscope, including curved and straight blades, sizes 0-4;

(C) Endotracheal tubes sizes 2.5 to 8.0, with stylets;

(D) Bag-valve-mask resuscitator sizes neonatal, child and adult;

(E) Sources of oxygen;

(F) Pulse oximeter with infant, child and adult probes; and

(G) Suction devices;

(ii) Cardiac monitoring devices, including:

- (A) Electrocardiograph;
- (B) Cardiac monitor;
- (C) Defibrillator with pediatric paddles;
- (iii) Standard intravenous fluids and administering devices, including:
 - (A) Intravenous catheters, size 24g to 14g;
 - (B) Intraosseous needles;
 - (C) Infusion control device;
 - (iv) Gastric lavage equipment;
 - (v) Drugs and supplies necessary for adult and pediatric emergency care;
 - (vi) Medication chart, tape, or other system to assure ready access to information on proper dose-per-kilogram for resuscitation drugs and equipment sizes for pediatric patients;
 - (vii) Immobilization devices, including:
 - (A) Cervical injury immobilization devices, adult and pediatric sizes;
 - (B) Long-bone stabilization device; and
 - (C) Backboard;
 - (viii) Ability to provide thermal control equipment for:
 - (A) Patient warming and cooling;
 - (B) Blood warming and cooling;
 - (ix) Other equipment:
 - (A) Sterile surgical sets for procedures standard for emergency department;
 - (B) Two-way radio linked with EMS/TC vehicles;
 - (e) Routine radiological capabilities by a technician available within twenty minutes of notification of activation of trauma response personnel.
- (2) If the service's scope of trauma care defined under WAC 246-976-640(2) includes surgery and/or critical care capabilities, it shall have:
 - (a) Staff, including:
 - (i) A physician on-call and available within thirty minutes of notification of activation of trauma response personnel, who:
 - (A) Has specific delineation of surgical privileges by the medical staff for resuscitation, stabilization and treatment of major trauma patients;
 - (B) ~~((Is PALS or approved equivalent trained;~~
 - ~~(C))~~ Is ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in surgery; and
 - ~~((D))~~ (C) Is responsible for coordinating care and transfer of trauma patients;
 - (ii) Anesthesiology, with an anesthesiologist or certified registered nurse anesthetist, who:
 - (A) Has ACLS training, except this requirement shall not apply to a physician board-certified in anesthesiology; and
 - (B) ~~((Has PALS or approved equivalent training; and~~
 - ~~(C))~~ Is on-call and available within thirty minutes of notification of activation of trauma response personnel;
 - (b) An operating room with a registered nurse or designee of the operating room staff who is available within five minutes of notification of activation of trauma response personnel, to open the operating room, and to coordinate responsibilities to ensure the operating room is ready for surgery upon arrival of the patient, the surgeon, and the anesthesiologist;

- (c) Other essential personnel on-call and available within thirty minutes of notification;
- (d) The operating room shall have available:
 - (i) Ability to provide thermal control equipment for:
 - (A) Patient warming;
 - (B) Blood and fluid warming;
 - (ii) Radiological capabilities;
 - (iii) Ability to provide endoscopes appropriate to trauma resuscitation; and
 - (iv) Monitoring equipment;
 - (e) Post anesthetic recovery services, with:
 - (i) Essential personnel on-call and available twenty-four hours every day;
 - (ii) Nurses ACLS trained;
 - (iii) Appropriate monitoring and resuscitation equipment;
 - (3)(a) A critical care unit which meets requirements for a designated level III trauma service as described in WAC 246-976-610; or
 - (b) Written transfer guidelines and agreements with designated trauma care services for patients requiring critical care;
 - (4) Clinical laboratory services available, for:
 - (a) Standard analysis of blood, urine, and other body fluids;
 - (b) Blood gases and pH determination;
 - (5) Blood and blood-component services, including:
 - (a) Blood and blood components available in-house or through community services, to meet patient needs in a timely fashion;
 - (b) Policies and procedures for massive transfusions; and
 - (c) Blood storage capability;
 - (6) Acute dialysis capabilities, or have written transfer guidelines and agreements for dialysis service;
 - (7) Ability to resuscitate and stabilize burn patients; and have written transfer guidelines in accordance with the guidelines of the American Burn Association, and agreements for burn care;
 - (8) Ability to resuscitate and stabilize acute head and/or spinal cord injuries; and
 - (a) Written transfer guidelines and agreements for patients with head or spinal cord injuries; or
 - (b) Have neurosurgery, with a neurosurgeon on-call and available within thirty minutes of request by the emergency department physician; or
 - (c) Early transfer to an appropriate designated trauma rehabilitation facility shall be considered;
 - (9) A qualified person assigned to coordinate trauma rehabilitation activities and referrals;
 - (10) A written plan addressing receipt and transfer of patients by fixed-wing and rotary-wing aircraft.

AMENDATORY SECTION (Amending WSR 98-19-107, filed 9/23/98, effective 10/24/98)

WAC 246-976-720 Designation standards for facilities providing level I pediatric trauma care service—Administration and organization. A facility with a designated level I pediatric trauma care service shall have:

(1)(a) Organization and direction by a general surgeon with special competence in care of the injured child. The service may have as codirector another physician or general surgeon with special competence in care of the injured child;

(b) Ongoing coordination of the trauma care service by a registered nurse with special competence in care of the injured child;

(c) A multidisciplinary trauma committee chaired by the trauma service director, with input to hospital management, including:

- (i) A pediatric emergency physician;
- (ii) An emergency department registered nurse;
- (iii) A pediatric surgeon or general surgeon with special competence in pediatric trauma care;
- (iv) A neurosurgeon;
- (v) An orthopaedic surgeon;
- (vi) An anesthesiologist;
- (vii) The physician director of pediatric critical care service;
- (viii) A pediatrician with special competence in critical care;
- (ix) The pediatric trauma care service nurse coordinator;
- (x) A pediatric critical care registered nurse;
- (xi) A pediatric intensivist; and
- (xii) The trauma rehabilitation coordinator;

(d) The multidisciplinary trauma committee shall adopt an approved method to determine activation of the trauma team, as described in WAC 246-976-870;

(e) A trauma team to provide initial evaluation, resuscitation and treatment.

(i) The team shall be organized and directed by a pediatric surgeon or general surgeon with special competence in care of the injured child, and who assumes responsibility for coordination of overall care of the pediatric trauma patient. The surgeon shall be at least a PGY4.

(ii) All members of the team, including the surgeon, shall be available within five minutes of notification of team activation.

(iii) The team shall include an emergency physician with special competence in pediatric care, who is:

(A) Responsible for activating the trauma team, using an approved method as defined in WAC 246-976-870; and

(B) Responsible for providing team leadership and care for the pediatric trauma patient until the arrival of the general surgeon with special competence in pediatric care in the resuscitation area.

(iv) The trauma care service shall identify all other members of the team.

(v) The team shall work in conjunction with a pediatric intensivist or pediatric emergency physician.

(f) Specific delineation of pediatric trauma surgery privileges by the medical staff.

(2) An emergency department with written standards of care to ensure immediate and appropriate care for pediatric trauma patients.

(3) A surgery department, including:

(a) General surgery with special competence in care of the pediatric trauma patient;

(b) A neurosurgical service. Coverage shall be available within five minutes of notification of team activation, provided by:

(i) A neurosurgeon; or

(ii) A surgeon who has been judged competent by the neurosurgical consultants on staff to initiate measures to stabilize the pediatric patient, and to initiate diagnostic procedures, with a board-certified neurosurgeon on call and available within thirty minutes of notification of team activation.

(c) The following surgical services on-call and available within thirty minutes of request by the trauma team leader:

- (i) Cardiac surgery;
- (ii) Gynecologic surgery;
- (iii) Hand surgery;
- (iv) Microsurgery;
- (v) Obstetric surgery;
- (vi) Ophthalmic surgery;
- (vii) Oral/maxillofacial or otorhinolaryngologic surgery;
- (viii) Orthopaedic surgery;
- (ix) Pediatric surgery;
- (x) Plastic surgery;
- (xi) Thoracic surgery;
- (xii) Urologic surgery; and
- (xiii) Vascular surgery.

(4) Nonsurgical specialties with special competence in pediatric care, including:

(a) Anesthesiology, with an anesthesiologist who ((is)):

(i) Is ACLS trained, except this requirement shall not apply to a physician board-certified in anesthesiology;

(ii) ~~((PALS or approved equivalent trained; and))~~ Has completed the pediatric education requirement (PER) as defined in WAC 246-976-887; and

(iii) Available within five minutes of team activation;

(b) A radiologist on-call and available for patient service within twenty minutes of notification of team activation;

(c) The following services on-call and available for pediatric patient consultation or management:

- (i) Cardiology;
- (ii) Gastroenterology;
- (iii) General pediatrics;
- (iv) Hematology;
- (v) Infectious disease specialists;
- (vi) Nephrology;
- (vii) Pediatric neurology;
- (viii) Pathology;
- (ix) Pediatric critical care;
- (x) Pulmonology; and
- (xi) Psychiatry;

(5) Written policy and procedures for access to ancillary services specific for pediatric patients, including:

- (a) Chemical dependency services;
- (b) Child and adult protection services;
- (c) Clergy or pastoral care;
- (d) Nutritionist services;
- (e) Occupational therapy services;
- (f) Pediatric therapeutic recreation;
- (g) Pharmacy, with a pharmacist in-house;
- (h) Physical therapy services;
- (i) Psychological services;
- (j) Rehabilitation services;

- (k) Social services;
- (l) Speech therapy services;
- (6) A written policy and procedures to divert patients to other designated trauma care services. The policy shall be based on criteria which reflect the service's ability to resuscitate and stabilize each patient at a particular time.
- (7) A trauma registry as required in WAC 246-976-430;
- (8) A quality assurance program in accordance with WAC 246-976-881, and cooperate with regional trauma care quality assurance programs throughout the state established pursuant to WAC 246-976-910;
- (9) Interfacility transfer guidelines and agreements consistent with WAC 246-976-890.

AMENDATORY SECTION (Amending WSR 98-19-107, filed 9/23/98, effective 10/24/98)

WAC 246-976-730 Designation standards for facilities providing level I pediatric trauma care services—Resources and capabilities. A facility with a designated level I pediatric trauma care service shall have:

- (1) An emergency department with:
 - (a) A physician director who:
 - (i) Is board-certified in emergency medicine, pediatric emergency medicine, surgery or other relevant specialty; or
 - (ii) Has documented experience as director of an emergency department which has been previously recognized as a level I trauma center either by a regional entity or as verified by the Committee on Trauma of the American College of Surgeons;
 - (iii) Is ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine or in surgery; and
 - (iv) ~~((Is PALS or approved equivalent trained))~~ Has completed the pediatric education requirement (PER) as defined in WAC 246-976-887, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine;
 - (b) Emergency physicians who:
 - (i) Are board-certified in emergency medicine, or pediatric emergency medicine, or in a specialty practicing emergency medicine as their primary practice with special competence in care of pediatric trauma patients; (this requirement may be met by a surgical resident post graduate year two who is ATLS(~~(s)~~) and ACLS trained, ((and PALS or approved equivalent trained.)) has completed the PER as defined in WAC 246-976-887, and is working under the direct supervision of the attending emergency department physician, until the arrival of the surgeon to assume leadership of the trauma team);
 - (ii) Are available within five minutes of the patient's arrival in the emergency department;
 - (iii) Are ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine;
 - (iv) ~~((Are PALS or approved equivalent trained))~~ Have completed the PER as defined in WAC 246-976-887, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine; and

- (v) Are designated members of the trauma team;
- (c) Registered nurses who:
 - (i) ~~((Are PALS or approved equivalent trained;))~~ Have completed the PER as defined in WAC 246-976-887;
 - (ii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;
 - (iii) Are in the emergency department and available within five minutes of patient's arrival in the emergency department;
 - (d) An area designated for pediatric resuscitation, with equipment for resuscitation and life support of pediatric patients, including equipment as described in WAC 246-976-620;
 - (e) Routine radiological capabilities by a technician available within five minutes of notification of team activation;
- (2) A surgery department including:
 - (a) An attending pediatric surgeon or general surgeon with special competence in pediatric care who is available within five minutes of notification of team activation, except as provided in (b) of this subsection. The attending surgeon shall:
 - (i) Provide trauma team leadership upon arrival in the resuscitation area;
 - (ii) Be board-certified;
 - (iii) Have trauma surgery privileges as delineated by the medical staff;
 - (b) A ~~((post-graduate))~~ postgraduate year four or above surgical resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending surgeon. In this case, the attending surgeon shall be available within twenty minutes of notification of team activation.
 - (c) All general surgeons and surgical residents who are responsible for care and treatment of trauma patients shall ~~((be trained in))~~:
 - (i) Be trained in ATLS and ACLS, except this requirement shall not apply to a physician board-certified in surgery;
 - (ii) ~~((PALS or approved equivalent;))~~ Have completed the PER as defined in WAC 246-976-887;
 - (3) An operating room available within five minutes of notification of team activation, with:
 - (a) A registered nurse or designee of the operating room staff who is available within five minutes of team activation to open the operating room, and to coordinate responsibilities to ensure the operating room is ready for surgery upon arrival of the patient, the surgeon, and the anesthesiologist;
 - (b) A written policy providing for mobilization of additional surgical teams for pediatric trauma patients;
 - (c) Instruments and equipment appropriate for pediatric surgery, including equipment as described in WAC 246-976-620;
 - (4) A post-anesthetic recovery unit with:
 - (a) Essential personnel, including at least one registered nurse available twenty-four hours a day;
 - (b) Nurses ACLS trained;
 - (c) Nurses ~~((PALS or approved equivalent trained))~~ who have completed the PER as defined in WAC 246-976-887;
 - (d) Appropriate monitoring and resuscitation equipment.
 - (5) A pediatric critical care service, with:

- (a) A pediatric critical care unit, including patient isolation capacity;
- (b) A medical director or codirector who is board-certified in pediatrics, with sub-board certification in critical care, with responsibility for coordinating with the attending staff for the care of pediatric trauma patients, including:
- (i) Development and implementation of policies;
 - (ii) Coordination of medical care;
 - (iii) Determination of patient isolation;
 - (iv) Authority for patient placement decisions;
 - (v) Equipment;
 - (vi) Coordination of staff education;
 - (vii) Coordination of statistics; and
 - (viii) Identification of criteria for reviewing quality of care on all pediatric critical care unit trauma patients in conjunction with the trauma service medical director;
- (c) A physician with special competence in pediatric critical care available within five minutes of notification;
- (d) A physician-directed code team;
- (e) Pediatric critical care nursing with registered nurses who have:
- (i) Special competence in pediatric trauma care; and
 - (ii) ~~((Successfully completed PALS or approved equivalent training;))~~ Completed the PER as defined in WAC 246-976-887;
- (f) Equipment as described in WAC 246-976-620 and 246-976-825;
- (6) Respiratory therapy available within five minutes of notification;
- (7) A clinical laboratory technologist available within five minutes of notification;
- (8) Clinical laboratory services, including:
- (a) Standard analyses of blood, urine, and other body fluids;
 - (b) Coagulation studies;
 - (c) Blood gases and pH determination;
 - (d) Serum and urine osmolality;
 - (e) Microbiology;
 - (f) Serum alcohol and toxicology determination;
 - (g) Drug screening; and
 - (h) Microtechnique.
- (9) Blood and blood-component services, including:
- (a) Blood and blood components available from in-house or through community services, to meet patient needs;
 - (b) Noncrossmatched blood available on patient arrival in the emergency department;
 - (c) Blood typing and cross-matching;
 - (d) Policies and procedures for massive transfusion;
 - (e) Autotransfusions; and
 - (f) Blood storage capability;
- (10) A radiological service, including:
- (a) A technician available within five minutes of notification, able to perform the following:
 - (i) Routine radiological procedures; and
 - (ii) Computerized tomography;
 - (b) A technician on-call and available within twenty minutes of notification, able to perform the following:
 - (i) Angiography of all types;
 - (ii) Sonography;
 - (iii) Nuclear scanning;

(11) Acute dialysis capability, or written transfer agreements.

(12)(a) A physician-directed burn unit staffed by nursing personnel trained in burn care, and equipped to care for extensively burned pediatric patients; or

(b) Written transfer guidelines and agreements for burn care, in accordance with the guidelines of the American Burn Association.

(13) The ability to manage acute head and/or spinal cord injuries. Early transfer to an appropriate pediatric trauma rehabilitation service shall be considered.

(14) A trauma rehabilitation coordinator to facilitate the trauma patient's access to pediatric rehabilitation services.

(15)(a) A designated pediatric trauma rehabilitation service; or

(b) Written agreements to transfer patients to designated pediatric trauma rehabilitation services when medically feasible.

(16) Heli-stop, landing zone or airport located close enough to permit the facility to receive or transfer patients by fixed-wing or rotary-wing aircraft.

AMENDATORY SECTION (Amending WSR 98-19-107, filed 9/23/98, effective 10/24/98)

WAC 246-976-770 Designation standards for facilities providing level II pediatric trauma care service—Administration and organization. A facility with a designated level II pediatric trauma care service shall have:

(1)(a) Organization and direction by a general surgeon with special competence in care of the injured child. The service may have as codirector another physician with special competence in care of the injured child;

(b) Ongoing coordination of the trauma care service by a registered nurse with special competence in care of the injured child;

(c) A multidisciplinary trauma committee chaired by the trauma service director, with input to hospital management, including:

(i) An emergency physician with special competence in pediatric care;

(ii) An emergency department registered nurse;

(iii) A pediatric surgeon or general surgeon with special competence in pediatric trauma care;

(iv) A neurosurgeon;

(v) An orthopaedic surgeon;

(vi) An anesthesiologist;

(vii) The physician director of pediatric critical care service;

(viii) A pediatrician with special competence in critical care;

(ix) The pediatric trauma care service nurse coordinator;

(x) A pediatric critical care registered nurse;

(xi) Pediatric intensivist; and

- (xii) The trauma rehabilitation coordinator;

(d) The multidisciplinary trauma committee shall adopt an approved method to determine activation of the trauma team, as described in WAC 246-976-870;

(e) A trauma team to provide initial evaluation, resuscitation and treatment.

(i) The team shall be organized and directed by a pediatric surgeon or general surgeon with special competence in care of the injured child, and who assumes responsibility for coordination of overall care of the pediatric trauma patient.

(ii) The team shall work in conjunction with a pediatric intensivist or pediatric emergency physician.

(iii) All members of the team, except the surgeon and the anesthesiologist, shall be available within five minutes of notification of team activation.

(iv) The team shall include:

(A) An emergency physician with special competence in pediatric care, who is:

(I) Responsible for activating the trauma team, using an approved method as defined in WAC 246-976-870; and

(II) Responsible for providing team leadership and care for the pediatric trauma patient until the arrival of the general surgeon in the resuscitation area.

(B) A pediatric surgeon, or general surgeon with special competence in pediatric trauma surgery, on-call and available within twenty minutes of notification of team activation, who shall assume responsibility for patient care upon arrival in the resuscitation area;

(v) The trauma care service shall identify all other members of the team.

(f) Specific delineation of pediatric trauma surgery privileges by the medical staff.

(2) An emergency department with written standards of care to ensure immediate and appropriate care for pediatric trauma patients.

(3) A surgery department, including:

(a) General surgery, with special competence in care of the pediatric trauma patient;

(b) A neurosurgical service. Coverage shall be available within five minutes of notification of team activation. In-house coverage shall be provided by:

(i) A neurosurgeon; or

(ii) A surgeon or other physician who has been judged competent by the neurosurgical consultants on staff to initiate measures to stabilize the patient, and to initiate diagnostic procedures, with a neurosurgeon on-call and available within thirty minutes of notification of team activation;

(c) The following surgical services on-call and available within thirty minutes of request by the trauma team leader:

(i) Gynecologic surgery;

(ii) Hand surgery;

(iii) Obstetric surgery;

(iv) Ophthalmic surgery;

(v) Oral/maxillofacial or otorhinolaryngologic surgery;

(vi) Orthopaedic surgery;

(vii) Pediatric surgery;

(viii) Plastic surgery;

(ix) Thoracic surgery;

(x) Urologic surgery; and

(xi) Vascular surgery.

(4) Nonsurgical specialties with special competence in pediatric care, including:

(a) Anesthesiology, with an anesthesiologist who ((is)):

(i) Is ACLS trained, except this requirement shall not apply to a physician board-certified in anesthesiology;

(ii) ~~((PALS or approved equivalent trained; and))~~ Has completed the pediatric education requirement (PER) as defined in WAC 246-976-887; and

(iii) Is on-call and available within twenty minutes of notification of team activation;

(b) A radiologist on-call and available for patient service within twenty minutes of notification of team activation;

(c) The following services on-call and available for pediatric patient consultation or management:

(i) Cardiology;

(ii) Gastroenterology;

(iii) General pediatrics;

(iv) Hematology;

(v) Infectious disease specialists;

(vi) Nephrology;

(vii) Neurology;

(viii) Pathology;

(ix) Pediatric critical care; and

(x) Pulmonology;

(5) Written policy and procedures for access to ancillary services specific for pediatric patients, including:

(a) Chemical dependency services;

(b) Child and adult protection services;

(c) Clergy or pastoral care;

(d) Nutritionist services;

(e) Occupational therapy services;

(f) Pediatric therapeutic recreation;

(g) Pharmacy;

(h) Physical therapy services;

(i) Rehabilitation services;

(j) Social services; and

(k) Speech therapy services.

(6) A written policy and procedures to divert patients to other designated trauma care services. The policy shall be based on criteria which reflect the service's ability to resuscitate and stabilize each patient at a particular time.

(7) A trauma registry as required in WAC 246-976-430.

(8) A quality assurance program in accordance with WAC 246-976-881; and cooperate with regional trauma care quality assurance programs throughout the state established pursuant to WAC 246-976-910.

(9) Interfacility transfer guidelines and agreements consistent with WAC 246-976-890.

AMENDATORY SECTION (Amending WSR 98-19-107, filed 9/23/98, effective 10/24/98)

WAC 246-976-780 Designation standards for facilities providing level II pediatric trauma care service—Basic resources and capabilities. A facility with a designated level II pediatric trauma care service shall have:

(1) An emergency department, with:

(a) A physician director who ((is)):

(i) Is board-certified in emergency medicine or pediatric emergency medicine;

(ii) Is ATLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine; and

(iii) ~~((PALS or approved equivalent trained))~~ Has completed the pediatric education requirement (PER) as defined in WAC 246-976-887, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine.

(b) Physicians who:

(i) Are board-certified in emergency medicine, or pediatric emergency medicine, or board-certified in a specialty practicing emergency medicine as their primary practice with special competence in the care of pediatric trauma patients;

(ii) Are available within five minutes of patient's arrival in the emergency department;

(iii) Are ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine;

(iv) ~~((Are PALS or approved equivalent trained))~~ Have completed the PER as defined in WAC 246-976-887, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine; and

(v) Are designated as members of the trauma team;

(c) Registered nurses who:

(i) ~~((Are PALS or approved equivalent trained;))~~ Have completed the PER as defined in WAC 246-976-887;

(ii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;

(iii) Are in the emergency department and available within five minutes of patient's arrival in the emergency department;

(d) An area designated for pediatric resuscitation, with equipment for resuscitation and life support of pediatric patients, including equipment as described in WAC 246-976-620;

(e) Routine radiological capabilities by a technician available within five minutes of notification of team activation;

(2) A surgery department, including:

(a) An attending pediatric surgeon, or general surgeon with special competence in pediatric care, who is on-call and available within twenty minutes of notification of team activation. The attending surgeon shall:

(i) Provide trauma team leadership upon arrival in the resuscitation area;

(ii) Be board-certified;

(iii) Have trauma surgery privileges as delineated by the medical staff;

(b) All general surgeons who are responsible for care and treatment of trauma patients shall ~~((be trained in))~~:

(i) Be trained in ATLS, except this requirement shall not apply to a physician board-certified in surgery;

(ii) ~~((PALS or approved equivalent))~~ Have completed the PER as defined in WAC 246-976-887.

(3) An operating room available within five minutes of notification of team activation, with:

(a) A registered nurse or designee of the operating room staff who is available within five minutes of notification of team activation to open the operating room, and to coordinate responsibilities to ensure the operating room is ready for sur-

gery upon arrival of the patient, the surgeon, and the anesthesiologist;

(b) Other essential personnel on-call and available within twenty minutes of notification of team activation;

(c) A written policy providing for mobilization of additional surgical teams for pediatric trauma patients;

(d) Instruments and equipment appropriate for pediatric surgery, including equipment as described in WAC 246-976-620;

(4) A post-anesthetic recovery unit, with:

(a) Essential personnel, including at least one registered nurse on-call and available twenty-four hours a day; and

(b) Nurses ACLS trained;

(c) Nurses ~~((PALS or approved equivalent trained))~~ who have completed the PER as defined in WAC 246-976-887;

(d) Appropriate monitoring and resuscitation equipment.

(5) A pediatric critical care service, with:

(a) A pediatric critical care unit, including patient isolation capacity;

(b) A medical director or codirector who is board-certified in pediatrics with sub-board certification in critical care, with responsibility for coordinating with the attending staff for the care of pediatric trauma patients, including:

(i) Development and implementation of policies;

(ii) Coordination of medical care;

(iii) Determination of patient isolation;

(iv) Authority for patient placement decisions;

(v) Equipment;

(vi) Coordination of staff education;

(vii) Coordination of statistics; and

(viii) Identification of criteria for reviewing quality of care on all pediatric critical care unit trauma patients, in conjunction with the trauma service medical director;

(c) A physician with special competence in pediatric critical care available within five minutes of notification;

(d) A physician-directed code team;

(e) Pediatric critical care nursing, with registered nurses who have:

(i) Special competence in pediatric trauma care; and

(ii) ~~((Successfully completed PALS or approved equivalent training;))~~ Completed the PER as defined in WAC 246-976-887;

(f) Equipment as described in WAC 246-976-620 and 246-976-825.

(6) Respiratory therapy available within five minutes of notification;

(7) A clinical laboratory technologist available within five minutes of notification;

(8) Clinical laboratory services, including:

(a) Standard analyses of blood, urine, and other body fluids;

(b) Coagulation studies;

(c) Blood gases and pH determination;

(d) Serum and urine osmolality;

(e) Microbiology;

(f) Serum alcohol and toxicology determination;

(g) Drug screening; and

(h) Microtechnique;

(9) Blood and blood-component services, including:

- (a) Blood and blood components available from in-house or through community services, to meet patient needs;
- (b) Noncrossmatched blood available on patient arrival in the emergency department;
- (c) Blood typing and cross-matching;
- (d) Policies and procedures for massive transfusion;
- (e) Autotransfusions; and
- (f) Blood storage capability;
- (10) Radiological services, including:
 - (a) A technician available within five minutes of notification, able to perform routine radiologic procedures;
 - (b) A technician on-call and available within twenty minutes of notification, able to perform the following:
 - (i) Angiography of all types;
 - (ii) Computerized tomography;
 - (iii) Sonography;
- (11) Acute dialysis capability, or written transfer agreements.
- (12)(a) A physician-directed burn unit staffed by nursing personnel trained in burn care; and equipped to care for extensively burned pediatric patients; or
 - (b) Written transfer guidelines and transfer agreements for burn care, in accordance with the guidelines of the American Burn Association.
- (13)(a) The ability to manage acute head and/or spinal cord injuries; or
 - (b) Written transfer guidelines and agreements for head and spinal cord injuries.
 - (c) Early transfer to an appropriate designated trauma rehabilitation service shall be considered;
- (14) A trauma rehabilitation coordinator to facilitate the trauma patient's access to pediatric rehabilitation services;
- (15)(a) A designated pediatric trauma rehabilitation service; or
 - (b) Written agreements to transfer patients to a designated pediatric trauma rehabilitation service when medically feasible.
- (16) A heli-stop, landing zone or airport located close enough to permit the facility to receive or transfer patients by fixed-wing or rotary-wing aircraft.

AMENDATORY SECTION (Amending WSR 98-19-107, filed 9/23/98, effective 10/24/98)

WAC 246-976-810 Designation standards for facilities providing level III pediatric trauma care service—Administration and organization. A facility with a designated level III pediatric trauma care service shall have:

- (1)(a) Organization and direction by a general surgeon or other physician with special competence in care of the injured child. The service may have as codirector another physician with special competence in care of the injured child;
- (b) Ongoing coordination of the trauma care service by a registered nurse with special competence in care of the injured child;
- (c) A multidisciplinary trauma committee chaired by the trauma service director, with input to hospital management, including:

- (i) An emergency physician with special competence in pediatric trauma care;
- (ii) An emergency department registered nurse;
- (iii) A general surgeon with special competence in pediatric trauma care;
- (iv) An orthopaedic surgeon;
- (v) An anesthesiologist;
- (vi) The pediatric trauma care service nurse coordinator;
- (vii) A pediatric critical care registered nurse;
- (viii) A pediatrician with special competence in critical care; and
- (ix) The trauma rehabilitation coordinator;
- (d) The multidisciplinary trauma committee shall adopt an approved method to determine activation of the trauma team, as described in WAC 246-976-870;
- (e) A trauma team to provide initial evaluation, resuscitation and treatment.
 - (i) The team shall be organized and directed by a general surgeon with special competence in care of the injured child; and who assumes responsibility for coordination of overall care of the pediatric trauma patient;
 - (ii) All members of the team, except the surgeon and the anesthesiologist or CRNA (if a member of the team), shall be available within five minutes of notification of team activation;
 - (iii) The team shall include:
 - (A) An emergency physician with special competence in pediatric trauma care, who is:
 - (I) Responsible for activating the trauma team, using an approved method as defined in WAC 246-976-870; and
 - (II) Responsible for providing team leadership and care for the pediatric trauma patient until the arrival of the general surgeon in the resuscitation area;
 - (B) A pediatric surgeon, or general surgeon with special competence in pediatric trauma surgery, on-call and available within thirty minutes of notification of team activation, who shall assume responsibility for patient care upon arrival in the resuscitation area;
 - (iv) The trauma care service shall identify all other members of the team.
 - (f) Specific delineation of pediatric trauma surgery privileges by the medical staff.
- (2) An emergency department with written standards of care to ensure immediate and appropriate care for pediatric trauma patients.
- (3) A surgery department, including:
 - (a) General surgery, with special competence in care of the pediatric trauma patient;
 - (b)(i) Written transfer guidelines and agreements for head and spinal cord injuries; or
 - (ii) Neurosurgery, with a neurosurgeon on-call and available within thirty minutes of notification of team activation;
 - (c)(i) Written transfer guidelines and procedures for patients requiring orthopaedic surgery; or
 - (ii) Orthopaedic surgery, with an orthopaedic surgeon on-call and available within thirty minutes of request by the trauma team leader;
- (4) Nonsurgical specialties, including:
 - (a) Anesthesiology, with an anesthesiologist or certified registered nurse anesthetist, who ((is)):

- (i) ~~Is~~ ACLS trained, except this requirement shall not apply to a physician board-certified in anesthesiology;
- (ii) ~~((PALS or approved equivalent trained; and))~~ Has completed the pediatric education requirement (PER) as defined in WAC 246-976-887; and
- (iii) On-call and available within thirty minutes of notification of team activation;
- (b) A radiologist on-call and available for patient service within thirty minutes of notification of team activation;
- (c) General pediatrics, with board-certified pediatricians on-call and available for pediatric patient consultation or management;
- (5) Written policy and procedures for access to ancillary services specific for pediatric patients, including:
 - (a) Chemical dependency services;
 - (b) Child and adult protection services;
 - (c) Clergy or pastoral care;
 - (d) Nutritionist services;
 - (e) Pediatric therapeutic recreation;
 - (f) Pharmacy;
 - (g) Physical therapy services;
 - (h) Rehabilitation services;
 - (i) Social services;
- (6) A written policy and procedures to divert patients to other designated trauma care services. The policy shall be based on criteria which reflect the service's ability to resuscitate and stabilize each patient at a particular time;
- (7) A trauma registry as required by WAC 246-976-430;
- (8) A quality assurance program in accordance with WAC 246-976-881; and cooperate with regional trauma care quality assurance programs throughout the state established pursuant to WAC 246-976-910;
- (9) Interfacility transfer guidelines and agreements consistent with WAC 246-976-890.

AMENDATORY SECTION (Amending WSR 98-19-107, filed 9/23/98, effective 10/24/98)

WAC 246-976-820 Designation standards for facilities providing level III pediatric trauma care service—Basic resources and capabilities. A facility with a designated level III pediatric trauma care service shall have:

- (1) An emergency department with:
 - (a) A physician director who ~~((is))~~:
 - (i) ~~Is~~ board-certified in emergency medicine or pediatric emergency medicine;
 - (ii) ~~Is~~ ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine; and
 - (iii) ~~((PALS or approved equivalent trained))~~ Has completed the pediatric education requirement (PER) as defined in WAC 246-976-887, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine;
 - (b) Physicians who:
 - (i) Have special competence in the resuscitation and care of pediatric trauma patients;
 - (ii) Are available within five minutes of patient's arrival in the emergency department;

- (iii) Are ATLS and ACLS trained, except this requirement shall not apply to a physician board-certified in emergency medicine;
- (iv) ~~((Are PALS or approved equivalent trained))~~ Have completed the PER as defined in WAC 246-976-887, except this requirement shall not apply to a physician board-certified in pediatric emergency medicine; and
- (v) Are designated as members of the trauma team;
- (c) Registered nurses who:
 - (i) ~~((Are PALS or approved equivalent trained;))~~ Have completed the PER as defined in WAC 246-976-887;
 - (ii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;
 - (iii) Are in the emergency department and available within five minutes of patient's arrival in the emergency department;
 - (d) An area designated for pediatric resuscitation, with equipment for resuscitation and life support of pediatric patients, including equipment as described in WAC 246-976-620;
 - (e) Routine radiological capabilities, by a technician available within twenty minutes of notification of team activation.
- (2) A surgery department, including an attending surgeon who is:
 - On-call and available within thirty minutes of notification of team activation; and
 - (a) Has general surgery privileges, with special competence in pediatric care;
 - (b) ~~((Has PALS or approved equivalent training;))~~ Has completed the PER as defined in WAC 246-976-887;
 - (c) Has ATLS, except this requirement shall not apply to a physician board-certified in surgery.
- (3) An operating room available within five minutes of notification of team activation, with:
 - (a) A registered nurse or designee of the operating room staff who is available within five minutes of notification of team activation to open the operating room, and to coordinate responsibilities to ensure the operating room is ready for surgery upon arrival of the patient, the surgeon, and the anesthesiologist;
 - (b) Other essential personnel on-call and available within thirty minutes of notification of team activation;
 - (c) A written policy providing for mobilization of additional surgical teams for pediatric trauma patients.
 - (d) Instruments and equipment appropriate for pediatric surgery, including equipment as described in WAC 246-976-620;
- (4) A post-anesthetic recovery unit with:
 - (a) Essential personnel on-call and available twenty-four hours a day;
 - (b) Nurses ACLS trained;
 - (c) Nurses ~~((PALS or approved equivalent trained))~~ who have completed the PER as defined in WAC 246-976-887;
 - (d) Appropriate monitoring and resuscitation equipment;
- (5) Availability of pediatric critical care, with:
 - (a) A written transfer agreement and guidelines for pediatric trauma patients requiring critical care services; or
 - (b) A pediatric critical care unit in accordance with standards as delineated for level II pediatric trauma service in

WAC 246-976-780(5), except the medical director or codirector shall be board-certified in pediatrics or another relevant specialty with special competence in pediatric critical care;

(c) A physician with special competence in pediatric critical care, available within five minutes of notification;

(d) A physician-directed code team;

(e) Pediatric critical care nursing, with registered nurses who have:

(i) Special competence in pediatric trauma care; and

(ii) Completed ((PALS or approved equivalent training)) the PER as defined in WAC 246-976-887;

(f) Equipment as described in WAC 246-976-620 and WAC 246-976-825.

(6) Respiratory therapy on-call and available within five minutes of notification;

(7) A clinical laboratory technologist available within twenty minutes of notification;

(8) Clinical laboratory services, including:

(a) Standard analyses of blood, urine, and other body fluids;

(b) Coagulation studies;

(c) Blood gases and pH determination;

(d) Microbiology;

(e) Serum alcohol and toxicology determination; and

(f) Microtechnique.

(9) Blood and blood-component services, including:

(a) Blood and blood components available from in-house or through community services, to meet patient needs;

(b) Noncrossmatched blood available on patient arrival in the emergency department;

(c) Blood typing and cross-matching;

(d) Policies and procedures for massive transfusion;

(e) Autotransfusions; and

(f) Blood storage capability;

(10) Radiological services, including a technician on-call and available within twenty minutes of notification, able to perform:

(a) Routine radiological studies;

(b) Computerized tomography;

(11) Acute dialysis capability, or written transfer agreements;

(12) Written transfer guidelines in accordance with the guidelines of the American Burn Association, and transfer agreements for burn care;

(13)(a) Written transfer guidelines and agreements for patients with head or spinal cord injuries; or

(b) Have neurosurgery, with a neurosurgeon on-call and available within thirty minutes of request by the trauma team leader.

(c) Early transfer to an appropriate designated trauma rehabilitation service shall be considered;

(14) A trauma rehabilitation coordinator to facilitate the pediatric trauma patient's access to pediatric rehabilitation services;

(15)(a) A designated pediatric trauma rehabilitation service; or

(b) Written agreements to transfer patients to a designated pediatric trauma rehabilitation service when medically feasible.

(16)(a) A heli-stop, landing zone, or airport located close enough to permit the facility to receive or transfer patients by fixed-wing or rotary-wing aircraft; or

(b) Have a written policy and procedures addressing the receipt of patients by air, and transfer of patients to other designated trauma services by ground or air.

NEW SECTION

WAC 246-976-886 Pediatric education requirements (PER) for nonpediatric designated facilities. (1) In designated levels I, II, III, and IV general trauma care services emergency physicians and emergency RNs who are involved in the resuscitation and stabilization of pediatric trauma patients shall have PER, as provided in subsection (3) of this section, appropriate to their scope of trauma care.

(2) In designated levels I, II, and III general trauma care services general surgeons, anesthesiologists, CRNAs and PACU RNs who are involved in the resuscitation and stabilization of pediatric trauma patients shall have PER, as provided in subsection (3) of this section, appropriate to their scope of trauma care.

(3) PER can be met by the following methods:

(a) One-time completion of pediatric advanced life support (PALS) or a substantially equivalent training course;

(b) Current certification in ATLS; or

(c) Completion of a least five contact hours of pediatric trauma education during each designation period. PER contact hours will:

(i) Include the following topics:

(A) Initial stabilization and transfer of pediatric trauma;

(B) Assessment and management of pediatric airway and breathing;

(C) Assessment and management of pediatric shock, including vascular access;

(D) Assessment and management of pediatric head injuries;

(E) Assessment and management of pediatric blunt abdominal trauma;

(ii) Be accomplished through one or more of the following methods:

(A) Review and discussion of individual pediatric trauma cases within the trauma QA/QI program;

(B) Staff meetings;

(C) Classes, formal or informal;

(D) Web-based learning; or

(E) Other methods of learning which appropriately communicate the required topics listed in this section.

NEW SECTION

WAC 246-976-887 Pediatric education requirements (PER) for pediatric designated facilities. (1) In designated levels I, II, III pediatric trauma care services emergency physicians, emergency RNs, general surgeons, pediatric intensivists, anesthesiologists, CRNAs, ICU RNs and PACU RNs who are involved in the resuscitation, stabilization and inpatient care of pediatric trauma patients shall have PER, as provided in subsection (2) of this section, appropriate to their scope of trauma care.

(2) PER can be met by the following methods:

(a) One-time completion of pediatric advance life support (PALS) or a substantially equivalent training course;

(b) Current certification in ATLS; or

(c) Completion of at least seven contact hours of pediatric trauma education during each designation period. PER contact hours will:

(i) Include the following topics:

(A) Initial stabilization and transfer of pediatric trauma;

(B) Assessment and management of pediatric airway and breathing;

(C) Assessment and management of pediatric shock, including vascular access;

(D) Assessment and management of pediatric head injuries;

(E) Assessment and management of pediatric blunt abdominal trauma;

(F) Pediatric sedation and analgesia;

(G) Complications of pediatric multiple system trauma;

(ii) Be accomplished through one or more of the following methods:

(A) Review and discussion of individual pediatric trauma cases within the trauma QA/QI program;

(B) Staff meetings;

(C) Classes, formal or informal;

(D) Web-based learning; or

(E) Other methods of learning which appropriately communicate the required topics listed in this section.

WSR 02-11-102
EMERGENCY RULES
DEPARTMENT OF ECOLOGY

[Order 0210—Filed May 20, 2002, 11:20 a.m., effective May 24, 2002]

Purpose: Law enforcement agencies within the state of Washington confiscate drugs, including controlled substances, during the course of their work. The controlled substances are kept as evidence until the case is adjudicated. When no longer needed as evidence, law enforcement agencies follow their own policies for the destruction of the controlled substances. These policies include incineration, witnessed by a law enforcement officer. There is only one waste-to-energy facility in Washington that is able to take these wastes; however its permit prohibits the burning of dangerous waste. Some controlled substances designate as dangerous wastes in the state of Washington. This conditional exclusion will make it possible for these wastes to be disposed of at the waste-to-energy facility.

Controlled substances collected by law enforcement agencies within the state of Washington must be handled according to law enforcement policy to assure consistency in handling procedures. Deviations from the policy can put the law enforcement agency at risk for liability, loss of accreditation of their evidence rooms, and may impact case development. Law enforcement agencies have limited budgets for evidence disposal and varying disposal needs. The absence of the option for incinerating controlled substances is an impediment to a necessary element of police work.

This conditional exclusion from the dangerous waste regulations applies only to wastes that are regulated as state-only dangerous waste; that is, they are not also regulated under federal hazardous waste regulations. Ecology does not have the authority to exempt from regulation any drug that is a regulated waste under federal law. The drugs that are regulated as state-only dangerous waste are regulated primarily due to their toxicity. Incineration is an appropriate method of disposal for these low volume, low toxicity wastes.

Citation of Existing Rules Affected by this Order: Amending WAC 173-303-071.

Statutory Authority for Adoption: Chapter 70.105 RCW.

Other Authority: Chapter 43.21A RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Law enforcement agencies have no in-state options for disposal of confiscated controlled substances that are state-only dangerous wastes. Due to a sudden loss of the last in-state disposal option and an ever increasing backlog in evidence rooms, law enforcement agencies need a safe, acceptable, immediately available option to dispose of these substances. Conditional exclusion from chapter 173-303 WAC will allow for disposal outside of the requirements of dangerous waste regulation.

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 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.

Effective Date of Rule: May 24, 2002.

May 14, 2002

Linda Hoffman

Deputy Director

for Tom Fitzsimmons

Director

AMENDATORY SECTION (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

WAC 173-303-071 Excluded categories of waste. (1) **Purpose.** Certain categories of waste have been excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, because they generally are not dangerous waste, are regulated under other state and federal programs, or are recycled in ways which do not threaten public health or the environment. WAC 173-303-071 describes these excluded categories of waste.

(2) **Excluding wastes.** Any persons who generate a common class of wastes and who seek to categorically exclude such class of wastes from the requirements of this chapter must comply with the applicable requirements of WAC 173-303-072. No waste class will be excluded if any of the wastes in the class are regulated as hazardous waste under 40 CFR Part 261.

(3) **Exclusions.** The following categories of waste are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, 173-303-145, and 173-303-960, and as otherwise specified:

(a)(i) Domestic sewage; and

(ii) Any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned treatment works (POTW) for treatment provided:

(A) The generator or owner/operator has obtained a state waste discharge permit issued by the department, a temporary permit obtained pursuant to RCW 90.48.200, or pretreatment permit (or written discharge authorization) from a local sewage utility delegated pretreatment program responsibilities pursuant to RCW 90.48.165;

(B) The waste discharge is specifically authorized in a state waste discharge permit, pretreatment permit or written discharge authorization, or in the case of a temporary permit the waste is accurately described in the permit application;

(C) The waste discharge is not prohibited under 40 CFR Part 403.5; and

(D) The waste prior to mixing with domestic sewage must not exhibit dangerous waste characteristics for ignitability, corrosivity, reactivity, or toxicity as defined in WAC 173-303-090, and must not meet the dangerous waste criteria for toxic dangerous waste or persistent dangerous waste under WAC 173-303-100, unless the waste is treatable in the publicly owned treatment works (POTW) where it will be received. This exclusion does not apply to the generation, treatment, storage, recycling, or other management of dangerous wastes prior to discharge into the sanitary sewage system;

(b) Industrial wastewater discharges that are point-source discharges subject to regulation under Section 402 of the Clean Water Act. This exclusion does not apply to the collection, storage, or treatment of industrial waste-waters prior to discharge, nor to sludges that are generated during industrial wastewater treatment. Owners or operators of certain wastewater treatment facilities managing dangerous wastes may qualify for a permit-by-rule pursuant to WAC 173-303-802(5);

(c) Household wastes, including household waste that has been collected, transported, stored, or disposed. Wastes that are residues from or are generated by the management of household wastes (e.g., leachate, ash from burning of refuse-derived fuel) are not excluded by this provision. "Household wastes" means any waste material (including, but not limited to, garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste will not be deemed to be treating, storing, disposing of, or otherwise managing dangerous wastes for the purposes of regulation under this chapter, if such facility:

(i) Receives and burns only:

(A) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); and

(B) Solid waste from commercial or industrial sources that does not contain dangerous waste; and

(ii) Such facility does not accept dangerous wastes and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that dangerous wastes are not received at or burned in such facility;

(d) Agricultural crops and animal manures which are returned to the soil as fertilizers;

(e) Asphaltic materials designated only for the presence of PAHs by WAC 173-303-100(6). For the purposes of this exclusion, asphaltic materials means materials that have been used for structural and construction purposes (e.g., roads, dikes, paving) that were produced from mixtures of oil and sand, gravel, ash or similar substances;

(f) Roofing tars and shingles, except that these wastes are not excluded if mixed with wastes listed in WAC 173-303-081 or 173-303-082, or if they exhibit any of the characteristics specified in WAC 173-303-090;

(g) Treated wood waste and wood products including:

(i) Arsenical-treated wood that fails the test for the toxicity characteristic of WAC 173-303-090(8) (dangerous waste numbers D004 through D017 only), or which fails any state

criteria, if the waste is generated by persons who utilize the arsenical-treated wood for the materials' intended end use.

(ii) Wood treated with other preservatives provided such treated wood is, within one hundred eighty days after becoming waste:

(A) Disposed of at a landfill that is permitted in accordance with WAC 173-304-460, minimum functional standards for solid waste handling, or chapter 173-351 WAC, criteria for municipal solid waste landfills, and provided that such wood is neither a listed waste under WAC 173-303-9903 and 173-303-9904 nor a TCLP waste under WAC 173-303-090(8); or

(B) Sent to a facility that will legitimately treat or recycle the treated wood waste, and manage any residue in accordance with that state's dangerous waste regulations; or

(C) Sent off-site to a permitted TSD facility or placed in an on-site facility which is permitted by the department under WAC 173-303-800 through WAC 173-303-845. In addition, creosote-treated wood is excluded when burned for energy recovery in an industrial furnace or boiler that has an order of approval issued pursuant to RCW 70.94.152 by ecology or a local air pollution control authority to burn creosote treated wood.

(h) Irrigation return flows;

(i) Reserve;

(j) Mining overburden returned to the mining site;

(k) Polychlorinated biphenyl (PCB) wastes:

(i) PCB wastes whose disposal is regulated by EPA under 40 CFR 761.60 (Toxic Substances Control Act) and that are dangerous either because:

(A) They fail the test for toxicity characteristic (WAC 173-303-090(8), Dangerous waste codes D018 through D043 only); or

(B) Because they are designated only by this chapter and not designated by 40 CFR Part 261, are exempt from regulation under this chapter except for WAC 173-303-505 through 173-303-525, 173-303-960, those sections specified in subsection (3) of this section, and 40 CFR Part 266;

(ii) Wastes that would be designated as dangerous waste under this chapter solely because they are listed as W001 under WAC 173-303-9904 when such wastes are stored and disposed in a manner equivalent to the requirements of 40 CFR Part 761 Subpart D for PCB concentrations of 50 ppm or greater.

(l) Samples:

(i) Except as provided in (l)(ii) of this subsection, a sample of solid waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this chapter, when:

(A) The sample is being transported to a lab for testing or being transported to the sample collector after testing; or

(B) The sample is being stored by the sample collector before transport, by the laboratory before testing, or by the laboratory after testing prior to return to the sample collector; or

(C) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action).

(ii) In order to qualify for the exemptions in (I)(i) of this subsection, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:

(A) Comply with United States Department of Transportation (DOT), United States Postal Service (USPS), or any other applicable shipping requirements; or

(B) Comply with the following requirements if the sample collector determines that DOT or USPS, or other shipping requirements do not apply:

(I) Assure that the following information accompanies the sample:

(AA) The sample collector's name, mailing address, and telephone number;

(BB) The laboratory's name, mailing address, and telephone number;

(CC) The quantity of the sample;

(DD) The date of shipment;

(EE) A description of the sample; and

(II) Package the sample so that it does not leak, spill, or vaporize from its packaging.

(iii) This exemption does not apply if the laboratory determines that the waste is dangerous but the laboratory is no longer meeting any of the conditions stated in (I)(i) of this subsection;

(m) Reserve;

(n) Dangerous waste generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated nonwaste-treatment-manufacturing unit until it exits the unit in which it was generated. This exclusion does not apply to surface impoundments, nor does it apply if the dangerous waste remains in the unit more than ninety days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials;

(o) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC codes 331 and 332), except that these wastes are not excluded if they exhibit one or more of the dangerous waste criteria (WAC 173-303-100) or characteristics (WAC 173-303-090);

(p) Wastes from burning any of the materials exempted from regulation by WAC 173-303-120 (2)(a)(vii) and (viii). These wastes are not excluded if they exhibit one or more of the dangerous waste characteristics or criteria;

(q) As of January 1, 1987, secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:

(i) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

(ii) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);

(iii) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed;

(iv) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal; and

(v) A generator complies with the requirements of chapter 173-303 WAC for any residues (e.g., sludges, filters, etc.) produced from the collection, reclamation, and reuse of the secondary materials.

(r) Treatability study samples.

(i) Except as provided in (r)(ii) of this subsection, persons who generate or collect samples for the purpose of conducting treatability studies as defined in WAC 173-303-040 are not subject to the requirements of WAC 173-303-180, 173-303-190, and 173-303-200 (1)(a), nor are such samples included in the quantity determinations of WAC 173-303-070 (7) and (8) and 173-303-201 when:

(A) The sample is being collected and prepared for transportation by the generator or sample collector; or

(B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or

(C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study; or

(D) The sample or waste residue is being transported back to the original generator from the laboratory or testing facility.

(ii) The exemption in (r)(i) of this subsection is applicable to samples of dangerous waste being collected and shipped for the purpose of conducting treatability studies provided that:

(A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with nonacute dangerous waste, 1000 kg of nonacute dangerous waste other than contaminated media, 1 kg of acutely hazardous waste, 2500 kg of media contaminated with acutely hazardous waste for each process being evaluated for each generated waste stream; and

(B) The mass of each sample shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with nonacute dangerous waste or may include 2500 kg of media contaminated with acute hazardous waste, 1000 kg of dangerous waste, and 1 kg of acutely hazardous waste; and

(C) The sample must be packaged so that it will not leak, spill, or vaporize from its packaging during shipment and the requirements of (r)(ii)(C)(I) or (II) of this subsection are met.

(I) The transportation of each sample shipment complies with United States Department of Transportation (DOT), United States Postal Service (USPS), or any other applicable shipping requirements; or

(II) If the DOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample:

(AA) The name, mailing address, and telephone number of the originator of the sample;

(BB) The name, address, and telephone number of the laboratory or testing facility that will perform the treatability study;

(CC) The quantity of the sample;

(DD) The date of shipment; and

(EE) A description of the sample, including its dangerous waste number.

(D) The sample is shipped, within ninety days of being generated or of being taken from a stream of previously generated waste, to a laboratory or testing facility which is exempt under (s) of this subsection or has an appropriate final facility permit or interim status; and

(E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:

(I) Copies of the shipping documents;

(II) A copy of the contract with the facility conducting the treatability study;

(III) Documentation showing:

(AA) The amount of waste shipped under this exemption;

(BB) The name, address, and EPA/state identification number of the laboratory or testing facility that received the waste;

(CC) The date the shipment was made; and

(DD) Whether or not unused samples and residues were returned to the generator.

(F) The generator reports the information required under (r)(ii)(E)(III) of this subsection in its annual report.

(iii) The department may grant requests, on a case-by-case basis, for up to an additional two years for treatability studies involving bioremediation. The department may grant requests on a case-by-case basis for quantity limits in excess of those specified in (r)(ii)(A) and (B) of this subsection and (s)(iv) of this subsection, for up to an additional 5000 kg of media contaminated with nonacute dangerous waste, 500 kg of nonacute dangerous waste, 1 kg of acute hazardous waste, and 2500 kg of media contaminated with acute hazardous waste or for up to an additional 10,000 kg of wastes regulated only by this chapter and not regulated by 40 CFR Part 261, to conduct further treatability study evaluation:

(A) In response to requests for authorization to ship, store and conduct treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process, (e.g., batch versus continuous), size of the unit undergoing testing (particularly in relation to scale-up considerations), the time/quantity of material required to reach steady state operating conditions, or test design considerations such as mass balance calculations.

(B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies, when:

There has been an equipment or mechanical failure during the conduct of a treatability study; there is a need to verify the results of previously conducted treatability study; there is a need to study and analyze alternative techniques within a previously evaluated treatment process; or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.

(C) The additional quantities and time frames allowed in (r)(iii)(A) and (B) of this subsection are subject to all the provisions in (r)(i) and (r)(ii)(C) through (F) of this subsection. The generator or sample collector must apply to the depart-

ment where the sample is collected and provide in writing the following information:

(I) The reason the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;

(II) Documentation accounting for all samples of dangerous waste from the waste stream which have been sent for or undergone treatability studies including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;

(III) A description of the technical modifications or change in specifications which will be evaluated and the expected results;

(IV) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and

(V) Such other information that the department considers necessary.

(s) Samples undergoing treatability studies at laboratories and testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to chapter 70.105 RCW) are not subject to the requirements of this chapter, except WAC 173-303-050, 173-303-145, and 173-303-960 provided that the conditions of (s)(i) through (xiii) of this subsection are met. A mobile treatment unit (MTU) may qualify as a testing facility subject to (s)(i) through (xiii) of this subsection. Where a group of MTUs are located at the same site, the limitations specified in (s)(i) through (xiii) of this subsection apply to the entire group of MTUs collectively as if the group were one MTU.

(i) No less than forty-five days before conducting treatability studies the laboratory or testing facility notifies the department in writing that it intends to conduct treatability studies under this subsection.

(ii) The laboratory or testing facility conducting the treatability study has an EPA/state identification number.

(iii) No more than a total of 10,000 kg of "as received" media contaminated with nonacute dangerous waste, 2500 kg of media contaminated with acute hazardous waste or 250 kg of other "as received" dangerous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

(iv) The quantity of "as received" dangerous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with nonacute dangerous waste, 2500 kg of media contaminated with acute hazardous waste, 1000 kg of nonacute dangerous wastes other than contaminated media, and 1 kg of acutely hazardous waste. This quantity limitation does not include treatment materials (including nondangerous solid waste) added to "as received" dangerous waste.

(v) No more than ninety days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.

(vi) The treatability study does not involve the placement of dangerous waste on the land or open burning of dangerous waste.

(vii) The laboratory or testing facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

(A) The name, address, and EPA/state identification number of the generator or sample collector of each waste sample;

(B) The date the shipment was received;

(C) The quantity of waste accepted;

(D) The quantity of "as received" waste in storage each day;

(E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;

(F) The date the treatability study was concluded;

(G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated TSD facility, the name of the TSD facility and its EPA/state identification number.

(viii) The laboratory or testing facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.

(ix) The laboratory or testing facility prepares and submits a report to the department by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:

(A) The name, address, and EPA/state identification number of the laboratory or testing facility conducting the treatability studies;

(B) The types (by process) of treatability studies conducted;

(C) The names and addresses of persons for whom studies have been conducted (including their EPA/state identification numbers);

(D) The total quantity of waste in storage each day;

(E) The quantity and types of waste subjected to treatability studies;

(F) When each treatability study was conducted;

(G) The final disposition of residues and unused sample from each treatability study.

(x) The laboratory or testing facility determines whether any unused sample or residues generated by the treatability study are dangerous waste under WAC 173-303-070 and if so, are subject to the requirements of this chapter, unless the residues and unused samples are returned to the sample originator under the exemption in (r) of this subsection.

(xi) The laboratory or testing facility notifies the department by letter when it is no longer planning to conduct any treatability studies at the site.

(xii) The date the sample was received, or if the treatability study has been completed, the date of the treatability study, is marked and clearly visible for inspection on each container.

(xiii) While being held on site, each container and tank is labeled or marked clearly with the words "dangerous waste" or "hazardous waste." Each container or tank must also be marked with a label or sign which identifies the major risk(s) associated with the waste in the container or tank for employees, emergency response personnel and the public.

Note: If there is already a system in use that performs this function in accordance with local, state, or federal regulations, then such system will be adequate.

(t) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of WAC 173-303-090(8) (dangerous waste numbers D018 through D043 only) and are subject to the corrective action regulations under 40 CFR Part 280.

(u) Special incinerator ash (as defined in WAC 173-303-040).

(v) Wood ash that would designate solely for corrosivity by WAC 173-303-090 (6)(a)(iii). For the purpose of this exclusion, wood ash means ash residue and emission control dust generated from the combustion of untreated wood, wood treated solely with creosote, and untreated wood fiber materials including, but not limited to, wood chips, saw dust, tree stumps, paper, cardboard, residuals from waste fiber recycling, deinking rejects, and associated wastewater treatment solids. This exclusion allows for the use of auxiliary fuels including, but not limited to, oils, gas, coal, and other fossil fuels in the combustion process.

(w)(i) Spent wood preserving solutions that have been reclaimed and are reused for their original intended purpose; and

(ii) Wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood.

(iii) Prior to reuse, the wood preserving wastewaters and spent wood preserving solutions described in (w)(i) and (ii) of this subsection, so long as they meet all of the following conditions:

(A) The wood preserving wastewaters and spent wood preserving solutions are reused on-site at water borne plants in the production process for their original intended purpose;

(B) Prior to reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or ground water or both;

(C) Any unit used to manage wastewaters and/or spent wood preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;

(D) Any drip pad used to manage the wastewaters and/or spent wood preserving solutions prior to reuse complies with the standards in Part 265, Subpart W which is incorporated by reference at WAC 173-303-400 (3)(a), regardless of whether the plant generates a total of less than 220 pounds/month of dangerous waste; and

(E) Prior to operating pursuant to this exclusion, the plant owner or operator submits to the department a one-time notification stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records for a period of no less than three years from the date specified in the notice. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the department for reinstatement. The department may reinstate the exclusion upon finding that the plant has returned to compliance with all conditions and that violations are not likely to recur.

(F) Additional reports.

(I) Upon determination by the department that the storage of wood preserving wastewaters and spent wood preserving solutions in tanks and/or containers poses a threat to public health or the environment, the department may require the owner/operator to provide additional information regarding the integrity of structures and equipment used to store wood preserving wastewaters and spent wood preserving solutions. This authority applies to tanks and secondary containment systems used to store wood preserving wastewaters and spent wood preserving solutions in tanks and containers. The department's determination of a threat to public health or the environment may be based upon observations of factors that would contribute to spills or releases of wood preserving wastewaters and spent wood preserving solutions or the generation of hazardous by-products. Such observations may include, but are not limited to, leaks, severe corrosion, structural defects or deterioration (cracks, gaps, separation of joints), inability to completely inspect tanks or structures, or concerns about the age or design specification of tanks.

(II) When required by the department, a qualified, independent professional engineer registered to practice in Washington state must perform the assessment of the integrity of tanks or secondary containment systems.

(III) Requirement for facility repairs and improvements. If, upon evaluation of information obtained by the department under (w)(iii)(F)(I) of this subsection, it is determined that repairs or structural improvements are necessary in order to eliminate threats, the department may require the owner/operator to discontinue the use of the tank system or container storage unit and remove the wood preserving wastewaters and spent wood preserving solutions until such repairs or improvements are completed and approved by the department.

(x) Nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery

units, provided it is shipped in drums (if shipped) and not land disposed before recovery.

(y) Used oil filters that are recycled in accordance with WAC 173-303-120, as used oil and scrap metal.

(z) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.

(aa) Wastes that fail the test for the toxicity characteristic in WAC 173-303-090 because chromium is present or are listed in WAC 173-303-081 or 173-303-082 due to the presence of chromium. The waste must not designate for any other characteristic under WAC 173-303-090, for any of the criteria specified in WAC 173-303-100, and must not be listed in WAC 173-303-081 or 173-303-082 due to the presence of any constituent from WAC 173-303-9905 other than chromium. The waste generator must be able to demonstrate that:

(i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and

(ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and

(iii) The waste is typically and frequently managed in nonoxidizing environments.

(bb)(i) Nonwastewater residues, such as slag, resulting from high temperature metals recovery (HTMR) processing of K061, K062 or F006 waste, in units identified as rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations or industrial furnaces (as defined in WAC 173-303-040 - blast furnaces, smelting, melting and refining furnaces, and other devices the department may add to the list - of the definition for "industrial furnace"), that are disposed in subtitle D units, provided that these residues meet the generic exclusion levels identified in the tables in this paragraph for all constituents, and exhibit no characteristics of dangerous waste. Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and/or when the process or operation generating the waste changes. Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements.

Constituent	Maximum for any single composite sample-TCLP (mg/l)
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Generic exclusion levels for K061 and K062 nonwastewater HTMR residues

Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
(2)Lead	0.15
Mercury	0.009

EMERGENCY

Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Zinc	70

Generic exclusion levels for
F006 nonwastewater HTMR residues

Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
Cyanide (total) (mg/kg)	1.8
Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Zinc	70

(ii) A one-time notification and certification must be placed in the facility's files and sent to the department for K061, K062 or F006 HTMR residues that meet the generic exclusion levels for all constituents and do not exhibit any characteristics that are sent to subtitle D units. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes and/or if the subtitle D unit receiving the waste changes. However, the generator or treater need only notify the department on an annual basis if such changes occur. Such notification and certification should be sent to the department by the end of the calendar year, but no later than December 31. The notification must include the following information: The name and address of the subtitle D unit receiving the waste shipments; the dangerous waste number(s) and treatability group(s) at the initial point of generation; and, the treatment standards applicable to the waste at the initial point of generation. The certification must be signed by an authorized representative and must state as follows: "I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of dangerous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment." These wastes are not excluded if they exhibit one or more of the dangerous waste characteristics (WAC 173-303-090) or criteria (WAC 173-303-100).

(cc)(i) Oil-bearing hazardous secondary materials (that is, sludges, by-products, or spent materials) that are generated at a petroleum refinery (SIC code 2911) and are inserted into the petroleum refining process (SIC code 2911 - including,

but not limited to, distillation, catalytic cracking, fractionation, or thermal cracking units (that is, cokers)) unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this paragraph: Provided, That the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated, or sent directly to another petroleum refinery, and still be excluded under this provision. Except as provided in (cc)(ii) of this subsection, oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry (that is, from sources other than petroleum refineries) are not excluded under this section. Residuals generated from processing or recycling materials excluded under this paragraph, where such materials as generated would have otherwise met a listing under WAC 173-303-081 and 173-303-082, are designated as F037 listed wastes when disposed of or intended for disposal.

(ii) Recovered oil that is recycled in the same manner and with the same conditions as described in (cc)(i) of this subsection. Recovered oil is oil that has been reclaimed from secondary materials (including wastewater) generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto (SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5171, and 5172). Recovered oil does not include oil-bearing hazardous wastes listed in WAC 173-303-081 and 173-303-082; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil as defined in WAC 173-303-040.

(dd) Dangerous waste Nos. K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are dangerous only because they exhibit the Toxicity Characteristic (TC) specified in WAC 173-303-090(8) when, subsequent to generation, these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the wastes from the point they are generated to the point they are recycled to coke ovens or tar recovery or refining processes, or mixed with coal tar.

(ee) Biological treatment sludge from the treatment of one of the following wastes listed in WAC 173-303-9904 - organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (Dangerous Waste No. K156), and wastewaters from the production of carbamates and carbamoyl oximes (Dangerous Waste No. K157) unless it exhibits one or more of the characteristics or criteria of dangerous waste.

(ff) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.

(gg) Shredded circuit boards being recycled: Provided, That they are:

(i) Stored in containers sufficient to prevent a release to the environment prior to recovery; and

(ii) Free of mercury switches, mercury relays and nickel-cadmium batteries and lithium batteries.

(hh) Petrochemical recovered oil from an associated organic chemical manufacturing facility, where the oil is to be inserted into the petroleum refining process (SIC code 2911) along with normal petroleum refinery process streams, provided:

(i) The oil is hazardous only because it exhibits the characteristic of ignitability (as defined in WAC 173-303-090(5) and/or toxicity for benzene (WAC 173-303-090(8), waste code D018); and

(ii) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process.

An "associated organic chemical manufacturing facility" is a facility where the primary SIC code is 2869, but where operations may also include SIC codes 2821, 2822, and 2865; and is physically colocated with a petroleum refinery; and where the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. "Petrochemical recovered oil" is oil that has been reclaimed from secondary materials (that is, sludges, by-products, or spent materials, including wastewater) from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.

(ii) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid unless the material is placed on the land, or accumulated speculatively as defined in WAC 173-303-016(5).

(jj) Catalyst inert support media separated from one of the following wastes listed in WAC 173-303-9904 Specific Sources - Spent hydrotreating catalyst (EPA Hazardous Waste No. K171), and Spent hydrorefining catalyst (EPA Hazardous Waste No. K172). These wastes are not excluded if they exhibit one or more of the dangerous waste characteristics or criteria.

(kk) Leachate or gas condensate collected from landfills where certain solid wastes have been disposed: Provided, That:

(i) The solid wastes disposed would meet one or more of the listing descriptions for Hazardous Waste Codes K169, K170, K171, and K172 if these wastes had been generated after the effective date of the listing (February 8, 1999);

(ii) The solid wastes described in (kk)(i) of this subsection were disposed prior to the effective date of the listing;

(iii) The leachate or gas condensate does not exhibit any characteristic or criteria of dangerous waste nor is derived from any other listed hazardous waste;

(iv) Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under sections 307(b) or 402 of the Clean Water Act.

(v) After February 13, 2001, leachate or gas condensate will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. There is one exception: If the surface impoundment is used to temporarily store leachate or gas condensate in response to an emergency situ-

ation (for example, shutdown of wastewater treatment system): Provided, That the impoundment has a double liner, and: Provided further, That the leachate or gas condensate is removed from the impoundment and continues to be managed in compliance with the conditions of this paragraph after the emergency ends.

(ll) Dredged material. Dredged material as defined in 40 CFR 232.2 that is subject to:

(i) The requirements of a permit that has been issued by the U.S. Army Corps of Engineers or an approved state under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);

(ii) The requirements of a permit that has been issued by the U.S. Army Corps of Engineers under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413); or

(iii) In the case of a U.S. Army Corps of Engineers civil works project, the administrative equivalent of the permits referred to in (ll)(i) and (ii) of this subsection, as provided for in U.S. Army Corps of Engineers regulations, including, for example, 33 CFR 336.1, 336.2 and 337.3.

(mm) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.

(nn) Controlled substances that are state-only dangerous wastes. Controlled substances as defined and regulated by Chapter 69.50 RCW, including Schedule I through V drugs, that are held in the custody of law enforcement agencies within the state of Washington, and managed for destruction: Provided, That they are disposed of by incineration in a controlled combustion unit permitted to handle solid waste or disposed by other methods approved by Ecology.

**WSR 02-12-013
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-116—Filed May 24, 2002, 2:18 p.m., effective May 27, 2002, 12:01 a.m.]

Date of Adoption: May 24, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900P and 232-28-61900Q; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Washington hatcheries have been clipping adipose fins on spring chinook to identify them as hatchery fish. 2002 is the first year that all age classes of hatchery spring chinook returning to Washington lower Columbia tributaries will be missing adipose fins. Hatchery

escapement goal is expected to be achieved in the Lewis River increasing the adult bag limit to two salmon. These are interim personal use rules that will be effective until the permanent rules resulting from the North of Falcon proceeding take effect on August 2, 2002. The department is in the process of adopting the permanent rules.

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 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.

Effective Date of Rule: May 27, 2002, 12:01 a.m.

May 24, 2002

J. P. Koenings
Director

NEW SECTION

WAC 232-28-61900S Exceptions to statewide rules—Baker, Cispus, Columbia, Cowlitz, Deep, Green Hoh, Kalama, Lewis, Nooksack, Puyallup, Skagit, Skykomish and Toutle rivers. Notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions:

(1) Baker River (Skagit County) - Mouth to Highway 20 Bridge closed through August 31, 2002.

(2) Cispus River (Lewis County) -

(a) Release wild chinook through July 31, 2002

(b) Special daily limit of six salmon no more than one may be an adult salmon in those waters of the Cispus River from poster markers at Lewis County PUD Kayak launch upstream to the North Fork.

(3) Columbia River -

(a) Buoy 10 Line to Rocky Point-Tongue Point Line - August 1 until further notice salmon daily limit two fish, both of which may be chinook.

(b) Rocky Point-Tongue Point Line to I-5 Bridge - May 16 through July 31 release all salmon except jack chinook.

(c) I-5 Bridge to Highway 395 Bridge - June 16 through July 31 release all salmon except jack chinook.

(4) Cowlitz River (Lewis County)

(a) Cowlitz River - Special daily limit of six salmon no more than one may be an adult salmon in those waters from boundary markers at mouth upstream to 400 feet or posted markers below barrier dam and those waters from upstream boundary of Lake Scanewa (Cowlitz Falls Reservoir) upstream to the confluence of Muddy and Ohanapecosh rivers.

(b) Release wild chinook from boundary markers at mouth upstream to 400 feet or posted markers below barrier dam and those waters from upstream boundary of Lake Scanewa (Cowlitz Falls Reservoir) upstream to the confluence of Muddy and Ohanapecosh rivers.

(c) Effective immediately until further notice in those waters of the Cowlitz River from boundary markers at mouth upstream to 400 feet or posted markers below barrier dam the minimum size for salmon is 12 inches in length.

(5) Deep River (Wahkiakum County) - Release wild chinook from mouth upstream to town bridge.

(6) Green River (Cowlitz County) - Release wild chinook from mouth upstream to 2800 Road Bridge.

(7) Hoh River (Jefferson County) - mouth to Willoughby Creek immediately through May 31 open Wednesday through Sunday only. Game fish catch and release except up to two hatchery steelhead may be retained and daily limit may contain no more than 1 adult salmon. Effective June 1 until further notice salmon fishing allowed only Wednesday through Sunday of each week and daily limit may contain no more than 1 adult salmon.

(8) Kalama River (Cowlitz County) - Release wild chinook from boundary markers at the mouth upstream to 1000 feet below the upper salmon hatchery.

(9) Lewis River (Clark County)

(a) Effective May 27 through July 31, 2002 special daily limit of six salmon, no more than two may be adult salmon in those waters of the Lewis River including North Fork, mouth upstream to Colvin Creek.

(b) Release wild chinook salmon in those waters of the Lewis River from boundary markers at the mouth upstream to mouth of East Fork and North Fork Lewis River - from mouth upstream to overhead power lines below Merwin Dam.

(c) Effective May 27, 2002 through July 31, 2002, those waters of the Lewis River between Johnson Creek and Colvin Creek are open to boat and bank fishing.

(10) Nooksack River (Whatcom County) - Effective August 1 until further notice nonbuoyant lures allowed.

(11) Puyallup River (Pierce County) - Effective August 1 until further notice salmon daily limit may contain no more than 1 adult chinook.

(12) Skagit River (Skagit County) - Gilligan Creek to Bacon Creek salmon fishing closed until further notice.

(13) Skykomish River (Snohomish County) - Lewis Street Bridge in Monroe to mouth of Wallace River open to salmon fishing June 1 through July 31 with a daily limit of 1 hatchery chinook.

(14) Toutle River (Cowlitz County) - August 1 until further notice lawful to retain chinook in daily limit. Release chum and wild coho in mainstem. Release wild coho in North Fork.

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

REPEALER

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. May 27, 2002:

- WAC 232-28-61900P Exceptions to statewide rules—Cowlitz, Cispus, Deep, Green, Kalama and Lewis rivers. (02-18)
- WAC 232-28-61900Q Exceptions to statewide rules—2002 North of Falcon. (02-111)

**WSR 02-12-014
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-117—Filed May 24, 2002, 2:20 p.m.]

Date of Adoption: May 24, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25500X; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is needed to comply with regulations issued by the National Marine Fisheries service to regulate the halibut fishery in 2002. The final rules were published in the Federal Register on March 20, 2002. The catch quota for Area 1 is anticipated to have been taken by May 25. The first quota for Areas 3 and 4 is anticipated to have been taken by May 28. The fishery in Areas 3 and 4 will reopen on July 1 in accordance with provisions of the federal regulations. There is insufficient time to promulgate permanent rules.

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 1.

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

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

Effective Date of Rule: Immediately.

May 24, 2002
J. P. Koening
Director

NEW SECTION

WAC 220-56-25500Y Halibut-seasons—Daily limits. Notwithstanding the provisions of WAC 220-56-255, it is unlawful to fish for or possess halibut taken for personal use except as provided for in this section:

(1) Catch Record Card Area 1: Open through 11:59 p.m. May 25, 2002. The daily bag limit is the first halibut over 32 inches in length brought aboard the vessel.

(2) Catch Record Card Area 2:

(a) Those waters south of the Queets River, north of 47°N lat and east of 124°40'W long - Open immediately until further notice.

(b) All other open waters in Area 2 - Open immediately until further notice. Closed to fishing for halibut 12:01 a.m. of each Friday through 11:59 p.m. of each Saturday.

(c) The daily bag limit is one halibut of any size

(3) Catch Record Card Areas 3 and 4: Open through 11:59 p.m. May 28, 2002. Open 12:01 a.m. July 1, 2002 until further notice. Closed to fishing for halibut 12:01 a.m. of each Sunday through 11:59 p.m. of each Monday, except open on July 1. The following area southwest of Cape Flattery is closed to halibut fishing at all times: those waters within a rectangle defined by the following four corners: 48°18'N, 125°11'W; 48°18'N, 124°59'W; 48°00'N, 125°11'W; 48°00'N, 124°59'W. The daily bag limit is one halibut of any size.

(4) Catch record Card Area 5: Open through 11:59 p.m. July 26, 2002. Closed to fishing for halibut 12:01 am of each Tuesday through 11:59 pm of each Wednesday. The daily bag limit is one halibut of any size.

(5) Catch Record Card Areas 6 through 13: Open through 11:59 p.m. July 12, 2002. Closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday. The daily bag limit is one halibut of any size.

(6) The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

REPEALER

The following section of the Washington Administrative Code is repealed:

- WAC 220-56-25500X Halibut-seasons—Daily limits. (02-73)

EMERGENCY

WSR 02-12-019
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-108—Filed May 28, 2002, 10:25 a.m., effective June 8, 2002,
8:00 a.m.]

Date of Adoption: May 23, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 232-28-61900T; and amending WAC 232-
28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to regulate a juvenile fishing derby on planted trout. Following conclusion of the derby the planted trout are available to all fishers. There is insufficient time to promulgate permanent rules.

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 1.

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

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

Effective Date of Rule: June 8, 2002, 8:00 a.m.

May 23, 2002

J. P. Koenings

Director

NEW SECTION

WAC 232-28-61900T Bridgeport Fishing Derby.

Notwithstanding the provisions of WAC 232-28-619, effective 8:00 a.m. June 8 through 8:00 p.m. June 9, 2002, in those waters of the Columbia River inside the blocked-off portion of the city of Bridgeport Marina:

(1) Open to juvenile fishers only from 8:00 a.m. June 8, 2002 through 2:00 p.m. June 9, 2002.

Trout: No limit during the fishery provided for in this section. No minimum size.

(2) Open to all fishers from 2:01 p.m. June 9, 2002 through 8:00 p.m. June 9, 2002.

Trout: No limit during the fishery provided for in this section. No minimum size.

REPEALER

The following section of the Washington Administrative code is repealed effective 8:01 p.m. June 9, 2002:

WAC 232-28-61900T Bridgeport Fishing Derby.

WSR 02-12-045

EMERGENCY RULES

PERSONNEL RESOURCES BOARD

[Filed May 29, 2002, 3:36 p.m., effective July 11, 2002]

Date of Adoption: May 29, 2002.

Purpose: The purpose of this rule is to deal with incumbent status for positions converted by the Washington Personnel Resources Board from exempt to classified.

Statutory Authority for Adoption: RCW 41.06.150.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule was previously adopted on an emergency basis effective March 14, 2002.

In December 2001, the Washington Personnel Resources (WPRB) issued a decision determining that several positions of the Washington Horse Racing Commission (WHRC) do not meet the exemption criteria in WAC 356-06-020 and therefore, are in the classified civil service.

Since the issuance of the WPRB decision, Department of Personnel staff has been working with the WHRC and other interested parties regarding issues dealing with the transition. It has taken a considerable amount of time in determining classification and compensation issues, and development of rules to allow the transition.

The WHRC starts hiring employees in the spring and is in full operation by summer. Therefore, at a special Washington Management Service hearing held on March 14, 2002, the director adopted a proposal regarding classification and compensation. In order to allow the transition of employees into classified service to be effective at the same time, these rules need to be adopted on an emergency basis.

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 Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Effective Date of Rule: July 11, 2002.

May 29, 2002

E. C. Matt

Director

NEW SECTION

WAC 356-56-070 Incumbent status for positions converted by the board from exempt to classified. (1)

When the board determines that a position that has been treated as exempt does not meet the exemption criteria in WAC 356-06-020 the incumbent's status within the classified Washington management service will be in accordance with subsections (2) through (9) of this section.

(2) The incumbent shall not be required to meet any additional agency selection requirements in order to be placed into the converted position.

(3) Incumbents who have been continuously employed for a period of time equivalent to or greater than the Washington management review period that the agency requires to obtain permanent status shall not be required to complete a review period. Incumbents who have not been continuously employed for a period of time equivalent to or greater than the established review period shall be required to complete the remaining portion of the Washington management service review period.

(4) Incumbents whose salary is higher than the range of consideration or band assigned to the Washington management service shall retain their current salary, which will be administered as a Y-rate in accordance with WAC 356-14-075.

(5) Incumbents shall be credited with all unused sick leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue sick leave as provided in WAC 356-18-050.

(6) Incumbents shall be credited with all unused vacation leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue vacation leave as provided in WAC 356-18-090.

(7) With regard to calculation of unused sick and vacation leave credits upon conversion, the employing agency is entitled to a presumption that its calculations are accurate and in accordance with Chapter 356-18 WAC. If the incumbent disagrees he or she bears the burden of proof, by a preponderance of the evidence, that a different leave amount is correct under Chapter 356-18 WAC.

(8) The director will determine the methodology to be used for establishing the effective date for incumbent seniority. When feasible, the director will apply the methodology as prescribed in WAC 356-05-390. The employing agency shall set the seniority date in accordance with the director's instruction. Thereafter, incumbents shall accrue seniority in accordance with WAC 356-05-390. As provided in WAC 356-30-130, seniority gained by seasonal career employees during seasonal layoff will be disregarded. If an incumbent believes the agency did not set the seniority date in accor-

dance with the director's instructions, the incumbent may request a review with the director. The written request for review must be filed with the director and received within 30 calendar days from the date the agency informed the employee of their seniority date. The request must contain the reasons and basis for the review. Once the review is completed the director or designee shall issue a decision, which will be final and binding.

(9) Incumbents placed in a position converted under the provisions of this section have appeal rights as provided in Title 356 WAC and Title 358 WAC.

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

WSR 02-12-046

EMERGENCY RULES

PERSONNEL RESOURCES BOARD

[Filed May 29, 2002, 3:38 p.m., effective June 13, 2002]

Date of Adoption: May 29, 200 [2002].

Purpose: The purpose of these modifications is to address the passage of the SSB 5366, SSB 5263, and SB 6375.

Citation of Existing Rules Affected by this Order: Amending WAC 356-22-220, 356-18-160, 251-17-150, 251-01-175, 251-22-180, and 251-22-060.

Statutory Authority for Adoption: RCW 41.06.150.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: These rule modifications are needed as a result of SSB 5366, which became effective June 8, 2000, SSB 5263, which became effective May 2, 2001, and SB 6375, which becomes effective June 13, 2002.

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 6, Repealed 0.

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

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

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

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

Effective Date of Rule: June 13, 2002.

May 29, 2002

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-22-220 Veterans (~~(preference)~~) scoring in examinations. ~~((1) The term veteran as used in this rule shall include any person who has served in any branch of the armed forces of the United States during:~~

- ~~(a) World War II;~~
- ~~(b) The Korean Conflict;~~
- ~~(c) The Viet Nam Era, beginning August 5, 1964 and ending May 7, 1975;~~
- ~~(d) The Persian Gulf War, beginning August 2, 1990 and ending on the date prescribed by presidential proclamation or law;~~

~~(e) The following armed conflicts, if the participant was awarded the respective campaign badge or medal: the crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; and Bosnia, Operation Joint Endeavor; or~~

~~(f) Who has received the armed forces expeditionary medal, Marine Corps expeditionary medal, or Navy expeditionary medal, for opposed action on foreign soil.))~~

(1) In all competitive examinations, any veteran who submits the qualifying DD214 form, has honorably served in any branch of the armed forces, and did not serve during a period of war or in an armed conflict or is receiving military retirement shall have five percent added to their final passing score. The percentage shall be added until the person's first appointment and shall not be utilized in promotional examinations.

~~((3)) (2) In all competitive examinations, veterans, as defined in subsection (4) of this section and upon submission of their qualifying DD214 form, shall be given ((a preference)) additional percentages by adding to the passing ((grade)) score, ((based upon a possible rating of 100 points as perfect,)) a percentage of such passing ((grade)) score under the following conditions:~~

~~(a) Ten percent to a veteran who ((is not receiving any veterans retirement payments)) served during a period of war or in an armed conflict and does not receive military retirement. ((This preference shall be utilized until one of the examinations results in a veteran's first appointment and not in any promotional examination.)) The percentage shall be added until the veteran's first appointment and shall not be utilized in promotional examinations.~~

~~((b) Five percent to a veteran who is receiving any veterans retirement payments. This percentage shall be utilized until one of the examinations results in a veteran's first appointment and not in any promotional examination.))~~

~~((e)) (b) Five percent to a veteran who ((, after having previously received employment with the state, is called, or recalled, to active military service for one or more years during any period of war)) was called from state employment to active military service for one or more years. ((This preference shall be utilized on the first promotional examination only.)) The percentage shall be added to the first promotional examination only.~~

~~((4)) (3) The ((above preference)) provisions in subsection (1) and (2) must be claimed within ((eight)) fifteen years~~

of the date of release from active military service. This period may be extended by the director or designee for valid and extenuating reasons to include but not be limited to:

(a) Documented medical reasons beyond control of the veteran;

(b) United States department of veterans' affairs documented disabled veteran; or

(c) Any veteran who has his or her employment terminated through no fault or action of his or her own and whose livelihood is adversely affected may seek employment consideration under this section.

(4) The term veteran as used in subsection (2) of this section shall include any person who has served in any branch of the armed forces of the United States during:

(a) World War II;

(b) The Korean Conflict;

(c) The Viet Nam Era means:

(i) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period.

(ii) The period beginning August 5, 1964, and ending on May 7, 1975.

(d) The Persian Gulf War, beginning August 2, 1990 and ending on the date prescribed by presidential proclamation or law;

(e) The following armed conflicts, if the participant was awarded the respective campaign badge or medal: the crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; and Bosnia, Operation Joint Endeavor;

(f) The period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress; or

~~((f)) (g) Who has received the armed forces expeditionary medal, Marine Corps expeditionary medal, or navy expeditionary medal, for opposed action on foreign soil.~~

(2) Further, only persons who received an honorable discharge or who received a discharge for physical reasons with an honorable record or who were released from active duty under honorable circumstances shall be eligible for this veterans preference.

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

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

AMENDATORY SECTION (Amending WSR 89-06-028 (Order 314), filed 2/24/89, effective 4/1/89)

WAC 356-18-160 Military leave—Reemployment.

~~(1) ((Any person who is a resident of this state and who voluntarily or upon demand vacates a position of employment other than temporary to determine physical fitness to enter or who actually does enter upon active duty or training in the Washington National Guard, the armed forces of the United States or the United States Public Health Service shall be reemployed under the conditions prescribed in RCW~~

73.16.031 through 73.16.061.) A classified employee shall be entitled to military leave of absence without pay for service in the uniformed services of the United States or the state, and to reinstatement as provided in chapter 73.16 RCW.

(2) ~~((Such persons must:))~~ No adjustments shall be made to the seniority date, leave accrual rate, periodic increment date and anniversary date while an employee is on military leave.

~~((a) Provide written notice to their employer within ninety days of the date of separation or release from training and service (rejected applicants must apply within thirty days from date of rejection);~~

~~(b) Furnish a receipt of honorable discharge, report of separation or certificate of satisfactory service or other proof of satisfactorily completed service (rejected applicants must furnish proof of orders for examination and rejection);~~

~~(c) Return to state service within three months after serving four years or less provided that any additional service imposed by law will not affect their reemployment rights (RCW 73.16.035); restore the individual to his/her former position, or to a position in the same or~~

~~(3) The employer shall, upon receipt of an individual's notice to return, similar class located within a reasonable commuting distance of the former position.~~

~~(4) Any person who is reemployed under the conditions prescribed in RCW 73.16.031 through 73.16.041 shall return without loss of seniority and be entitled to all rights and benefits.)~~

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

AMENDATORY SECTION (Amending WSR 96-11-061, filed 5/10/96, effective 6/6/96)

WAC 251-17-150 Veterans ((preference)) scoring in examinations. (1) Any veteran who claims eligibility, submits the qualifying DD214 form, has honorably served in any branch of the armed forces, and did not serve during a period of war or in an armed conflict or is receiving military retirement shall have five percent added to their final passing score. The percentage shall be added until the person's first appointment and shall not be utilized in promotional examinations.

~~((1))~~ (2) Veterans who claim ((veterans preference)) eligibility, submit the qualifying DD214 form, and meet the criteria specified in subsection((s)) ((2) through) (4) of this section shall have added to their final passing scores:

(a) Ten percent of the final passing score for a veteran who ((is not receiving any veteran's retirement payments)) served during a period of war or in an armed conflict and does not receive military retirement. ((This preference shall be utilized in open competitive examinations until the veteran's first appointment and not in any promotional examination.)) The percentage shall be added until the veteran's first appointment and shall not be utilized in promotional examinations.

~~((b) Five percent of the final passing score for a veteran who is receiving any veteran's retirement payments. This~~

~~preference shall be utilized in open competitive examinations until the veteran's first appointment and not in any promotional examination.))~~

~~((c))~~ (b) Five percent of the final passing score for a veteran who ((, after having previously received employment with the state, is called, or recalled, to active military service for one or more years during any period of war)) was called from state employment to active military service for one or more years. ((This preference shall be limited to the first promotional examination following return from military service.)) The percentage shall be added to the first promotional examination only.

~~((2))~~ (3) ((Veterans preference)) The provisions in subsection (1) and (2) of this section must be claimed within ((eight)) fifteen years of the date of release from active military service. This period may be extended by the personnel officer for valid and extenuating reasons to include but not be limited to:

(a) Documented medical reasons beyond control of the veteran;

(b) United States department of veterans' affairs documented disabled veteran; or

(c) Any veteran who has his or her employment terminated through no fault or action of his or her own and whose livelihood is adversely affected may seek employment consideration under this section.

~~((3))~~ (4) The term "veteran" as used in ((these rules)) subsection (2) of this section shall include every person who has received an honorable discharge or received a discharge for physical reasons with an honorable record and:

(a) Has served in any branch of the armed forces of the United States between World War I and World War II or during any period of war; or

(b) Has served in any branch of the armed forces of the United States and received the armed forces expeditionary medal, or Marine Corps and Navy expeditionary medal, for opposed action on foreign soil.

~~((4))~~ (5) A "period of war" includes:

(a) World War I;

(b) World War II;

(c) The Korean conflict;

(d) The Viet Nam era((, beginning August 5, 1964 and ending on May 7, 1975;)) means:

(i) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period.

(ii) The period beginning August 5, 1964, and ending on May 7, 1975.

(e) The Persian Gulf War, beginning August 2, 1990 and ending on the date prescribed by presidential proclamation or law;

(f) The following armed conflicts, if the participant was awarded the respective campaign badge or medal; the crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; and Bosnia, Operation Joint Endeavor; and

(g) The period beginning on the date of any future declaration of war by the Congress and ending on the date pre-

scribed by presidential proclamation or concurrent resolution of the Congress.

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

AMENDATORY SECTION (Amending WSR 88-02-017 (Order 164), filed 12/30/87, effective 2/1/88)

WAC 251-01-175 Final examination score. An applicant's final passing score on an examination, plus any veterans ((~~preference~~)) or other applicable credits added in accordance with WAC 251-17-150 and/or 251-18-180 ((~~(10)(b)~~)).

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-22-180 Military leave without pay—Reemployment. (1) A classified employee shall be entitled to military leave of absence without pay for service in the ((~~armed forces~~)) uniformed services of the United States or the state, and to reinstatement ((~~to his/her former position or to one in the same class, with cumulative seniority and increments, upon application to the personnel officer within ninety calendar days after the expiration of such period of military service, in accordance with RCW 73.16.030 through 73.16.064~~)) as provided in chapter 73.16 RCW.

(2) No adjustments shall be made to the seniority date, leave accrual rate, periodic increment date and anniversary date while an employee is on military leave.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-22-060 Vacation leave—Accrual. (1) Full-time employees eligible for vacation leave shall accrue vacation leave, to be credited monthly, at the following rates:

- (a) During the first year of continuous state employment 12 days (8.0 hours per month);
- (b) During the 2nd year of continuous state employment 13 days (8 hours, 40 minutes per month);
- (c) During the 3rd and 4th years of continuous state employment 14 days (9 hours, 20 minutes per month);
- (d) During the 5th through the 9th years of total state employment 15 days (10 hours per month);
- (e) During the 10th year of total state employment 16 days (10 hours, 40 minutes per month);
- (f) During the 11th year of total state employment 17 days (11 hours, 20 minutes per month);
- (g) During the 12th year of total state employment 18 days (12 hours per month);
- (h) During the 13th year of total state employment 19 days (12 hours, 40 minutes per month);
- (i) During the 14th year of total state employment 20 days (13 hours, 20 minutes per month);
- (j) During the 15th year of total state employment 21 days (14 hours per month);
- (k) During the 16th and succeeding years of total state employment 22 days (14 hours, 40 minutes per month).

(2) Employees working less than full-time schedules shall accrue vacation leave credit on the same prorata basis that their appointment bears to a full-time appointment.

(3) Per the provisions of WAC 251-19-130(2), the scheduled period of cyclic year position leave of absence without pay shall not be deducted for purposes of computing the rate of vacation leave accrual for cyclic year position employees.

(4) The following shall apply for purposes of computing years of qualifying state employment:

(a) Employment in the legislative and/or the judicial branch shall not be credited;

(b) Employment exempt by the provisions of WAC 251-04-040(4) or employment in a state agency which is analogous to the conditions specified in WAC 251-04-040(4) shall not be credited;

(c) Each contract year of full-time faculty and/or administrative exempt employment within the higher education institutions shall be credited as a year of qualifying service;

(d) Employment in part-time classified positions shall be credited as full-time service.

(5) Vacation leave credits shall not accrue during a leave of absence without pay which exceeds ten working days in any calendar month, nor shall credit be given toward the rate of vacation leave accrual except during military leave without pay as provided in WAC 251-22-180.

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

WSR 02-12-047

EMERGENCY RULES

PERSONNEL RESOURCES BOARD

[Filed May 29, 2002, 3:38 p.m., effective June 13, 2002]

Date of Adoption: May 29, 2002.

Purpose: These modifications are needed as a result of SB 6628. This bill modifies the probationary and trial service periods for campus police officers.

Citation of Existing Rules Affected by this Order: Amending WAC 251-19-060 and 251-06-090.

Statutory Authority for Adoption: RCW 41.06.150.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: SB 6628 is effective June 13, 2002.

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

Effective Date of Rule: June 13, 2002.

May 29, 2002

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 99-19-118, filed 9/21/99, effective 11/1/99)

WAC 251-19-060 Trial service period. (1) A trial service period of six months shall be required upon appointment of a permanent employee to a new class at the institution, unless

(a) During the current period of employment at the institution, permanent status has been held in the class to which the employee is moving, or

(b) The class is lower in that same class series, or

(c) The employee is being reallocated per the provisions of WAC 251-06-080, or

(d) The employee is moving to the class as part of a recognized apprenticeship program as provided in WAC 251-19-140, or (-)

(e) The employee is moving to the campus police officer class. The trial service period of a permanent employee moving to the campus police officer class or successor title shall extend from the date of appointment until twelve months following the successful completion of the Washington State Criminal Justice Training Commission Basic Law Enforcement Academy or twelve months from the date of appointment if academy training is not required.

(2) A trial service period of six months shall be required upon employee movement as specified in WAC 251-19-110, except as provided in WAC 251-19-060 (1)(e).

(3) A trial service period shall be required upon appointment from an institution-wide promotional list as provided in WAC 251-18-180.

(4) A trial service period shall be required upon appointment from a statewide layoff list as provided in WAC 251-10-060.

(5) The trial service period provides the employing official an opportunity to observe and evaluate the new employee's work. Employees who do not perform satisfactorily during the trial service period may be reverted as follows:

(a) With preemptive rights to the former position in which permanent status was last held, or to a vacant position in that class (except when reversion is from a position the appointment to which was a result of disciplinary demotion or employee movement as specified in WAC 251-19-110). The personnel officer shall determine which position to preempt. However, if the employee was in a trial service appointment in another class prior to the current trial service period, the personnel officer may provide the employee the

opportunity to complete the first interrupted trial service period.

(b) Reversion must be preceded by written notice at least one work day (eight hours), before the effective date.

(c) If the former position to which the employee has preemptive rights has been abolished and a vacant position in the class is not available, or if there is no class to which the reverted employee has preemptive rights, the affected employee shall be accorded such bumping rights and placement on layoff lists as would be provided in layoff from his/her former class.

(6) Reversion from trial service must be preceded by:

(a) Written notice detailing deficiencies in performance, which shall include the specific changes required; and

(b) A reasonable opportunity to overcome identified deficiencies.

(7) An employee who is reverted may appeal to the personnel appeals board regarding:

(a) Whether the employer complied with the requirements of subsection (6) of this section; and

(b) Whether the claimed deficiencies existed at the time of reversion.

(8) In the event an employee is on leave without pay status and/or shared leave for more than ten work days during the trial service period, the completion date of the trial service period shall be extended by an amount of time equal to the period of leave without pay and/or shared leave.

(9) Successful completion of the trial service period shall result in permanent status in the class.

(10) Salary and periodic increment date shall be determined as follows:

(a) Upon promotional trial service appointment, the salary shall be established as provided in WAC 251-08-110; and the existing periodic increment date shall be eliminated and a new date established to be effective the date of completion of trial service;

(b) Upon trial service reversion the salary shall be established as provided in WAC 251-08-115 and the former periodic increment date shall be reestablished;

(c) Upon trial service appointment to a class at the same salary level, the salary and periodic increment date shall remain unchanged.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-06-090 Probationary period—Duration.

(1) ~~(The)~~ Except as provided in WAC 251-06-091, the probationary period for all classes in the classification plan will be six months, unless the board approves a longer probationary period for the class.

(2) The director will prepare and revise for board adoption on a class-by-class basis any probationary periods which exceed six months. Procedures for requesting extended probationary periods will be developed by the director.

(3) Classes with longer probationary periods will be identified in the classification plan.

(4) When the probationary period for a class is approved for longer than six months, the longer period shall apply only

to eligibles appointed after the effective date of the board's action.

NEW SECTION

WAC 251-06-091 Campus police officer probationary period—Duration. The probationary period for the campus police officer class (or successor title) shall extend from the date of appointment until twelve months following the successful completion of the Washington State Criminal Justice Training Commission Basic Law Enforcement Academy or twelve months from the date of appointment if academy training is not required.

WSR 02-12-048

EMERGENCY RULES

PERSONNEL RESOURCES BOARD

[Filed May 29, 2002, 3:39 p.m., effective June 13, 2002]

Date of Adoption: May 29, 2002.

Purpose: These modifications are a result of legislative action (SHB 1268).

Citation of Existing Rules Affected by this Order: Repealing WAC 356-06-020 and 251-04-040; and amending WAC 356-10-020.

Statutory Authority for Adoption: RCW 41.06.150.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: SHB 1268 removes exempt authority from the Washington Personnel Resource Board. This authority will be with the director of the Department of Personnel, effective June 13, 2002.

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 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 0, Amended 0, Repealed 0.

Effective Date of Rule: June 13, 2002.

May 29, 2002

E. C. Matt
Secretary

REPEALER

WAC 356-06-020

Exemptions.

REPEALER

WAC 251-04-040

Exemptions.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-10-020 Classification plan—Revision. The director shall submit proposed revisions to the classification plan to the board for review and approval.

(1) The board shall hold open hearings on the proposals after 20 days' notice to employee organizations and agencies. The board may modify the proposals.

(2) In adopting these revisions the board shall comply with RCW 41.06.152, 41.06.150(~~((15))~~) (12), and chapter 43.88 RCW.

WSR 02-12-049

EMERGENCY RULES

PERSONNEL RESOURCES BOARD

[Filed May 29, 2002, 3:41 p.m., effective June 13, 2002]

Date of Adoption: May 29, 2002.

Purpose: These modifications are due to the passage of the civil service reform bill (SHB 1268). These modifications reflect language that was deleted or changed in the statute regarding salary surveys.

Citation of Existing Rules Affected by this Order: Repealing WAC 356-14-060, 251-08-051, 251-08-060 and 251-01-180; and amending WAC 356-14-010, 356-14-026, 251-08-005, and 251-08-021.

Statutory Authority for Adoption: RCW 41.06.150.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: These changes are necessary due to the passage of SHB 1268. The portion of the bill that affects these rules becomes effective June 13, 2002.

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

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.

EMERGENCY

Effective Date of Rule: June 13, 2002.

May 29, 2002

E. C. Matt
Secretary

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-14-010 Compensation plan—General provisions. The director of personnel shall prepare a compensation plan for all classifications. The plan shall provide for:

(1) Full compensation to each employee for all work assigned and performed and consideration of all compensation to the employee in setting the employee's salary.

(2) Salary range schedules including the first, intervening, and maximum steps of each range.

(3) Assignment of each classification to a salary range giving full consideration to the prevailing rates in Washington state private industries, and other governmental units(~~for positions of a similar nature to provide like pay for like work~~).

(4) Work period designation of each classification, or individual positions within a classification.

(5) Rates of premium pay, shift premium, and standby pay schedules determined by the board in the same manner as are basic salaries.

~~((6) Appropriate statistical standards and reporting requirements as outlined in chapter 356-14 WAC for comprehensive and trend salary/fringe benefit surveys.))~~

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-14-026 Salary surveys~~((Application—Indexing))~~. ~~((1) Comprehensive and trend salary))~~ Salary surveys will be ~~((conducted))~~ undertaken in accordance with applicable portions of chapter 41.06 RCW.

~~((2) All classes shall be identified and indexed (affixed) to a particular salary survey benchmark class (or group average of selected benchmark classes). Such indexing shall display the number of salary schedule ranges that each class is aligned above, the same, or below the respective benchmark class or group. Such class by class indexing shall be published on twenty day notice and approved by the board.~~

~~((3) The salary relationships so established by indexing will remain the same upon application of the salary survey data to respective benchmark classes and groups. *Provided*, That the board may approve exceptions to correct for inequities, substantial changes in duties and responsibilities, or recruiting and retention problems, consistent with other provisions of this chapter.))~~

REPEALER

WAC 356-14-060 Compensation plan—Additional salary surveys and studies.

AMENDATORY SECTION (Amending WSR 95-19-055, filed 9/15/95, effective 10/16/95)

WAC 251-08-005 Compensation plans—General.

The director shall prepare, and subject to board approval shall periodically revise in a manner consistent with the development of the original plan, compensation plans for all classes. The plans shall provide for:

(1) Full compensation to each employee for all work assigned and performed.

(2) Regular salary increment increases based upon length of service for all employees whose performance is such as to permit them to retain job status in the classified service.

(3) Assignment of each class to a salary range reflecting prevailing rates in other public employment and in private employment in this state or in the locality in which the institution is located, provided funds are available as defined in WAC 251-08-051.

(4) The rates in the salary schedules or plans to be increased if necessary to attain comparable worth.

~~((5) Equal pay for similar duties, responsibilities, and qualifications among classes as determined by the salary survey process.))~~

~~((6))~~ (5) Such other provisions as are appropriate in the establishment and maintenance of compensation equity in relation to prevailing practices found in Washington state private industries and other governmental units.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-08-021 Compensation plans—Salary survey. ~~((Comprehensive and trend salary))~~ Salary surveys will be ~~((conducted))~~ undertaken in accordance with applicable portions of chapter 41.06 RCW.

REPEALER

WAC 251-08-051 Compensation plans—Implementation.

REPEALER

WAC 251-08-060 Compensation plans—Additional salary survey.

REPEALER

WAC 251-01-180 Fringe benefits.

WSR 02-12-050

EMERGENCY RULES

PERSONNEL RESOURCES BOARD

[Filed May 29, 2002, 3:42 p.m., effective July 11, 2002]

Date of Adoption: May 29, 2002.

EMERGENCY

Purpose: The purpose of this rule is to deal with incumbent status for positions converted by the Washington Personnel Resources Board from exempt to classified.

Statutory Authority for Adoption: RCW 41.06.150.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule was previously adopted on an emergency basis effective March 14, 2002. In December 2001, the Washington Personnel Resources (WPRB) issued a decision determining that several positions of the Washington Horse Racing Commission (WHRC) do not meet the exemption criteria in WAC 356-06-020 and therefore, are in the classified civil service.

Since the issuance of the WPRB decision, Department of Personnel staff has been working with the WHRC and other interested parties regarding issues dealing with the transition. It has taken a considerable amount of time in determining classification and compensation issues, and development of rules to allow the transition.

The WHRC starts hiring employees in the spring and is in full operation by summer. Therefore, at a special Washington Management Service hearing held on March 14, 2002, the director adopted a proposal regarding classification and compensation. In order to allow the transition of employees into classified service to be effective at the same time, these rules need to be adopted on an emergency basis.

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.

Effective Date of Rule: July 11, 2002.

May 29, 2002

E. C. Matt

Secretary

NEW SECTION

WAC 356-06-065 Incumbent status for positions converted by the board from exempt to classified. (1) When the board determines that a position that has been treated as exempt does not meet the exemption criteria in WAC 356-06-020 the incumbent's status within the classified

Washington general service will be in accordance with subsections (2) through (10) of this section.

(2) The incumbent shall not be required to pass a qualifying examination or meet the minimum qualifications for the Washington general service classification to which their position is allocated.

(3) Incumbents who have been continuously employed for a period of time equivalent to or greater than the probationary period established for their Washington general service classification shall not be required to complete the probationary period. Incumbents who have not been continuously employed for a period of time equivalent to or greater than the probationary period shall be required to complete the remaining portion of their probationary period.

(4) Incumbents whose salary is higher than the salary range assigned to their Washington general service classification shall be Y-rated in accordance with WAC 356-14-075.

(5) The periodic increment date (PID) for incumbents placed in positions converted by the board on or before the 15th of the month shall be set at the first day of that month. The PID for incumbents placed in positions converted by the board after the 15th of the month shall be set the first day of the following month.

(6) Incumbents shall be credited with all unused sick leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue sick leave as provided in WAC 356-18-050.

(7) Incumbents shall be credited with all unused vacation leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue vacation leave as provided in WAC 356-18-090.

(8) With regard to calculation of unused sick and vacation leave credits upon conversion, the employing agency's leave records are presumed to be accurate and in accordance with Chapter 356-18 WAC. If the incumbent disagrees he or she bears the burden of proof, by a preponderance of the evidence, that a different leave amount is correct under Chapter 356-18 WAC.

(9) The board will determine the methodology to be used for establishing the effective date for incumbent seniority. When feasible, the board will apply the methodology as prescribed in WAC 356-05-390. The employing agency shall set the seniority date in accordance with the board's instruction. Thereafter, incumbents shall accrue seniority in accordance with WAC 356-05-390. As provided in WAC 356-30-130, seniority gained by seasonal career employees during seasonal layoff will be disregarded. If an incumbent believes the agency did not set the seniority date in accordance with the board's instructions, the incumbent may request a review with the director. The written request for review must be filed with the director and received within 30 calendar days from the date the agency informed the employee of their seniority date. The request must contain the reasons and basis for the review. Once the review is completed the director or designee shall issue a decision, which will be final and binding.

(10) Once an incumbent is placed in a position converted under the provisions of this section, he/she shall be covered

by the merit system rules and shall have appeal rights as set forth in these rules and Title 358 WAC.

WSR 02-12-051
EMERGENCY RULES
PERSONNEL RESOURCES BOARD

[Filed May 29, 2002, 3:42 p.m., effective July 11, 2002]

Date of Adoption: May 29, 2002.

Purpose: The intent of the proposed modifications is to make it easier to understand the administration of overtime and call-back penalty pay when Department of Natural Resources' employees are performing emergency duty under an incident command system for long hours and, in some cases, days or weeks at a time. This proposal would allow miscellaneous leave to be approved in consideration of employees' need to recuperate after extended periods of emergency work under an incident command system. The modification to WAC 356-15-090(6) is housekeeping in nature.

Citation of Existing Rules Affected by this Order: Amending WAC 356-15-090 and 356-15-100.

Statutory Authority for Adoption: RCW 41.06.150.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These proposed rule amendments would relieve and otherwise avoid employee frustrations and disputes over pay issues thereby significantly contributing to their morale and safety, making adoption of proposed rule amendments in time for the 2002 fire season important to the public health, safety and general welfare. These amendments were previously adopted in an emergency basis effective March 14, 2002.

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 4, Repealed 0.

Effective Date of Rule: July 11, 2002.

May 29, 2002
E. C. Matt
Secretary

AMENDATORY SECTION (Amending WSR 97-24-038, filed 11/26/97, effective 1/1/98)

WAC 356-15-090 Schedule change and compensation. (1) The agency shall schedule the working days and hours of scheduled work period employees. This schedule shall remain in effect for at least seven calendar days, and may be changed only with seven or more calendar days notice. If seven calendar days notice is not given, a new schedule does not exist until the notice period expires. Agencies may notify employees of more than one future schedule change in a single notice.

The seven calendar days notice of changes in working days and/or hours must be given to the affected employees during their scheduled working hours. The day that notification is given shall constitute a day of notice.

(2) If the agency changes the assigned hours or days of scheduled work period employees without giving them at least seven days notice of the change, employees will be paid for all time worked outside the scheduled hours or days at the overtime rate for the duration of the notice period.

(a) When changes in employees' assigned hours or days are made without proper notice, employees may work their scheduled hours or days unless the agency deems that:

(i) The employees are unable to perform satisfactorily as the result of excessive overtime hours; or

(ii) The work which normally would have been performed within the scheduled hours or days cannot be performed.

(b) The state is not obligated to pay for those scheduled hours or days not worked, unless the employee is on an authorized leave of absence with pay.

(c) Overtime pay and shift or schedule change pay shall not be paid for the same incident.

(3) Regardless of whether advance notice is given, an agency is not obligated to pay overtime due to a change in work schedule, when such a change is in response to a request from an employee, provided the employee works no more than forty hours in a workweek.

When the majority of employees in a work unit ask, in writing, for such a change, and the work unit can function properly only if all employees in the unit work the proposed schedule or scheduling plan, the agency is authorized to approve the change for the entire unit as an employee-initiated change. A written request for a schedule change from the exclusive representative shall constitute a request of employees within a certified bargaining unit.

(4) When an agency initiates a scheduled change from one scheduled standard work schedule to another scheduled standard work schedule, there is created a seven-day transition period.

(a) The transition period starts at the beginning of the shift of the previous schedule which would have begun a new five-consecutive-day work cycle.

(Example: An eight-to-five Tuesday through Saturday employee changes to a Sunday-Thursday schedule beginning on Sunday. The transition period starts at eight a.m. on the last Tuesday of the old schedule, and runs until eight a.m. on the first Tuesday under the new schedule.)

(b) If, during the transition period, the employee must work more than five of the seven workdays, then the work in excess of forty non-overtime hours will be paid at overtime rates.

(c) If, during the transition period, the schedule change causes an employee to begin work on an earlier day of the workweek or at an earlier hour of the workday than was required under the old schedule, the employee will be paid at the overtime rate for the first hours worked in the new schedule which precede the next hours which the employee would have worked under the old schedule.

(5) Contingency scheduling is allowed for employees having the following responsibilities: Highway snow, ice, and avalanche control, grain inspection, horticulture inspection; and in the departments of natural resources or corrections, performing emergency response duty under an Incident Command System, defined in RCW 38.52.010, including controlling forest fires, or performing work in a fire camp in support of fire crews, "hoot owl," forest fuels management and aerial applications.

(a) Therefore: For ~~((non-forest fire))~~ personnel in scheduled work period positions whose work is not performed under an Incident Command System, the agency shall not be bound by the above scheduled shift change notice requirement if the agency notifies affected employees of the contingency schedule in writing when they enter the position or not less than 30 days prior to implementation.

When conditions mandate the activating of the contingency schedule, the agency shall pay affected employees the overtime rate for all hours worked outside the original schedule at least for the employee's first shift of the contingency schedule and for other overtime hours covered by subsection (7) of this section.

(b) For ~~((forest fire control and fire camp support))~~ personnel in scheduled work period positions whose work is performed under an Incident Command System, the above schedule change notice requirement shall not apply if the agency notifies affected employees in writing that they are subject to contingency scheduling when they enter the position or not less than 30 days prior to implementation.

~~((When an employee's forest fire contingency schedule requires him or her to change working hours from the previous schedule, the agency shall pay the affected employee the overtime rate for all hours worked outside the previous schedule for the employee's first shift of the new contingency schedule.~~

~~When such employees have completed the first eight hours of their assigned contingency shift (10 hours in the case of 10-40 work schedule employees), they shall receive overtime rates for all subsequent work performed until released from duty for a period of five consecutive hours.))~~

Such employees, in the department of natural resources, performing emergency work who are receiving overtime compensation for work which meets subsection (1)(a) through (d) of WAC 356-15-030 and who continue working at the end of one workday into the next workday shall continue to receive overtime compensation thereafter until relieved from duty for a period of at least five consecutive hours or until released from further emergency work, whichever occurs first.

(6) In the department of corrections, ~~((division of prisons))~~ office of correctional operations, the agency and the employees may agree that employees sent to forest fire camps in charge of inmate fire fighters for a period of twenty four hours or more will be on "extended duty assignment." Employees on extended duty assignment will be considered to be on continuous duty from the time they commence such duty including travel time to the fire, until they are released from duty including travel time for return to their nonfire duty station.

(a) During the extended duty assignment, all time will be paid as work time, except that the employer may deduct up to eight hours of nonwork time each day for sleep, plus up to three hours for meals, provided that:

(i) The employee has no responsibility during time deducted for meal periods.

(ii) The time deducted for sleep includes a period of five continuous hours which are not interrupted by a call to work.

(iii) No sleep time shall be deducted if the employer does not furnish adequate sleeping facilities. Adequate sleeping facilities are those which are usual and customary for forest fire camps.

(b) Scheduled work period employees shall be entitled to call back pay to the extent described in WAC 356-15-100 and 356-15-110 for a maximum of one payment, equal to three straight-time hours, at the commencement of an extended duty assignment. No call-back payment shall be made for any work during the hours of an extended duty assignment, or the transition back to the regular work schedule.

(c) The beginning of each work week on extended duty assignment shall be unchanged from the last previous work week on the employee's regular work schedule. All compensable hours of work on extended duty assignment shall be at overtime rates except eight in any work day. All compensable hours on a holiday shall be at overtime rates.

(d) There are no scheduled days off during an extended duty assignment. However, compensable hours on a holiday, and all compensable hours in excess of forty straight time hours in any workweek (including hours worked within the same workweek either before or after the extended duty assignment), shall be paid at overtime rates.

(e) During an extended duty assignment, all hours are duty hours; there is no eligibility for standby pay.

(f) Employees whose regular scheduled work shift entitles them to shift premium for their full shift, or a portion thereof, shall be paid shift premium as follows:

(i) Employees whose regular schedules are all night shifts will continue to receive night shift premium for all paid hours of the extended duty assignment.

(ii) Employees whose regular schedules call for some, but less than four hours of, night shift work each day will continue to receive the same number of hours at shift premium during each workday of the extended duty assignment.

(iii) Employees whose regular schedules call for some, but not all, full night shifts each week will receive shift premium for all paid hours on those same days during the extended duty assignment.

(7) When a scheduled or nonscheduled work period employee experiences a schedule change (within or between agencies) which causes an overlap in workweeks and

requires work in excess of forty hours in either the old or the new workweek, the employee must receive overtime compensation at least equal to the amount resulting from the following calculations:

(a)(i) Starting at the beginning of the "old" workweek, count all hours actually worked before the end of that workweek, and calculate the straight-time pay and the overtime pay (based on "regular rate" as defined in WAC 356-05-353).

(ii) Starting at the conclusion of the "new" workweek, count back to include all hours actually worked since the beginning of that workweek, and calculate the straight-time and overtime (based on "regular rate" as defined in WAC 356-05-353).

(iii) Pay the larger amount calculated under (a)(i) and (ii) of this subsection.

(b) If any other combination of straight-time and time-and-one-half-rate pay required by these rules results in an amount of pay, for either workweek, which is greater than the amount calculated in (a)(iii) of this subsection, then only the larger amount should be paid.

(8) If overtime is incurred as a result of employee movement between state agencies, the overtime will be borne by the receiving agency.

AMENDATORY SECTION (Amending WSR 99-19-113, filed 9/21/99, effective 11/1/99)

WAC 356-15-100 Call-back for work preceding or following a scheduled workshift. (1) Scheduled work period employees shall be notified prior to their scheduled quitting time either to return to work after departing the worksite or to change the starting time of their next scheduled workshift.

(a) Lack of such notice for such work shall be considered call-back and shall result in a penalty of three hours of pay at the basic salary in addition to all other compensation due. This penalty shall apply to each call.

(b) The appointing authority may cancel a call-back notification to work extra hours at any time but cancellation shall not waive the penalty cited in this subsection.

(c) These provisions shall not apply to the mid-shift interval in a split shift and an employee called back while in standby status.

(2) Nonscheduled, exceptions, and law enforcement work period employees are not normally paid for call-back. However, if the appointing authority deems it appropriate, those employees may receive compensation, not to exceed the penalty cited above, for call-back.

(3) In the department of corrections institutions bargaining unit, lack of such notice as provided in subsection (1) of this section shall not result in penalty of three hours of pay at the basic salary when such change in an employee's start time of their next scheduled workshift is a result of the employee signing up on a volunteer overtime sheet.

(4) In the Department of Natural Resources and in lieu of (1) above, employees dispatched to emergency response duty under an Incident Command System, defined in RCW 38.52.010, will be paid a single callback penalty payment equivalent to three (3) hours of straight time pay if they begin to perform emergency work after their scheduled quitting

time on a scheduled work day. This provision applies separately to each emergency incident unless responding to more than one emergency incident from the same camp.

WSR 02-12-052

EMERGENCY RULES

PERSONNEL RESOURCES BOARD

[Filed May 29, 2002, 3:43 p.m., effective June 13, 2002]

Date of Adoption: May 29, 2002.

Purpose: These modifications are due to the passage of the Civil Service Reform Bill (SHB 1268). Determinations of bargaining units, certification and decertification of exclusive bargaining representatives and unfair labor practice issues will be under the jurisdiction of the Public Employment Relations Commission effective June 13, 2002.

Citation of Existing Rules Affected by this Order: Amending WAC 356-42-010 Membership in employee organization, 356-42-042 Election provisions—General, 356-42-045 Union shop elections, 251-14-005 Purpose, 251-14-020 Employee organization filing requirements, 251-14-052 Union shop representative election, 251-14-054 Union shop representative decertification election, 251-14-056 Employee listings, 251-14-058 Union shop requirements, 251-14-060 Contents of written agreements, 251-14-120 Requests for mediation and arbitration and 356-42-105 Requests for arbitration; and repealing WAC 356-42-020 Determination of bargaining unit, 356-42-030 Determination of bargaining unit—Of exclusive representative, 356-42-040 Decertification of exclusive representative, 356-42-049 Disclaimer of interest—Notice—Automatic termination of exclusive representation, 251-14-030 Determination of bargaining unit, 251-14-040 Election and certification of exclusive representative, 251-14-042 Disclaimer of interest petition—Decertification as exclusive representative, 251-14-050 Petition for decertification of exclusive representative, 251-14-070 Unfair labor practices—Management—Employee organizations, 251-14-080 Unfair labor practices—Powers of board—Procedure, 251-14-082 Investigation of and disposition of unfair labor practice charges, 251-14-083 Unfair labor practice notice and complaint—Procedure, 251-14-085 Amendment of complaint or answer—Unfair labor practice, 251-14-086 Hearings and investigation—Unfair labor practice, 251-14-087 Enforcement—Unfair labor practice, 251-14-090 Unfair labor practice—Hearings, 356-42-060 Unfair labor practices for management, 356-42-070 Unfair labor practices for employee organizations, 356-42-080 Unfair labor practice, 356-42-082 Filing unfair labor practice charge, 356-42-083 Investigation of and disposition of unfair labor practice charges, 356-42-084 Answer to complaint—Unfair labor practice, 356-42-085 Amendment of complaint or answer—Unfair labor practice, 356-42-086 Hearing—Unfair labor practice, 356-42-088 Hearings and investigation—Unfair labor practice, and 356-42-089 Enforcement—Unfair labor practice.

Statutory Authority for Adoption: RCW 41.06.150.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline

for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The modifications are necessary due to the passage of SHB 1268. The portion of the bill that affects these rules becomes effective June 13, 2002.

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 11, Repealed 26.

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.

Effective Date of Rule: June 13, 2002.

May 29, 2002

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-42-010 Membership in employee organization. (1) State employees shall have the right to affiliate with, be represented by and participate in, the management of employee organizations. State employees shall have the right to be represented by such organizations in collective negotiations with appointing authorities. No persons or parties shall directly or indirectly interfere with, restrain, coerce or discriminate against any state employee or group of state employees in the free exercise of these rights. However, the right not to affiliate with employee organizations shall be modified by the certification of a union shop representative according to WAC 356-42-043.

~~((2) Any employee organization or person desiring to represent state employees before the board or in collective negotiations with an appointing authority must first file a notice of intent to represent state employees with the director of personnel. Such notice of intent to represent state employees must set forth the name of the person or employee organization, and if the latter, the name of an agent authorized to speak on its behalf; a mailing address and telephone number; a general description of the types of employment falling within the intended area of representation; and a copy of a constitution, by laws, or any other documents defining powers and authorizing representation of the parties filing the notice of intent.))~~

((3)) (2) An employee organization which is, or desires to be, an exclusive bargaining representative for a bargaining unit which has chosen to be a union shop must have a written procedure concerning representation fees which complies with applicable statutory and constitutional requirements.

Such employee organization must provide to the director a written opinion of the employee organization's attorney that its representation fee procedure is in compliance with applicable statutory and constitutional requirements.

REPEALER

WAC 356-42-020

Determination of bargaining unit.

REPEALER

WAC 356-42-030

Determination of bargaining unit—Of exclusive representative.

REPEALER

WAC 356-42-040

Decertification of exclusive representative.

AMENDATORY SECTION (Amending WSR 88-18-010 (Order 307), filed 8/26/88)

WAC 356-42-042 Election provisions—General. (1)

To provide that ~~((certification/decertification and))~~ union shop elections are truly representative of the desires of the employees and that all employees eligible to vote have every opportunity to do so, employee participation in these elections will be encouraged to the greatest extent possible.

(2) The director or designee shall administer all elections and be responsible for the processing and adjudication of all disputes that arise as a consequence of elections.

(3) Upon being notified by the director or designee that a valid petition for an election has been received, the affected appointing authority shall submit to the director or designee and the petitioning party and/or exclusive representative a list of all employees included in the bargaining unit as of the preceding payroll period. This list shall contain the employees' names, job classifications, work locations, and home mailing addresses. For purposes of an election, the director or designee shall also provide such listing to an affected employee organization which has submitted proof that it represents at least ten percent of the employees in the bargaining unit and/or to a group of affected employees who have submitted a written request signed by at least ten percent of the employees in the unit.

(4) Upon receipt of a valid petition for an election, the director or designee shall conduct a preelection conference which shall include representatives of the appointing authority, and representatives of the employee organization and/or petitioning party. At the preelection conference, determinations will be made on such matters as method of balloting, date(s) of election, absentee voting, eligibility of voters, locations, personnel at each election site, campaign activities, and any other matter that should be resolved concerning that election. Following, the preelection conference, the director or designee will establish rules, regulations and procedures for holding the election.

(5) At least ten days prior to the scheduled date, the director or designee will distribute a notice of election for posting in the work areas of affected employees. Such notice

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will contain information regarding the date(s), time(s) and location(s) of balloting, the rules, regulations and procedures established for the election, and a sample ballot.

(6) To the extent feasible, as determined by the director or designee, on-site voting shall take place during the employees' regular work schedules. Eligible voters shall be given ample opportunity to vote during work time while the polls are open.

(7) An employee who cannot appear at the voting site on the date of the vote, may vote by absentee ballot. A request for an absentee ballot must be submitted to the director or designee prior to the close of voting at the employee's voting site. To be counted, absentee ballots must be postmarked within five calendar days thereafter and must be received by the department of personnel within ten calendar days of the close of the polls.

(8) Employees on leave of absence without pay for the entire calendar month preceding the start of the balloting shall not be eligible to vote.

(9) Rules governing campaign activities shall be determined at the preelection conference. Employees included in the affected bargaining unit and representatives of the petitioning party and/or the affected employee organization shall have the right to conduct such activities on the employer's grounds during work hours so long as the work of the employee and the operation of the employer are not disturbed.

(10) Electioneering shall not be permitted within twenty-five feet of the posted election area during the hours of voting or at any place after the close of the polls.

(11) Each party to an election may have one observer present during on-site voting to assist the election agent in identifying eligible voters. An employee who serves as such an observer shall be released with pay from duties normally performed during his/her work hours.

(12) The department of personnel will maintain the official voter eligibility list and will provide a copy of that list to each party. The official observer for either party may bring a copy of that list to the on-site polling place(s) for his/her own use, provided such use does not interfere with the conduct of the election.

(13) Within five working days of the date of the tally of the ballots, the petitioning party, the affected employee organization, or an employee in the bargaining unit may file objections to the election. Such objections must be in writing and must be received by the director within the five working day period. The director or designee shall investigate and determine an appropriate remedy if the objection is found to be meritorious.

(14) Any violation of these rules should be immediately reported to the director or designee. Upon receiving a complaint, the director or designee will immediately investigate; and if necessary, take steps to cause the violation to stop. If it is found by the director or designee that violations of these rules or the preelection agreements have affected the outcome of the election, the director may invalidate the election, order a new election, or take other appropriate remedial action.

AMENDATORY SECTION (Amending WSR 89-02-011 (Order 312), filed 12/28/88, effective 2/1/89)

WAC 356-42-045 Union shop elections. (1) An employee organization is eligible to petition for a union shop representation election if the employee organization is certified as exclusive bargaining representative for a bargaining unit (~~(in accordance with WAC 356-42-030)~~).

(2) Upon receipt of a valid petition from the certified exclusive bargaining representative, the director or designee shall order a union shop representation election. If the employee organization does not already have the opinion of counsel required by WAC 356-42-010(3) on file with the director, the petition shall not be considered complete until such an opinion is provided.

(3) The election will be conducted under the general procedures outlined in WAC 356-42-042.

(4) A petitioning employee organization will be certified as union shop representative if a majority of the employees who are included in the bargaining unit vote in favor of the union shop.

(5) The petitioning employee organization shall take great care to avoid making untrue statements concerning union shop election issues.

(6) The appointing authority shall cooperate with the director or designee to assure that eligible employees have a maximum opportunity to vote in union shop elections.

(7) The appointing authority, supervisors, and other representatives of management shall remain neutral on the questions, merits and issues of the union shop and the petitioning employee organization for the purposes of union shop elections; except that such individuals who are members of the bargaining unit shall have the right to express their personal opinions and beliefs regarding the issues when their positions are included in the bargaining unit. If an objection is made by the petitioning employee organization or by an employee included in the bargaining unit to written or oral statements made by the appointing authority, supervisors or other representatives of management, the director or designee shall investigate the objection and determine the appropriate remedy if the objection is found to be meritorious.

(8) When (~~the board, pursuant to WAC 356-42-020,~~ adds) a new classification of employees is added into an existing bargaining unit which has a union shop provision in place, such action shall effect an automatic request for a new union shop certification election to determine the desires of the employees of the new unit unless fewer than twelve months have elapsed since the last union shop election and:

(a) The same employee organization is the certified union shop representative for each of the units being combined; or

(b) The results of the union shop election previously held still represent a majority vote in favor of the union shop provision in the new unit; or

(c) A majority of the incumbents in the positions to be added have signed a petition indicating acceptance of the union shop condition.

(9) No union shop election petition will be honored within twelve months following the director's certification of

the results of a prior union shop certification election or a prior union shop decertification election.

REPEALER

WAC 356-42-049 Disclaimer of interest—
Notice—Automatic termina-
tion of exclusive representa-
tion.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-14-005 Purpose. The general purpose of this chapter is to establish rules designed specifically to provide for a sound labor relations policy covering employer-employee relations in higher education institutions. Determination of ~~((exclusive representatives and))~~ union shop provisions shall be decided, to the maximum extent practical, by providing the fullest opportunity for each affected employee to participate through the election process.

AMENDATORY SECTION (Amending WSR 88-18-018 (Order 172), filed 8/29/88, effective 10/1/88)

WAC 251-14-020 Employee organization filing requirements. ~~((1) Any employee organization authorized to represent employees before the board or in collective bargaining with an appointing authority must first file with the director a notice of intent to represent employees. Such notice must set forth the name of the employee organization; the name of an agent authorized to speak on its behalf; a mailing address and telephone number; a general description of the types of employment falling within the intended area of representation and the number of classified higher education employees who are presently members of the employee organization; and a copy of a constitution, bylaws, or any other documents defining powers and authorizing representation. The director or designee shall, after verification of the documents submitted, notify the employee organization, each institution and related board of the authorized recognition:))~~

~~((2))~~ (1) An employee organization which is, or desires to be, an exclusive representative for a bargaining unit which has chosen to be a union shop must have a written procedure concerning representation fees which complies with applicable statutory and constitutional requirements. Such employee organization must provide to the director a written opinion of the employee organization's attorney that its representation fee procedure is in compliance with applicable statutory and constitutional requirements.

REPEALER

WAC 251-14-030 Determination of bargaining unit.

REPEALER

WAC 251-14-040 Election and certification of exclusive representative.

REPEALER

WAC 251-14-042 Disclaimer of interest petition—Decertification as exclusive representative.

REPEALER

WAC 251-14-050 Petition for decertification of exclusive representative.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-14-052 Union shop representative election. (1) The director shall order a union shop representative election to be held upon petition from an employee organization which has been certified ~~((per WAC 251-14-040))~~ as the exclusive representative of the employees of a bargaining unit. If the employee organization does not already have the opinion of counsel required by WAC 251-14-020(2) on file with the director, the petition shall not be considered complete until such an opinion is provided.

(2) The director shall, ~~((upon))~~ after receipt of a petition for a union shop representative election, inform all affected employees of the union shop provisions contained in chapter 41.06 RCW.

(3) The director or designee, at a preelection conference, shall review with the employee organization and appointing authority or designee the standards and procedures for the conduct of the election and shall inform all affected employees of the conditions set forth therein.

(4) The election shall be held on state property during working hours unless otherwise ~~((agreed to by all parties))~~ determined during the preelection conference.

(5) All employees on the active payroll and employed within the bargaining unit on the date of election will be eligible to vote. Eligible employees unable to vote at the time of election may vote by absentee ballot.

(6) Absentee ballots may be requested prior to date of election but will be counted only if received by the director or designee no later than two regular working days following the closing date of election.

(7) Transportation to official places of voting shall be provided to the degree practicable as determined by preelection conference.

(8) Election signs and banners shall not be permitted in the area in which the balloting takes place, nor shall any person in the area discuss the advantages or disadvantages of a union shop.

(9) The director will certify the employee organization as the union shop representative if a majority of employees in the bargaining unit vote in favor of requiring membership in the employee organization to be a condition of employment.

(10) Another union shop representative election shall not be held concerning the same bargaining unit for at least twelve months from the date of the last previous union shop representative election.

EMERGENCY

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-14-054 Union shop representative decertification election. (1) The director shall, upon petition of thirty percent of the members of a bargaining unit, order an election to determine if a majority of employees in such bargaining unit wish to rescind membership in the employee organization as a condition of employment, providing twelve months have lapsed since the original election which established the union shop representative. Such election shall be conducted in accordance with WAC 251-14-052 (2), (3), (4), (5), (6), (7), and (8).

(2) Another union shop representative decertification election shall not be held concerning the same bargaining unit for at least twelve months from the date of the last previous union shop decertification election.

(3) The director will issue a notice of union shop representative decertification, which will nullify the requirement of membership in an employee organization or the payment of a representation fee as a condition of employment when a majority of the employees in the bargaining unit vote to rescind membership in an employee organization as a condition of employment.

(4) When existing bargaining units are combined into one new unit and/or additional classes and/or positions are accreted to a bargaining unit, such action shall effect an automatic decertification of any union shop representative provision in effect except in the following instances:

(a) Where the same employee organization is certified as the union shop representative in each of the existing bargaining units that are being combined into one new unit;

(b) Where results of the union shop election previously held still represent a majority vote in favor of the union shop provision in the new unit. Majority vote will be determined by adding the number of employees not previously covered by a union shop provision to the total number of employees eligible to vote in the previous election.

AMENDATORY SECTION (Amending WSR 88-08-108 [88-08-018] (Order 167), filed 3/29/88, effective 5/1/88)

WAC 251-14-056 Employee listings. When elections are requested per the provisions of WAC ((251-14-040, 251-14-050,)) 251-14-052 and 251-14-054, institutions shall, upon request from a petitioning party and/or an affected employee organization, provide copies of a current listing indicating names, mailing addresses provided by the employee at the time of hire or subsequently, classes and work locations of all employees eligible to vote in the election.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 89-01-071 (Order 175), filed 12/20/88, effective 2/1/89)

WAC 251-14-058 Union shop requirements. (1) When a majority of employees within a bargaining unit determine by election to require as a condition of employment

membership in the employee organization designated as the exclusive bargaining representative, all employees included in that bargaining unit are required to pay to such employee organization the regular dues of the organization, or pay a representation fee or a nonassociation fee, within thirty calendar days of the beginning of their employment within the bargaining unit or within thirty calendar days of the date of the union shop representative election, whichever is later.

(2) Membership in the employee organization is satisfied by the payment of monthly or other periodic dues, or representation fees, and does not require payment of initiation, reinstatement, or any other fees or fines, and includes full and complete membership rights.

(3) Employees who wish to exercise the right of nonassociation with an employee organization based on bona fide religious tenets, or teachings of a church or religious body of which they are a member, must present a request for nonassociation to the personnel office of the concerned institution. The appointing authority or designee and the union shop representative must be in agreement that the requests are based on such bona fide reasons. If agreement cannot be reached within a reasonable time, either party may submit the issues in dispute to the director or designee. Should the request for nonassociation be denied by the appointing authority or designee, the employee may submit the issue to the director or designee. The decision of the director regarding nonassociation shall be final.

(4) Employees who are granted the nonassociation right must pay a union shop nonassociation fee to the employee organization. Such fee is equivalent to the regular dues of the organization minus any included monthly premiums for union sponsored insurance programs.

(5) When an employee has qualified for nonassociation with an employee organization on religious grounds, the employee may designate which of the programs of the employee organization are in harmony with the employee's conscience and may then designate that the nonassociation fee shall go to such programs.

(6) The employee who qualifies for the nonassociation clause shall not be a member of the employee organization, but is entitled to the same representation rights as a member of the employee organization.

(7) Employees who object to payment for activities of the exclusive representative which are supported by regular dues and which are not related to representation of the employees in the bargaining unit may pay a representation fee in lieu of regular dues. The representation fee is to be calculated by the representative in accordance with applicable constitutional and statutory requirements. See WAC 251-01-367.

(8) A condition of employment for an employee employed in a bargaining unit where an employee organization is the exclusive union shop representative is membership in that employee organization or the regular payment of a union shop representation fee or a nonassociation fee to such organization. Failure of an employee to become a member of the employee organization or make payment of the union shop representation or nonassociation fee within thirty calendar days following the beginning of employment within the bargaining unit or thirty calendar days after the date of the

union shop representative election, whichever is later, constitutes cause for dismissal per the provisions of WAC 251-11-100.

(9) The union shop representative shall inform the appointing authority, in writing, of those employees who have not complied with this section.

(10) The requirement to be a member of an employee organization or the payment of a union shop representation fee or a nonassociation fee as a condition of employment will be nullified when the employee organization which is the union shop representative is decertified per WAC ((251-14-050 or)) 251-14-054.

(11) The appointing authority or designee shall notify affected employees of existing union shop provisions prior to their hire or transfer into a bargaining unit where there is a requirement to be a member of a designated employee organization to pay a union shop representation fee or a nonassociation fee as a condition of employment.

(12) Payroll deductions for employee organization dues or union shop representation or nonassociation fees may be provided by the institution upon written authorization from the employee.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-14-060 Contents of written agreements.

(1) Written agreements may contain provisions covering all personnel matters over which the institution/related board may lawfully exercise discretion.

(2) Written agreements shall include a grievance procedure for processing individual and group grievances within the bargaining unit and shall provide for mediation by the director or designee and for arbitration by the board. Mediation by the director or designee and arbitration by the board of a grievance dispute shall not apply in those instances where the same complaint has been filed for hearing either through the unfair labor practice or appeal procedures of the board or the personnel appeals board rules.

(3) Written agreements may contain provisions for payroll deduction of employee organization dues and/or union shop representation fees upon written authorization from the employee. Any employee may cancel his/her payroll deduction of employee organization dues by filing a written notice with the appointing authority or designee and the employee organization thirty calendar days prior to the effective date of such cancellation.

(4) Written agreements shall be for a minimum of one year in duration and shall not exceed three years. Automatic renewal or extension provisions may extend the term of a contract for only one year at a time. ((An automatic renewal or extension provision in a contract cannot act as a bar to a request for an exclusive representative decertification election per WAC 251-14-050(1).))

(5) Where there are collective bargaining agreements in effect in bargaining units which are combined per WAC ((251-14-030)) 251-14-054, the board shall determine the application of such bargaining agreements or terms thereof when there is an impasse between the exclusive representative and the institution.

(6) Institutions shall file signed written agreements with the director. Provisions of such agreements shall not prevail if in conflict with the higher education rules, chapter 41.06 RCW or other applicable law.

REPEALER

WAC 251-14-070 Unfair labor practices—Management—Employee organizations.

REPEALER

WAC 251-14-080 Unfair labor practices—Powers of board—Procedure.

REPEALER

WAC 251-14-082 Investigation of and disposition of unfair labor practice charges.

REPEALER

WAC 251-14-083 Unfair labor practice notice and complaint—Procedure.

REPEALER

WAC 251-14-085 Amendment of complaint or answer—Unfair labor practice.

REPEALER

WAC 251-14-086 Hearings and investigation—Unfair labor practice.

REPEALER

WAC 251-14-087 Enforcement—Unfair labor practice.

REPEALER

WAC 251-14-090 Unfair labor practice—Hearings.

AMENDATORY SECTION (Amending WSR 97-06-012, filed 2/25/97, effective 4/1/97)

WAC 251-14-120 Requests for mediation and arbitration. Mediation and arbitration requests per WAC 251-14-100(2) and 251-14-110(2) shall not be allowed if the same charges are pending before the board or the personnel appeals board for processing per chapter 251-12 WAC ((or WAC 251-14-09)).

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

REPEALER

WAC 356-42-060 Unfair labor practices for management.

EMERGENCY

REPEALER

WAC 356-42-070 Unfair labor practices for employee organizations.

REPEALER

WAC 356-42-080 Unfair labor practice.

REPEALER

WAC 356-42-082 Filing unfair labor practice charge.

REPEALER

WAC 356-42-083 Investigation of and disposition of unfair labor practice charges.

REPEALER

WAC 356-42-084 Answer to complaint—Unfair labor practice.

REPEALER

WAC 356-42-085 Amendment of complaint or answer—Unfair labor practice.

REPEALER

WAC 356-42-086 Hearing—Unfair labor practice.

REPEALER

WAC 356-42-088 Hearings and investigation—Unfair labor practice.

REPEALER

WAC 356-42-089 Enforcement—Unfair labor practice.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-42-105 Requests for arbitration. A request for arbitration per WAC 356-42-055 shall not be allowed if the grievant(s) involved has the same (~~charges or~~) issues pending (~~before the board for processing per WAC 356-42-082 or~~) before the personnel appeals board for processing per Title 358 WAC.

**WSR 02-12-054
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-118—Filed May 29, 2002, 4:03 p.m., effective June 2, 2002, 9:00 p.m.]

Date of Adoption: May 29, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500X; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of shrimp has been reached in the areas closed under this rule. There is insufficient time to promulgate permanent rules.

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 1.

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

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

Effective Date of Rule: June 2, 2002, 9:00 p.m.

May 29, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-32500Y Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325 or WAC 220-56-310:

1) Effective 9:00 p.m., June 2, 2002, it is unlawful to harvest or possess shrimp taken for personal use in Marine Area 7 south of a line from Biz Point on Fidalgo Island to Cape St Mary on Lopez Island, then south of the shores of Lopez Island to Davis Point, then south of a line from Davis Point to Cattle Point on San Juan Island, then south of the shores of San Juan Island to Lime Kiln Point light, then south of a line due west from Lime Kiln Point light to the international boundary.

2) Effective immediately, until further notice, all waters of Marine Areas 8-1, 8-2 and 9 are open Thursday through Sunday to the harvest of shrimp for personal use except:

(a) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

(b) It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

(c) It is unlawful to set or pull shrimp gear in all waters of Port Townsend Bay south and west of a line from Marrowstone Point to Point Wilson (including Kilisut Harbor).

3) Effective immediately, until further notice, it is unlawful to harvest or possess shrimp taken for personal use in all waters of Marine Area 10.

REPEALER

The following section of the Washington Administrative Code is repealed effective 9:00 p.m. June 2, 2002:

WAC 220-56-32500X Shrimp—Areas and seasons. (02-114)

WSR 02-12-056
EMERGENCY RULES
CASCADIA COMMUNITY COLLEGE

[Filed May 30, 2002, 10:05 a.m.]

Date of Adoption: March 20, 2002.

Purpose: To adopt traffic and parking rules specifically for the colocated Cascadia Community College/University of Washington, Bothell campus. Since both institutions share the same campus location and parking infrastructure, the identical new rules are being filed separately - as chapter 132Z-116 WAC for Cascadia Community College and chapter 478-117 WAC for University of Washington, Bothell.

To ensure these rules remain in effect until permanent rules become effective.

Statutory Authority for Adoption: RCW 28B.50-140(10).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Cascadia Community [College] files these emergency rules to ensure the rules are in effect until the permanent rules become effective.

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 26, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 26, 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 26, Amended 0, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This emergency rule follows a previous emergency rule which went into effect January 18 [February 6], 2002 (see WSR 02-03-089 [02-04-061]). Cascadia Community College has submitted permanent rule making for these rules as evidenced by WSR 02-11-048.

Effective Date of Rule: Immediately.

May 28, 2002

Victoria Munoz Richart, Ed.D.

President

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 02-13 issue of the Register.

WSR 02-12-063
EMERGENCY RULES
DEPARTMENT OF REVENUE

[Filed May 31, 2002, 11:12 a.m., effective June 1, 2002]

Date of Adoption: May 31, 2002.

Purpose: Persons who distribute or cause to be distributed any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services are subject to use tax on the value of the property. RCW 82.12.010, 82.12.020, and chapter 367, Laws of 2002. WAC 458-20-17803 is a new rule explaining how use tax applies when such property is delivered to persons other than the consumer from outside the state of Washington. This rule explains what are considered to be promotional materials, who is liable for the use tax, the measure of the use tax, and how to determine the appropriate local use tax rate/jurisdiction.

Statutory Authority for Adoption: RCW 82.32.300.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to implement provisions of chapter 367, Laws of 2002. There is insufficient time to adopt a permanent rule before the effective date because this legislative change takes effect June 1, 2002.

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

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

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

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

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

Effective Date of Rule: June 1, 2002.

May 31, 2002

Russell W. Brubaker, Assistant Director
Legislation and Policy Division

NEW SECTION

WAC 458-20-17803 Use tax on promotional materials. (1) **Introduction.** Persons who distribute or cause to be distributed any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services, are subject to use tax on the value of the property. RCW 82.12.010, RCW 82.12.020, and chapter 367, Laws of 2002. This rule explains how use tax applies when such property is delivered directly to persons other than the consumer from outside Washington. For the purposes of this rule, the term "promotional material" will be used in describing such property where applicable. This rule provides numerous examples. For the purposes of these examples, presume the promotional material is delivered to persons within Washington.

Persons within this state providing printing or mailing bureau services should refer to WAC 458-20-141 (Duplicating industry and mailing bureaus) and WAC 458-20-144 (Printing industry).

(2) **What is the use tax?** The use tax compliments the retail sales tax by imposing a tax of a like amount when a consumer uses tangible personal property or certain retail services within this state. RCW 82.12.020. The tax does not apply to the use of any property or service if the present user, donor, or bailor previously paid retail sales tax under chapter 82.08 RCW with respect to the property used or the service obtained. See WAC 458-20-178 (Use tax) for a detailed explanation of the use tax and use tax reporting requirements.

(3) **Who is liable for the use tax on promotional material?** The use tax is imposed on the consumer. The law provides that with respect to promotional material distributed to persons within this state, the consumer is the person who distributes or causes the distribution of the promotional material. A consumer as defined in this rule is responsible for remitting use tax only if the consumer has nexus in Washington.

For example, a department store located in Washington contracts with a printer in Vancouver, British Columbia, to print a catalog promoting merchandise available during an upcoming sales event. The printer delivers the catalogs to a Seattle mailing bureau with which the department store has contracted for distribution to the department store's customers. The department store is the consumer of the catalogs and is liable for use tax on promotional material distributed to customers located in Washington. Neither the printer, nor the mailing bureau, nor the department store's customers are consumers of this promotional material.

(4) **When does tax liability arise?** Liability for the use tax arises when a consumer first uses the promotional material in this state. The terms "use," "used," "using," or "put to

use" include any act by which a person takes or assumes dominion or control over the article, and include the distribution of promotional material in Washington. Chapter 367, Laws of 2002.

(5) **What is promotional material?** Promotional material is any tangible personal property displayed or distributed in the State of Washington for the primary purpose of promoting the sale of products or services. Examples of promotional material include, but are not limited to, advertising literature, circulars, catalogs, brochures, inserts (but not newspaper inserts), flyers, applications, order forms, envelopes, folders, posters, coupons, displays, signs, free gifts, or samples (such as carpet or textile samples).

Promotional material does not include invoices, statements of account, and similar documents that are used exclusively for non-promotional purposes.

(a) **Are billing statements promotional materials?** Billing statements and statements of account generally are not considered promotional materials. However, information promoting the sale of products or services that is affixed to, is attached to, or is an extension of a billing statement or statement of account is promotional material. The value of the promotional material is subject to use tax. If the consumer cannot separately identify the costs attributable to the promotional material, the full value of the billing statement is subject to use tax. For additional information regarding the measure of tax, refer to subsection (6) of this rule.

(i) **Example.** A Richland attorney contracts with a Umatilla, Oregon, firm to print and mail monthly billing statements and return remittance envelopes to the attorney's clients. The contract also includes the printing and insertion of a flyer promoting the attorney's estate planning services. The flyers are promotional material. The billing statements are not promotional material.

(ii) **Example.** Store A prints its monthly billing statements for its store credit card in Atlanta, Georgia, and mails them to customers located in Washington. Although the billing statement includes three sentences noting an upcoming sale, this information is not affixed or attached to the billing statement, nor does it otherwise extend the length of the billing statement. The billing statements are not promotional material.

(iii) **Example.** The following month, Store A's billing statement includes a detachable coupon for fifteen percent (15%) off selected items purchased during a specified period. The detachable coupon is promotional material.

(iv) **Example.** In the third month, the bottom of Store A's billing statement is lengthened to include information promoting the grand reopening of one of its locations. The lengthened portion of the billing statement containing the information promoting the grand reopening is promotional material.

(b) **When are envelopes considered promotional material?** Envelopes are considered promotional material if used exclusively to mail promotional material, or accept offers solicited with promotional material. To the extent promotional material is attached, affixed, or otherwise extends the envelope, the consumer is distributing or causing the distribution of promotional material. The value of the promo-

tional material is subject to use tax. If the consumer cannot separately identify the costs attributable to the promotional information, the full value of the envelopes is subject to use tax. For additional information regarding the measure of tax, refer to subsection (6) of this rule.

(i) **Example.** Bank A mails one million brochures, applications, and return envelopes from Atlanta, Georgia, to Washington addresses promoting the bank's credit card. The envelopes used to mail brochures and applications are promotional material. The return envelopes provided for the return of credit card applications is also promotional material.

(ii) **Example.** A telephone company mails its monthly billing statements to Washington customers from St. Louis, Missouri. Inserts promoting the sale of various telephone accessories are included. The inserts identify a toll-free number to call for those customers wishing to purchase the accessories. Return envelopes to be used in making payment of the statement amount are also enclosed. Neither the envelopes used to mail the billing statements and inserts nor the return envelopes used to make payment are promotional material.

(iii) **Example.** A national mortgage company mails its monthly billing statements to Washington residents from its administrative offices in Nevada. The enclosed return envelope for customers to use in making payment includes an attachment promoting additional banking services. The envelopes containing the billing statements are not promotional materials. The attachment to the return envelopes is promotional material.

(6) **What is the measure of tax?** The measure of the use tax is the value of the article used. For the purposes of computing the use tax due on promotional material, the measure of tax is the total consideration paid for the promotional material without deduction for the cost of materials, labor, author's alterations, or other service charges, even though such charges may be stated or shown separately on invoices. It also includes the amount of any freight, delivery, or other like transportation charge paid or given by the consumer to the seller. The value of the promotional material also includes any tariffs or duties paid. If the total consideration paid does not represent the true value of the article used, the value must be determined as nearly as possible according to the retail selling price at place of use of similar materials of like quality and character. RCW 82.12.010.

A consumer who has paid retail sales or use tax that is due in another state with respect to promotional material that is subject to use tax in this state may take a credit for the amount of tax so paid. RCW 82.12.035. For further information, refer to WAC 458-20-178 (Use tax).

(a) **Is postage included in the measure of tax?** Postage is included in the measure of tax if the cost is included in the total charge to the consumer by the seller of the promotional material. It is immaterial if the postage charges are stated or shown separately on invoices. Postage is not included in the measure of tax only if it is not included in the consideration paid by the consumer to the seller of the promotional material.

(i) **Example.** A College Place fast-food restaurant contracts with a Hermiston, Oregon, printer to produce and mail 10,000 coupons to Walla Walla County residents. The

printer pays for the postage and invoices the restaurant for the actual amount for the postage. Postage is part of the total consideration paid by the restaurant and is included in the measure of tax.

(ii) **Example.** A Vancouver coffee retailer contracts with a Portland, Oregon, firm to print and mail 10,000 flyers promoting the retailer's drive-thru window to neighborhood businesses and residents. The retailer provides the printer with retailer's U.S. Postal Service bulk mail permit imprint to be printed on the flyer. While payment to the U.S. Postal Service for use of the bulk mail permit is the exclusive responsibility of the retailer, the printer advances payment to the U.S. Postal Service to ensure the mailing of the flyers. The printer itemizes the cost of the postage the printer paid to the U.S. Postal Service on behalf of retailer on the sales invoice to retailer. The itemized charge for the postage is not included in the measure of tax.

(b) **What is the measure of tax when a consumer manufactures its own promotional materials?** The measure of tax is the value of the promotional material. Refer to WAC 458-20-112 (Value of products). A consumer who manufactures its own promotional material may also be conducting manufacturing activities and should refer to WAC 458-20-134 (Commercial or industrial use) and WAC 458-20-136 (Manufacturing, processing for hire, fabricating).

(c) **What is the tax result when a consumer contracts with separate firms to perform printing activities and to provide mailing bureau services?** The acquisition of promotional material and the mailing bureau services associated with the distribution of this material are separate taxable incidents. A consumer who distributes or causes the distribution of promotional material into Washington is the consumer of such material, and thus, is taxable to the extent the promotional material has not been subjected to retail sales tax. Mailing bureau services consist of installing, altering, imprinting, or improving tangible personal property and are retail services. The consumer is subject to use tax on these services if the property upon which the service was performed is distributed into Washington. Chapter 367, Laws of 2002.

(i) **Example.** A Bellingham real estate company contracts with a Vancouver, British Columbia, company to print 5,000 flyers on a bi-monthly basis to promote its new listings. The flyers are delivered to a Portland, Oregon, mailing bureau that mails the flyers to Whatcom County residents. The measure of tax is the consideration paid to the Vancouver, British Columbia, printer and the Portland mailing bureau.

(ii) **Example.** A window manufacturer contracts with a Boise, Idaho, printer to produce a flyer offering a discount on purchases of the manufacturer's windows at participating retailers. The printer delivers the flyers to light and power companies in Washington for inclusion in utility statements. The window manufacturer owes use tax on the amount of consideration paid to the printer for producing the flyer and to the utility companies for distributing the flyers.

(7) **Determining the applicable local use tax rate.** For the purposes of determining the applicable rate of local use tax for promotional material, the following guidelines must

be followed unless the consumer obtains prior written approval from the department to use an alternative method. Refer to (c) of this subsection for an explanation of the circumstances under which the department will consider approving alternate methods and how to obtain such approval.

(a) **Operations directed from within Washington.** The applicable local taxing jurisdiction and tax rate is the in-state location from where the consumer directs or manages its Washington operations.

(i) **Example.** Store A operates ten locations in western Washington. The company's corporate headquarters, the location from where it manages its in-state operations, is in Seattle. The local use tax rate for Seattle is the applicable rate.

(ii) **Example.** Store B, a national company with headquarters in Chicago, Illinois, operates multiple locations in Washington. The company manages its Washington operations from a location in Spokane. The local use tax rate for Spokane is the applicable rate.

(b) **Operations directed from outside Washington.** A consumer that manages or directs its Washington activities from outside the state must equally apportion the value of the promotional material among the local tax jurisdictions and tax rates from where the consumer conducts its business activities. Promotional material that is targeted to specific business locations of the consumer must be apportioned solely between those business locations. Targeted material is material the consumer can demonstrate was specifically distributed to promote sales of products or services solely at a specific location(s) and at a different price(s) or terms than those offered at all other Washington locations.

(i) **Example.** Retailer C directs the operations of its four Washington stores from its headquarters in Sacramento, California. The store locations are in Seattle, unincorporated King County, Tacoma, and Everett. For purposes of determining use tax liability, twenty-five percent (25%) of the value of the promotional material must be equally apportioned to Seattle, unincorporated King County, Tacoma, and Everett.

(ii) **Example.** Store C, headquartered in Nevada, orders 100,000 flyers from a Portland, Oregon, printer to be mailed to Washington households announcing the opening of its new store in Spokane. Customers will receive a ten percent (10%) discount on all items purchased at the Spokane store. This discount will not apply to purchases made at Store C's other Washington locations. The local use tax rate for Spokane is the applicable rate.

(iii) **Example.** A regional restaurant with locations in western Washington manages the operations of all Washington locations from its headquarters located in Portland, Oregon. The restaurant contracts to have coupon books printed and mailed to households in Clark and Cowlitz counties. The coupons are accepted only at the Vancouver and Longview locations. The value of the promotional material must be equally apportioned to both locations.

(iv) **Example.** A manufacturer located in Ohio has no offices, warehouses, or storefront locations in Washington. A salesperson operating from her Kent home solicits sales

from Washington distributors for the manufacturer. The manufacturer mails promotional material to its distributors' customers in Washington. The local use tax rate for Kent is the applicable rate.

(v) **Example.** A wholesale business located in Michigan has no offices, warehouses, or storefront locations in Washington, but does send a salesperson into Washington to solicit sales. The wholesale business mails promotional material to potential customers in Washington. The applicable local use tax rate is a uniform statewide local rate of .005.

(c) **Are there alternative methods for determining the place of first use?** For purposes of reporting use tax on promotional material, the Department may agree to allow a consumer to use another method of determining the applicable local use tax rate provided that the method proposed by the consumer results in an equal or more equitable distribution of the tax. A consumer may request written approval for the use of an alternative method by contacting the department's taxpayer services division at:

Department of Revenue
Taxpayer Services
P.O. Box 47478
Olympia, WA 98504-7478

WSR 02-12-091
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 4, 2002, 2:32 p.m.]

Date of Adoption: June 3, 2002.

Purpose: The Division of Employment and Assistance Programs plans to add a new category of people who may be eligible for the Washington telephone assistance program, and to specify how long they are eligible.

Citation of Existing Rules Affected by this Order: Amending WAC 388-273-0020 and 388-273-0025.

Statutory Authority for Adoption: RCW 74.08.090, 80.36.440.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: A new category of people who may be eligible for the Washington telephone assistance program was added during the 2002 legislative session (chapter 104, Laws of 2002), and is effective June 13, 2002.

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 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 0, Amended 2, Repealed 0.

Effective Date of Rule: Immediately.

June 3, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-09-023, filed 4/9/01, effective 6/1/01)

WAC 388-273-0020 Who may receive WTAP

(1) To receive WTAP benefits, you must:

~~((1))~~

(a) Be age eighteen or older or, if under eighteen, be the responsible head of household, and either;

(b) Be receiving one of the following programs from us:

~~((a))~~ (i) Temporary assistance for needy families (TANF);

~~((b))~~ (ii) State family assistance (SFA);

~~((c))~~ (iii) General assistance;

~~((d))~~ (iv) Refugee assistance;

~~((e))~~ (v) Food assistance;

~~((f))~~ (vi) State Supplemental Security Income (SSI);

~~((g))~~ (vii) Medical assistance, including Medicare cost sharing programs;

~~((h))~~ (viii) Community options program entry system (COPEs); ~~(or~~

~~(+))~~ (ix) Chore services

~~(2) Be age eighteen or older or, if under eighteen, be the responsible head of household); or~~

(c) Have completed using community service voice mail services, and been identified to the department as eligible for WTAP by the community agency that provided your community service voice mail program; and

~~(2) Apply to ((the)) a local exchange company ((that provides your local)) for WTAP and request the lowest available flat rate telephone service at the WTAP rate. In exchange areas where wireline service is not available without service extension, you may apply to ((an eligible)) a wireless carrier~~

~~(a) "Local exchange company" means ((an eligible telecommunication carrier providing local service, i.e., the)) a telephone company that is required by the Washington utilities and transportation commission to offer WTAP benefits and offers local calling, i.e., calling without long distance charges.~~

~~(b) "Flat rate service" is telephone service with a single monthly payment that allows unlimited local calling for a specified length of time. The local exchange flat rate includes any federal end user access charges and other charges necessary to obtain the service~~

~~(4) Have the lowest available flat rate service; and~~

~~(5)); and~~

(3) You must have the local telephone service billed in your name.

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

AMENDATORY SECTION (Amending WSR 01-09-023, filed 4/9/01, effective 6/1/01)

WAC 388-273-0025 Benefits you receive as a WTAP participant. (1) WTAP participants receive a:

(a) Discount on local telephone flat rate services, when the flat rate is more than the WTAP assistance rate;

(b) Waiver of deposit requirements on local telephone service; and

(c) Fifty percent discount on service connection fees. Any connection fee discounts available from other programs are added to the WTAP discount, to pay part or all of the remaining fifty percent.

(2) WTAP benefits are limited to one residential line per household.

(3) The deposit waiver and the discount on connection fees are available once per service year. "Service year" means the period beginning July 1 and ending June 30 of the following calendar year.

(4) Your benefits begin the date you are approved for WTAP assistance and continue through the next June 30, except if you qualified for telephone assistance through using the community services voice mail programs, you will receive one additional service year of benefits.

(5) WTAP benefits do not include charges for line extension, optional extended area service, optional mileage, customer premises equipment, applicable taxes or delinquent balances owed to the telephone company.

WSR 02-12-121

EMERGENCY RULES

PERSONNEL RESOURCES BOARD

[Filed June 5, 2002, 9:25 a.m., effective July 11, 2002]

Date of Adoption: May 29, 2002.

Purpose: The intent of the proposed modifications is to make it easier to understand the administration of overtime and call-back penalty pay when Department of Natural Resources' employees are performing emergency duty under an incident command system for long hours and, in some cases, days or weeks at a time. This proposal would allow miscellaneous leave to be approved in consideration of employees' need to recuperate after extended periods of emergency work under an incident command system.

Citation of Existing Rules Affected by this Order: Amending WAC 356-15-110 and 356-18-120.

Statutory Authority for Adoption: RCW 41.06.150.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These proposed rule amendments would relieve and otherwise avoid employee frustrations and disputes over pay issues thereby significantly contributing to their morale and safety, making adoption of proposed rule amendments in time for the 2002 fire season important to the public health, safety and general welfare. These amendments were previously adopted on an emergency basis effective March 14, 2002.

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 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: June 11, 2002.

June 4, 2002

E. C. Matt
Secretary

AMENDATORY SECTION (Amending WSR 99-19-113, filed 9/21/99, effective 11/1/99)

WAC 356-15-110 Call-back for work on scheduled days off or holidays. (1) Management may assign employees to work on a day off or holiday. Scheduled and nonscheduled work period employees shall be notified of such assignments at least prior to the employees' normal quitting times on their second work day preceding the day off or holiday (except Sunday when it is within the assigned workshift).

(a) If management does not give such notice, affected employees shall receive a penalty payment of three hours pay at the basic salary in addition to all other compensation due them.

(b) Management may cancel work assigned on a day off or holiday. However, if management does not notify affected employees of such cancellation at least prior to their normal quitting times on their second work day preceding the day off or holiday work assignment, affected employees shall receive a penalty payment of three hours pay at the basic salary.

(2) These provisions shall apply to employees in paid leave status.

(3) These provisions shall not apply to an employee assigned work on a day off or holiday while in standby status or on a contingency schedule as provided in WAC 356-15-090(5).

(4) Only the provisions provided in subsection (1)(b) of this section shall apply to employees within the department

of corrections institutions bargaining unit when the employee has volunteered to work such time on an overtime sign-up sheet.

(5) In the Department of Natural Resources and in lieu of (1) above, employees dispatched to emergency response duty under an Incident Command System, defined in RCW 38.52.010, will be paid a callback penalty payment equivalent to three (3) hours of straight time pay for the first scheduled day off on which they perform emergency work after dispatch to an incident. Thereafter, a callback penalty payment equivalent to one (1) hour of straight time pay will be paid for each subsequent scheduled day off on which they perform emergency work on the same incident. This provision applies separately to each emergency incident unless responding to more than one incident from the same camp.

AMENDATORY SECTION (Amending WSR 89-21-055 (Order 332), filed 10/16/89, effective 12/1/89)

WAC 356-18-120 Miscellaneous leave. (1) Leave with pay may be allowed to permit an employee to take an examination for a state position, receive assessment from the employee advisory service, serve as a member of a jury, or perform other civil duties. In the Department of Natural Resources, leave with pay equivalent to one regular workshift may be allowed for the purpose of rest and recuperation after ten consecutive calendar days performing emergency work under an Incident Command System, defined in RCW 38.52.010.

(2) Employees on miscellaneous leave shall receive their basic salary and, in addition, shall be allowed to retain any compensation paid to them by their civil duty employer.

WSR 02-12-127

EMERGENCY RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed June 5, 2002, 10:17 a.m.]

Date of Adoption: June 1, 2002.

Purpose: Amend the regulations regarding eligibility for unemployment benefits of employees of educational institutions to make them consistent with the law as modified by the 2001 legislature. The rules define terms, clarify how the department will determine if an individual has reasonable assurance of continued employment, and further clarify how reasonable assurance will be determined for instructional, research, or principal administrative staff at community and technical colleges.

Citation of Existing Rules Affected by this Order: Amending WAC 192-210-005 and 192-210-015.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: RCW 50.44.053 was amended by the 2001 legislature. These amendments apply to weeks of unemployment that began after March 31, 2001. Rules were adopted on an emergency basis that were consistent with the new law to guide the department in making eligibility decisions during the ensuing academic breaks. Stakeholders had requested additional time to evaluate the impact of these rules on educational employees before permanent rules were adopted. The department has now filed proposed rules and will conduct a public hearing in July. These emergency rules will continue to provide the department with guidance during the upcoming summer term.

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

Effective Date of Rule: Immediately.

June 3, 2002
Dr. Sylvia P. Mundy
Commissioner

AMENDATORY SECTION (Amending WSR 99-18-066, filed 8/31/99, effective 10/1/99)

WAC 192-210-005 Definitions—Educational employees. (1) **Contract.** An agreement that is binding on an educational institution to provide work and on an individual to perform services. ~~Tenure or tenure track status is considered a contract.~~

(2) **Faculty.** A teacher, counselor, librarian, or other position with similar training, experience and level of responsibility.

(3) **Full time employment.** Employment designated as full time for or at the educational institution under a collective bargaining agreement, individual hiring contract, or other agreement (including institutional policies), as provided in RCW 50.04.310(2). For faculty at public institutions, the hiring contract, agreement or institutional policy must be consistent with the provisions of RCW 28A.150.220 (kindergarten through twelfth grade), RCW 28B.50.851 (community and technical colleges), RCW 28B.35.120 (regional universities), or RCW 28B.20.130 (other colleges and universities).

(4) **Under the same terms and conditions of employment.** This includes economic conditions of employment such as wages, duration of contract, hours of work, and general nature of the work. It does not include other conditions

and details such as the specific work location, duties, or assignment. The position need not be identical to the previous position to meet this test. A position would be considered to be under the same terms and conditions of employment if it is of similar type or classification, with similar pay, fringe benefits, hours of work, general type of work, and duration of employment.

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

AMENDATORY SECTION (Amending WSR 99-18-066, filed 8/31/99, effective 10/1/99)

WAC 192-210-015 How will the department decide if reasonable assurance exists?—RCW 50.44.053. (†) Reasonable assurance is a bona fide offer from an educational institution to assign an individual future work at that institution under the same terms and conditions as the individual's previous employment. It is less than a contract or written agreement, but more than a mere possibility of future employment. The department must find that continued employment for that individual is likely or probable. For instructional, research, or principal administrative staff at a community or technical college, the additional provisions of WAC 192-210-020 will be considered in determining whether the individual has reasonable assurance.

~~(2) Decisions regarding the existence of reasonable assurance will be made on an individual basis, with consideration given to contingencies that may exist in the individual case.~~

~~(3) If there is a disagreement regarding whether an individual has reasonable assurance, the institution must provide the department with documentation in support of its statement that reasonable assurance exists for that individual.~~

~~(4) Following are some, but not all, examples of the types of documentary evidence that may be provided by an institution:~~

~~(a) The terms of any contract or agreement between the individual and the educational institution, including length, contingencies, or provisions for cancellation;~~

~~(b) Whether the employer pays fringe benefits to the individual, such as health care, during periods between the academic years or terms;~~

~~(c) The number of comparable positions at the institution;~~

~~(d) Projections of student enrollment, school funding, or program funding contained in the institution's budget.~~

~~(e) Any hiring priorities used by the school, such as precedence given to full time or tenured staff or the use of seniority lists;~~

~~(f) The individual's employment history;~~

~~(g) Whether the class(es) have been consistently offered by the institution, including whether the class has been canceled due to lack of enrollment.~~

~~(5) The existence of reasonable assurance will be determined by the total weight of the evidence, rather than the existence of any one factor included in subsection (4).~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published

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above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The spelling 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.

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

NEW SECTION

WAC 192-210-020 Reasonable assurance for instructional, research, or principal administrative staff at a community or technical college—RCW 50.44.053(3). (1)

A person who performs services in an instructional, research, or principal administrative capacity at a community or technical college is presumed not to have reasonable assurance when an offer is conditioned on enrollment, funding, or program changes.

(2) A conditional or contingent offer of employment is any offer other than an agreement that is binding on the college to provide work and on the individual to perform services.

(3) The assertion by the college that an individual has reasonable assurance of continued employment is insufficient to overcome the presumption that a conditional or contingent offer of employment does not constitute reasonable assurance unless supported by documentation explaining why reasonable assurance exists. The college bears the burden of providing the department with this documentation. Primary weight will be given to the contingent nature of the offer of employment.

(4) Whether an individual has reasonable assurance from the college will be determined on a case by case basis by the total weight of evidence, rather than the existence of any single factor.

(5) Examples of the types of evidence the department will consider in deciding whether the college has overcome the presumption that a conditional or contingent offer is not reasonable assurance include, but are not limited to, the following:

(a) The terms of the offer of employment between the individual and the college, with consideration given to any provisions related to length, contingencies, or reasons for cancellation;

(b) The number of comparable positions at the college;

(c) Any hiring priorities used by the college;

(d) The college's past practices, including the individual's previous experience with similar offers of employment from that college, and whether any classes have been cancelled due to lack of enrollment, lack of funding, or program changes.

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WSR 02-12-015**NOTICE OF PUBLIC MEETINGS
COMMUNITY ECONOMIC
REVITALIZATION BOARD**

[Memorandum—May 21, 2002]

CHANGE IN LENGTH OF JULY 18, 2002, CERB MEETING

The regularly scheduled July 18, 2002, CERB meeting is being extended from one day to two days commencing on July 17 and concluding on July 18. On July 17, the meeting will begin at 8:00 a.m. and take place at the Wyndham Sea-Tac Airport Hotel located at 18118 Pacific Avenue South, Seattle, WA. The meeting will reconvene on July 18 at 8:00 a.m. at CERB's typical location, the Host International Auditorium, SeaTac Airport, Room 202.

WSR 02-12-025**NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE**

[Memorandum—May 24, 2002]

The board of trustees of Shoreline Community College will hold a special meeting on Tuesday, May 28, beginning at 4:30 p.m. in the Small Conference Room of the Administration Building 1000.

The purpose of the special meeting is for the board of trustees to convene in executive session for the purpose of evaluating a public employee.

Please call (206) 546-4552 or e-mail Michele Foley at mfoley@ctc.edu if you have further questions or need additional clarification.

WSR 02-12-026**NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE**

[Memorandum—May 29, 2002]

NOTICE OF SPECIAL MEETING**BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE**

2405 East College Way
Mount Vernon, WA 98273
Tuesday, May 28, 2002
2:00 p.m.

Mounty Vernon Campus - Board Room

Chairperson, Mr. Jess del Bosque, has called a special meeting of the board of trustees for **Tuesday, May 28, 2002, at 2:00 p.m.** This meeting will convene into executive session for the purpose of discussing and interviewing a consultant to assist in the presidential search process. Upon conclusion of the executive session, final action may be taken in open session regarding the selection of a consultant to assist in the presidential search process, if necessary.

WSR 02-12-032**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed May 29, 2002, 1:12 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN 221.

Subject: Serving orders to withhold and deliver on financial institutions.

Effective Date: May 15, 2002.

Document Description: This notice explains to Division of Child Support staff how the 2002 legislative changes affect sending orders to withhold and deliver on banks.

To receive a copy of the interpretive or policy statement, contact Stephanie Schiller, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5230, TDD (360) 753-9122, fax (360) 586-3274, e-mail sshille@dshs.wa.gov.

May 21, 2002

Stephanie E. Schiller

WSR 02-12-033**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed May 29, 2002, 1:13 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PCM 02-005.

Subject: What to do when parties to a paternity order marry each other or parties to a decree of dissolution remarry each other.

Effective Date: May 20, 2002.

Document Description: This is a memo to Division of Child Support staff to explain to them how to handle situations in which parties on a case remarry each other.

To receive a copy of the interpretive or policy statement, contact Stephanie Schiller, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5230, TDD (360) 753-9122, fax (360) 586-3274, e-mail sshille@dshs.wa.gov.

May 23, 2002

Stephanie E. Schiller

WSR 02-12-034**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed May 29, 2002, 1:13 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-54 MAA.

Subject: Vendor rate increase for private duty nursing (PDN) services for children.

Effective Date: July 1, 2002.

Document Description: Effective for dates of service on and after July 1, 2002, the Medical Assistance Administration (MAA) will implement a legislatively appropriated one and one-half (1.5) percent vendor rate increase as authorized by the 201-2003 [2001-2003] Biennium Appropriations Act. This rate increase applies to private duty nurses who provide services for children in the home, group homes, or transitional (nonpermanent) care settings.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

May 24, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-12-035

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed May 29, 2002, 1:13 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-52 MAA.
Subject: Vendor rate increase for home health agencies.
Effective Date: July 1, 2002.

Document Description: Effective for dates of service on and after July 1, 2002, the Medical Assistance Administration (MAA) will implement a legislatively appropriated one and one-half (1.5) percent vendor rate increase as authorized by the 201-2003 [2001-2003] Biennium Appropriations Act.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

May 24, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-12-036

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed May 29, 2002, 1:14 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-51 MAA.
Subject: Vendor rate increase for hearing aid providers.
Effective Date: July 1, 2002.

Document Description: Effective for dates of service on and after July 1, 2002, the Medical Assistance Administration (MAA) will implement a legislatively appropriated one and one-half (1.5) percent vendor rate increase as authorized by the 201-2003 [2001-2003] Biennium Appropriations Act. This rate increase has been applied across the board for hearing aids and related services.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

May 24, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-12-037

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed May 29, 2002, 1:15 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-29 MAA.
Subject: Vendor rate increase for maternity support services.

Effective Date: July 1, 2002.

Document Description: Effective for dates of service on and after July 1, 2002, the Medical Assistance Administration (MAA) will implement a legislatively appropriated one and one-half (1.5) percent vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

May 24, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-12-038**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed May 29, 2002, 1:15 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-28 MAA.

Subject: Vendor rate increase for maternity case management.

Effective Date: July 1, 2002.

Document Description: Effective for dates of service on and after July 1, 2002, the Medical Assistance Administration (MAA) will implement a legislatively appropriated one and one-half (1.5) percent vendor rate increase. In addition, MAA has slightly changed the definition of state-unique procedure code 0081M.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

May 24, 2002

E. A. Myers, Manager
Rules and Publications Section**WSR 02-12-039****INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed May 29, 2002, 1:16 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-24 MAA.

Subject: Vendor rate increase for chemical dependency services.

Effective Date: July 1, 2002.

Document Description: Effective for dates of service on and after July 1, 2002, the Medical Assistance Administration (MAA) will implement a legislatively appropriated one and one-half (1.5) percent vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

May 24, 2002

E. A. Myers, Manager
Rules and Publications Section**WSR 02-12-040****INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed May 29, 2002, 1:16 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-22 MAA.

Subject: Vendor rate increase for adult day health.

Effective Date: July 1, 2002.

Document Description: Effective for dates of service on and after July 1, 2002, the Medical Assistance Administration (MAA) will implement a legislatively appropriated one and one-half (1.5) percent vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

May 24, 2002

E. A. Myers, Manager
Rules and Publications Section**WSR 02-12-041****INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed May 29, 2002, 1:17 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-21 MAA.

Subject: Policy clarification of psychiatrists billing certain psychiatric services procedure codes and evaluation and management (E&M) codes.

Effective Date: June 1, 2002.

Document Description: The purpose of this memorandum is to clarify the Medical Assistance Administration's policy regarding psychiatrists billing for psychiatric services procedure codes (CPT: 90804-90807, 90810-90813, 90816-90819, 90823-90827, 90845, 90847, 90853-90871 and 90899) and E & M codes.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

May 24, 2002

E. A. Myers, Manager
Rules and Publications Section

MISC.

WSR 02-12-042
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed May 29, 2002, 1:17 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-20 MAA.
 Subject: Clarification of Medical Assistance Administration's (MAA) billing policy regarding podiatric services.

Effective Date: June 1, 2002.

Document Description: The purpose of this memorandum is to clarify the MAA's current billing policy regarding podiatric services in the physician-related services billing instructions, dated November 2001.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

May 24, 2002

E. A. Myers, Manager
 Rules and Publications Section

WSR 02-12-057
RULES COORDINATOR
DEPARTMENT OF
INFORMATION SERVICES

[Filed May 30, 2002, 10:06 a.m.]

The Washington State Department of Information Services designates Brian Jensen to serve as the agency's rules coordinator. Brian's contact information is Brian Jensen, Attorney, Management Services Division, Washington State Department of Information Services, P.O. Box 42445, Olympia, WA 98504-2445, phone (360) 902-2299, fax (360) 586-5885, e-mail brianj@dis.wa.gov.

Stuart McKee
 Director

WSR 02-12-073
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION

[Memorandum—May 30, 2002]

Please note the following changes to the dates of State Board of Education scheduled meetings (in bold/italics).

June 20-21, 2002

Senate Hearing Room 4
 John A. Cherberg Building
 304 15th Avenue S.W.
 Olympia, WA 98504

August 21-23, 2002

Enumclaw School District Board Room
 2929 McDougall Avenue
 Enumclaw, WA 98022-7499
 (360) 802-7100

October 23-25, 2002

Educational Service District 105
33 South 2nd Avenue
Yakima, WA 98902-3486
(509) 575-2885

WSR 02-12-074

NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE

[Memorandum—June 3, 2002]

NOTICE OF SPECIAL MEETING

BOARD OF TRUSTEES
 COMMUNITY COLLEGE DISTRICT NO. 4
 SKAGIT VALLEY COLLEGE

2405 East College Way
 Mount Vernon, WA 98273
 Monday, June 3, 2002
 4:30 p.m. - Board Room

Chairperson, Mr. Jess del Bosque, has called a special meeting of the board of trustees for **Monday, June 3, 2002, 4:30 p.m. in the board room of the Mount Vernon campus**. The meeting is being held as a work session to discuss the proposed operating budget for 2002-2003, and to receive an update on the recent two-day marketing workshop. Action may be taken, if necessary, as a result of items discussed.

WSR 02-12-075
POLICY STATEMENT
UNIVERSITY OF WASHINGTON

[Filed June 3, 2002, 3:07 p.m.]

The University of Washington has recently adopted or revised the following policy statements:

APS 1.2, "University-Wide Organization List," May 1, 2002.

APS 1.3, "Reporting Requirements for Lobbying Activities," May 1, 2002.

APS 1.4, "Rules Coordination," May 1, 2002.

APS 10.7, "Policy on Access to Vessels Used for Scientific Research and Instruction," May 1, 2002.

APS 11.7, "Policy for Domestic Violence in the Workplace Awareness," May 1, 2002.

APS 12.4, "Animal Use," May 1, 2002.

APS 13.3, "Building Security Regulations," May 1, 2002.

MISC.

APS 13.7, "Alcohol and Drug Abuse Policy," May 1, 2002.

APS 13.8, "Drug and Alcohol Testing for Positions Requiring a Commercial Driver's License," May 1, 2002.

APS 13.9, "Serving Alcoholic Beverages on Campus," May 1, 2002.

APS 22.1, "Tuition Exemption Program," May 1, 2002.

APS 31.1, "Internal Controls to Minimize Risk Over Cash Receipts," May 1, 2002.

APS 36.1, "Standards for Acceptance of Gifts in Place," May 1, 2002.

APS 41.2, "Faculty Recruiting Deadline," May 1, 2002.

APS 43.1, "Employee Representative Access—Organizing and Conduct of Business," May 1, 2002.

APS 43.2, "Payroll Deduction Policy for Classified Staff Employee Representative Dues," May 1, 2002.

APS 44.1, "Student Employee Compensation," May 1, 2002.

APS 45.7, "Overtime Eligibility and Compensation for Staff Employees," May 1, 2002.

APS 46.1, "Guidelines for Preemployment Inquiries," May 1, 2002.

APS 46.2, "Affirmative Action Program," May 1, 2002.

APS 46.3, "Resolution of Complaints Against University Employees," May 1, 2002.

APS 46.4, "Statements to Ensure Equal Opportunity and Reasonable Accommodation," May 1, 2002.

APS 46.5, "Policy on Reasonable Accommodation of Employees With Disabilities," May 1, 2002.

APS 47.1, "Summary of the State Employee Whistleblower Act," May 1, 2002.

APS 47.3, "Outside Consulting Activities and Part-Time Employment by Professional or Classified Staff Employees," May 1, 2002.

APS 47.4, "University Restitution Process for Financial Losses or Irregularities," May 1, 2002.

APS 47.5, "Acceptance of Gifts or Contributions from Representatives of the Alcoholic Beverage Industry," August 8, 2001.

APS 47.6, "Policy for Employee Participation in Post-Season Athletics Events," January 11, 2002.

APS 47.10, "Policy on Financial Irregularities and Other Related Illegal Acts," May 1, 2002.

APS 52.1, "Guidelines for Purchasing Equipment and Supplies," May 1, 2002.

APS 53.2, "Motor Pool Policies and Regulations," May 1, 2002.

APS 55.8, "Communication Technologies Policy," May 1, 2002.

APS 56.1, "Provision of Facility Alterations Services," May 1, 2002.

APS 56.2, "Disposal of Surplus Property," May 1, 2002.

APS 56.3, "Recycling Program," May 1, 2002.

APS 56.4, "Leasing and Other Real Property Transactions," May 1, 2002.

APS 57.9, "Departmental Guidelines for the Release of University Records," May 1, 2002.

APS 59.5, "Policy on Sales of Goods and Services," May 1, 2002.

APS 70.2, "General Travel Policies," May 1, 2002.

To receive a copy of any policy statement, go to the following website: <http://www.washington.edu/admin/adminpro/APSIndex.html> or contact Rebecca Goodwin Deardorff, Director, Administrative Procedures Office, University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203, or by e-mail at adminpro@u.washington.edu, or by fax at (206) 616-6294.

WSR 02-12-083
RULES COORDINATOR
SOUTH PUGET SOUND
COMMUNITY COLLEGE

[Filed June 4, 2002, 2:13 p.m.]

Diana Toledo was hired as the new executive assistant to the president effective December 17, 2002 [2001], at South Puget Sound Community College. In this capacity, she attends and acts as the recording secretary to the board of trustees meetings, transcribes and distributes minutes and maintains accurate record of board motions. In addition, she is responsible for preparing and filing board of trustees meeting schedule with the code reviser and facilitating board policy revisions through the Washington Administrative Code.

If you have any questions, please do not hesitate to contact Dr. Kenneth J. Minnaert at 754-7711, ext. 5206.

Dr. Kenneth J. Minnaert
 President

WSR 02-12-086
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 4, 2002, 2:20 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-25 MAA.
 Subject: Vendor rate increase for chronic pain management.

Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) will:

- Implement the updated Medicare Physician Fee Schedule Data Base (MPFSDB) Year 2002 relative value units (RVUs); and
- Implement a legislatively appropriated one and one-half (1.5) percent vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on

Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

June 3, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-12-087

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed June 4, 2002, 2:21 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-26 MAA.
Subject: Vendor rate increase for EPSDT clinics.
Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare Physician Fee Schedule Data Base (MPFSDB) Year 2002 relative value units (RVUs);
- The Year 2002 additions of Current Procedural Terminology (CPT™) codes;
- Additions to the Health Care Financing Administration Common Procedure Coding System (HCPCS) Level II codes; and
- A legislatively appropriated one and one-half (1.5) percent vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

June 3, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-12-088

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed June 4, 2002, 2:22 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-30 MAA.
Subject: Vendor rate increase for vision care.
Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare Physician Fee Schedule Data Base Year 2002 RVUs;
- The Year 2002 additions of Current Procedural Terminology codes;
- Additions to the HCPCS Level II codes; and
- A legislatively appropriated one and one-half (1.5) percent vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

June 3, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-12-089

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed June 4, 2002, 2:27 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-27 MAA.
Subject: Vendor rate increase for licensed midwives.
Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare Physician Fee Schedule Data Base Year 2002 RVUs;
- The updated Medicare Clinical Laboratory Fee Schedule;
- The Year 2002 additions of Current Procedural Terminology codes;
- Additions to HCPCS Level II codes;
- Immunization administration codes; and
- A legislatively appropriated one and one-half (1.5) percent vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

June 3, 2002

E. A. Myers, Manager
Rules and Publications Section

MISC.

WSR 02-12-090
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 4, 2002, 2:30 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-31 MAA.
 Subject: Vendor rate increase for psychologists.
 Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare Physician Fee Schedule Data Base Year 2002 RVUs;
- Technical changes; and
- A legislatively appropriated one and one-half (1.5) percent vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

June 3, 2002

E. A. Myers, Manager
 Rules and Publications Section

WSR 02-12-094
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE
INTERAGENCY COMMITTEE

(Interagency Committee for Outdoor Recreation)

[Memorandum—June 4, 2002]

The Interagency Committee for Outdoor Recreation (IAC) will meet Thursday, July 11, 2002, beginning 8:30 a.m., in Edmonds City Hall, Brackett Room. Tentatively, there will also be an informal site visit to one of Edmond's IAC-assisted waterfront parks on the evening of Wednesday the 10th.

The draft agenda for this meeting includes updates on legislative issues and performance measures. Action items include the approval of the 2003-05 operating and capital budget requests, statewide recreation plan (APP), 2002 NOVA manuals and evaluation materials, NOVA plan, and awarding of the biodiversity contract.

If you plan to participate or have materials for committee review, please submit information to IAC no later than June 20, 2002. This will allow for distribution to committee members in a timely fashion.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by July 1, at (360) 902-2637 or TDD (360) 902-1996.



Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited rule making
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action

WAC # Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

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4-25-520	AMD	02-04-064	16-154-090	REP-P	02-04-109	16-157-250	NEW	02-10-090
4-25-540	AMD	02-04-064	16-154-100	REP-P	02-04-109	16-157-255	NEW-P	02-04-109
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4-25-620	AMD	02-04-064	16-154-180	REP-P	02-04-109	16-157-260	NEW	02-10-090
4-25-626	AMD	02-04-064	16-156-003	REP-P	02-04-109	16-157-270	NEW-P	02-04-109
4-25-630	AMD	02-04-064	16-156-004	REP-P	02-04-109	16-157-270	NEW	02-10-090
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16-154-040	REP-P	02-04-109	16-157-220	NEW	02-10-090	16-162-037	REP-P	02-04-109
16-154-050	REP-P	02-04-109	16-157-230	NEW-P	02-04-109	16-162-040	REP-P	02-04-109
16-154-053	REP-P	02-04-109	16-157-230	NEW	02-10-090	16-162-045	REP-P	02-04-109
16-154-060	REP-P	02-04-109	16-157-240	NEW-P	02-04-109	16-162-050	REP-P	02-04-109
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16-164-020	REP-P	02-04-109	16-302-330	AMD	02-12-060	16-324-431	AMD	02-12-010
16-164-035	REP-P	02-04-109	16-302-385	PREP	02-05-083	16-324-720	AMD-P	02-08-087
16-164-037	REP-P	02-04-109	16-302-385	AMD-P	02-09-059	16-324-720	AMD	02-12-010
16-164-040	REP-P	02-04-109	16-302-385	AMD	02-12-060	16-324-730	AMD-P	02-08-087
16-164-050	REP-P	02-04-109	16-302-390	PREP	02-05-083	16-324-730	AMD	02-12-010
16-164-055	REP-P	02-04-109	16-302-390	AMD-P	02-09-059	16-324-740	AMD-P	02-08-087
16-164-060	REP-P	02-04-109	16-302-390	AMD	02-12-060	16-324-740	AMD	02-12-010
16-164-070	REP-P	02-04-109	16-302-410	PREP	02-05-083	16-324-750	AMD-P	02-08-087
16-164-080	REP-P	02-04-109	16-302-410	AMD-P	02-09-059	16-324-750	AMD	02-12-010
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16-164-090	REP-P	02-04-109	16-302-435	PREP	02-05-083	16-325-015	AMD	02-09-030
16-164-100	REP-P	02-04-109	16-302-435	AMD-P	02-09-059	16-400-045	AMD-X	02-09-012
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16-228-1235	NEW-P	02-07-080	16-302-490	PREP	02-05-083	16-403-142	AMD-P	02-07-118
16-228-1235	NEW-C	02-11-070	16-302-490	AMD-P	02-09-059	16-403-142	AMD-C	02-12-005
16-228-1235	NEW	02-12-017	16-302-490	AMD	02-12-060	16-403-142	AMD	02-12-011
16-228-12351	NEW-E	02-06-048	16-302-545	PREP	02-05-083	16-403-190	PREP	02-03-128
16-228-12351	NEW-P	02-07-080	16-302-685	PREP	02-05-083	16-403-190	AMD-P	02-07-118
16-228-12351	NEW-C	02-11-070	16-302-685	AMD-P	02-09-059	16-403-190	AMD-C	02-12-005
16-228-12351	NEW	02-12-017	16-302-685	AMD	02-12-060	16-403-190	AMD	02-12-011
16-228-12352	NEW-E	02-06-048	16-303-200	PREP	02-03-127	16-403-280	AMD-P	02-07-118
16-228-12352	NEW-P	02-07-080	16-303-200	AMD-P	02-09-060	16-403-280	AMD-C	02-12-005
16-228-12352	NEW-C	02-11-070	16-303-200	AMD	02-12-061	16-403-280	AMD	02-12-011
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16-228-1237	NEW-E	02-06-048	16-303-210	AMD-P	02-09-060	16-462-015	AMD	02-11-100
16-228-1237	NEW-P	02-07-080	16-303-210	AMD	02-12-061	16-462-020	AMD-P	02-08-085
16-228-1237	NEW-C	02-11-070	16-303-230	PREP	02-03-127	16-462-020	AMD	02-11-100
16-228-1237	NEW	02-12-017	16-303-230	AMD-P	02-09-060	16-462-021	AMD-P	02-08-085
16-228-12371	NEW-E	02-06-048	16-303-230	AMD	02-12-061	16-462-021	AMD	02-11-100
16-228-12371	NEW-P	02-07-080	16-303-250	PREP	02-03-127	16-462-022	AMD-P	02-08-085
16-228-12371	NEW-C	02-11-070	16-303-250	PREP	02-05-083	16-462-022	AMD	02-11-100
16-228-12371	NEW	02-12-017	16-303-250	AMD-P	02-09-060	16-462-022	AMD-P	02-08-085
16-228-1238	NEW-P	02-07-080	16-303-250	AMD	02-12-061	16-462-025	AMD	02-11-100
16-228-1238	NEW-C	02-11-070	16-303-300	PREP	02-03-127	16-462-025	AMD	02-11-100
16-228-1238	NEW-W	02-12-028	16-303-300	AMD-P	02-09-060	16-462-030	AMD-P	02-08-085
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16-301-025	AMD	02-12-060	16-303-310	AMD-P	02-09-060	16-462-050	AMD	02-11-100
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16-301-045	AMD-P	02-09-059	16-303-310	AMD	02-12-061	16-462-055	AMD	02-11-100
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16-301-050	PREP	02-05-083	16-303-317	AMD-P	02-09-060	16-470-800	NEW-E	02-07-120
16-301-050	AMD-P	02-09-059	16-303-317	AMD	02-12-061	16-470-800	NEW	02-09-099
16-301-050	AMD	02-12-060	16-303-320	PREP	02-03-127	16-470-810	NEW-P	02-06-131
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16-302-125	AMD-P	02-09-059	16-303-330	AMD	02-12-061	16-470-820	NEW	02-09-099
16-302-125	AMD	02-12-060	16-303-340	AMD	02-05-082	16-470-830	NEW-P	02-06-131
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16-489-030	NEW-P	02-10-123	36- 12-030	AMD	02-03-069	44- 10-200	AMD-P	02-10-060
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16-489-050	NEW-P	02-10-123	36- 12-050	AMD	02-03-069	44- 10-210	AMD-P	02-10-060
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132H-120-200	AMD	02-10-069	132N-150-030	NEW	02-04-068	132Z-116-080	NEW	02-11-048
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132H-140-100	REP-P	02-09-071	132U-120	PREP	02-06-103	132Z-116-230	NEW-E	02-04-061
132H-140-110	AMD-P	02-09-071	132Z-116-005	NEW-P	02-03-089	132Z-116-230	NEW	02-11-048
132H-140-120	NEW-P	02-09-071	132Z-116-005	NEW-E	02-04-061	132Z-116-230	NEW-E	02-12-056
132H-140-900	REP-P	02-09-071	132Z-116-005	NEW	02-11-048	132Z-116-240	NEW-P	02-03-089
132H-152-135	PREP	02-03-104	132Z-116-005	NEW-E	02-12-056	132Z-116-240	NEW-E	02-04-061
132H-152-135	AMD-P	02-08-082	132Z-116-010	NEW-P	02-03-089	132Z-116-240	NEW	02-11-048
132H-160-190	AMD-P	02-09-038	132Z-116-010	NEW-E	02-04-061	132Z-116-240	NEW-E	02-12-056
132H-410-010	NEW-P	02-03-107	132Z-116-010	NEW	02-11-048	132Z-116-250	NEW-P	02-03-089
132H-410-010	NEW	02-10-070	132Z-116-010	NEW-E	02-12-056	132Z-116-250	NEW-E	02-04-061
132H-410-020	NEW-P	02-03-107	132Z-116-020	NEW-P	02-03-089	132Z-116-250	NEW	02-11-048
132H-410-020	NEW	02-10-070	132Z-116-020	NEW-E	02-04-061	132Z-116-250	NEW-E	02-12-056
132H-410-030	NEW-P	02-03-107	132Z-116-020	NEW	02-11-048	132Z-116-260	NEW-P	02-03-089
132H-410-030	NEW	02-10-070	132Z-116-020	NEW-E	02-12-056	132Z-116-260	NEW-E	02-04-061
132H-410-040	NEW-P	02-03-107	132Z-116-030	NEW-P	02-03-089	132Z-116-260	NEW	02-11-048
132H-410-040	NEW	02-10-070	132Z-116-030	NEW-E	02-04-061	132Z-116-260	NEW-E	02-12-056
132H-410-050	NEW-P	02-03-107	132Z-116-030	NEW	02-11-048	132Z-116-270	NEW-P	02-03-089
132H-410-050	NEW	02-10-070	132Z-116-030	NEW-E	02-12-056	132Z-116-270	NEW-E	02-04-061
132H-410-060	NEW-P	02-03-107	132Z-116-040	NEW-P	02-03-089	132Z-116-270	NEW	02-11-048
132H-410-060	NEW	02-10-070	132Z-116-040	NEW-E	02-04-061	132Z-116-270	NEW-E	02-12-056
132H-410-070	NEW-P	02-03-107	132Z-116-040	NEW	02-11-048	132Z-116-280	NEW-P	02-03-089
132H-410-070	NEW	02-10-070	132Z-116-040	NEW-E	02-12-056	132Z-116-280	NEW-E	02-04-061
132H-410-080	NEW-P	02-03-107	132Z-116-050	NEW-P	02-03-089	132Z-116-280	NEW	02-11-048
132H-410-080	NEW	02-10-070	132Z-116-050	NEW-E	02-04-061	132Z-116-280	NEW-E	02-12-056
132H-410-090	NEW-P	02-03-107	132Z-116-050	NEW	02-11-048	132Z-116-300	NEW-P	02-03-089
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132Z-116-310	NEW-P	02-03-089	139- 05-915	AMD-P	02-12-027	173-222-060	REP-X	02-07-099
132Z-116-310	NEW-E	02-04-061	139- 06	PREP	02-12-125	173-222-060	REP	02-11-149
132Z-116-310	NEW	02-11-048	139- 35-015	AMD-P	02-08-016	173-222-070	REP-X	02-07-038
132Z-116-310	NEW-E	02-12-056	139- 35-025	AMD-P	02-08-016	173-222-070	REP-W	02-07-098
132Z-116-320	NEW-P	02-03-089	173- 50-010	AMD-P	02-11-151	173-222-070	REP-X	02-07-099
132Z-116-320	NEW-E	02-04-061	173- 50-020	AMD-P	02-11-151	173-222-070	REP	02-11-149
132Z-116-320	NEW	02-11-048	173- 50-030	AMD-P	02-11-151	173-222-080	REP-X	02-07-038
132Z-116-320	NEW-E	02-12-056	173- 50-040	AMD-P	02-11-151	173-222-080	REP-W	02-07-098
132Z-116-400	NEW-P	02-03-089	173- 50-050	AMD-P	02-11-151	173-222-080	REP-X	02-07-099
132Z-116-400	NEW-E	02-04-061	173- 50-060	AMD-P	02-11-151	173-222-080	REP	02-11-149
132Z-116-400	NEW	02-11-048	173- 50-063	NEW-P	02-11-151	173-222-090	REP-X	02-07-038
132Z-116-400	NEW-E	02-12-056	173- 50-067	NEW-P	02-11-151	173-222-090	REP-W	02-07-098
132Z-116-410	NEW-P	02-03-089	173- 50-070	AMD-P	02-11-151	173-222-090	REP-X	02-07-099
132Z-116-410	NEW-E	02-04-061	173- 50-080	AMD-P	02-11-151	173-222-090	REP	02-11-149
132Z-116-410	NEW	02-11-048	173- 50-090	AMD-P	02-11-151	173-222-100	REP-X	02-07-038
132Z-116-410	NEW-E	02-12-056	173- 50-100	AMD-P	02-11-151	173-222-100	REP-W	02-07-098
136- 04-020	AMD-P	02-11-120	173- 50-110	AMD-P	02-11-151	173-222-100	REP-X	02-07-099
136- 10-010	REP-P	02-11-122	173- 50-120	AMD-P	02-11-151	173-222-100	REP	02-11-149
136- 10-020	REP-P	02-11-122	173- 50-130	AMD-P	02-11-151	173-222-110	REP-X	02-07-038
136- 10-030	REP-P	02-11-122	173- 50-140	AMD-P	02-11-151	173-222-110	REP-W	02-07-098
136- 10-035	REP-P	02-11-122	173- 50-150	AMD-P	02-11-151	173-222-110	REP-X	02-07-099
136- 10-040	REP-P	02-11-122	173- 50-160	AMD-P	02-11-151	173-222-110	REP	02-11-149
136- 10-050	REP-P	02-11-122	173- 50-170	AMD-P	02-11-151	173-224-015	REP-X	02-07-038
136- 10-060	REP-P	02-11-122	173- 50-180	AMD-P	02-11-151	173-224-015	REP-W	02-07-098
136- 12-010	AMD-P	02-11-121	173- 50-190	AMD-P	02-11-151	173-224-020	REP-X	02-07-038
136- 12-020	AMD-P	02-11-121	173- 50-200	AMD-P	02-11-151	173-224-020	REP-W	02-07-098
136- 12-045	NEW-P	02-11-121	173- 50-210	AMD-P	02-11-151	173-224-030	AMD-P	02-06-091
136- 12-060	AMD-P	02-11-121	173- 50-220	AMD-P	02-11-151	173-224-030	REP-X	02-07-038
136- 12-070	AMD-P	02-11-121	173-158-030	AMD-P	02-06-040	173-224-030	REP-W	02-07-098
136- 12-080	AMD-P	02-11-121	173-158-070	AMD-P	02-06-040	173-224-030	AMD	02-12-059
136- 18-085	NEW-P	02-11-119	173-158-075	NEW-P	02-06-040	173-224-040	AMD-P	02-06-091
136- 50-010	NEW-P	02-11-118	173-158-076	NEW-P	02-06-040	173-224-040	REP-X	02-07-038
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136- 50-030	NEW-P	02-11-118	173-173-070	NEW-W	02-05-034	173-224-040	AMD	02-12-059
136- 50-035	NEW-P	02-11-118	173-216-125	AMD	02-05-055	173-224-050	AMD-P	02-06-091
136- 50-050	NEW-P	02-11-118	173-220-210	AMD	02-05-055	173-224-050	REP-X	02-07-038
136- 50-051	NEW-P	02-11-118	173-222-010	REP-X	02-07-038	173-224-050	REP-W	02-07-098
136- 50-052	NEW-P	02-11-118	173-222-010	REP-W	02-07-098	173-224-050	AMD	02-12-059
136- 50-053	NEW-P	02-11-118	173-222-010	REP-X	02-07-099	173-224-060	REP-X	02-07-038
136- 50-054	NEW-P	02-11-118	173-222-010	REP	02-11-149	173-224-060	REP-W	02-07-098
136- 50-055	NEW-P	02-11-118	173-222-015	REP-X	02-07-038	173-224-080	REP-X	02-07-038
136- 50-070	NEW-P	02-11-118	173-222-015	REP-W	02-07-098	173-224-080	REP-W	02-07-098
136-130-030	AMD-P	02-06-105	173-222-015	REP-X	02-07-099	173-224-090	REP-X	02-07-038
136-130-030	AMD	02-11-008	173-222-015	REP	02-11-149	173-224-090	REP-W	02-07-098
136-130-070	AMD-P	02-06-105	173-222-020	REP-X	02-07-038	173-224-100	REP-X	02-07-038
136-130-070	AMD	02-11-008	173-222-020	REP-W	02-07-098	173-224-100	REP-W	02-07-098
137- 28	PREP	02-03-075	173-222-020	REP-X	02-07-099	173-224-110	REP-X	02-07-038
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137- 28-160	AMD	02-12-023	173-222-030	REP-X	02-07-038	173-224-120	REP-X	02-07-038
137- 28-220	AMD-P	02-09-002	173-222-030	REP-W	02-07-098	173-224-120	REP-W	02-07-098
137- 28-220	AMD	02-12-023	173-222-030	REP-X	02-07-099	173-226-090	AMD	02-05-055
137- 28-240	AMD-P	02-09-002	173-222-030	REP	02-11-149	173-303	PREP	02-05-054
137- 28-240	AMD	02-12-023	173-222-040	REP-X	02-07-038	173-303-045	AMD-P	02-11-101
137- 28-260	AMD-P	02-09-002	173-222-040	REP-W	02-07-098	173-303-070	AMD-P	02-11-101
137- 28-260	AMD	02-12-023	173-222-040	REP-X	02-07-099	173-303-071	AMD-E	02-04-030
137- 28-310	AMD-P	02-09-002	173-222-040	REP	02-11-149	173-303-071	AMD-P	02-11-101
137- 28-310	AMD	02-12-023	173-222-050	REP-X	02-07-038	173-303-071	AMD-E	02-11-102
137- 28-350	AMD-P	02-09-002	173-222-050	REP-W	02-07-098	173-303-100	AMD-P	02-11-101
137- 28-350	AMD	02-12-023	173-222-050	REP-X	02-07-099	173-303-110	AMD-P	02-11-101
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173-303-200	AMD-P	02-11-101	173-700-040	NEW-W	02-12-058	173-700-400	NEW-W	02-12-058
173-303-283	AMD-P	02-11-101	173-700-100	NEW-W	02-12-058	173-700-401	NEW-W	02-12-058
173-303-380	AMD-P	02-11-101	173-700-200	NEW-W	02-12-058	173-700-402	NEW-W	02-12-058
173-303-390	AMD-P	02-11-101	173-700-201	NEW-W	02-12-058	173-700-403	NEW-W	02-12-058
173-303-400	AMD-P	02-11-101	173-700-202	NEW-W	02-12-058	173-700-404	NEW-W	02-12-058
173-303-500	AMD-P	02-11-101	173-700-203	NEW-W	02-12-058	173-700-405	NEW-W	02-12-058
173-303-505	AMD-P	02-11-101	173-700-204	NEW-W	02-12-058	173-700-410	NEW-W	02-12-058
173-303-506	AMD-P	02-11-101	173-700-205	NEW-W	02-12-058	173-700-411	NEW-W	02-12-058
173-303-510	AMD-P	02-11-101	173-700-220	NEW-W	02-12-058	173-700-412	NEW-W	02-12-058
173-303-520	AMD-P	02-11-101	173-700-221	NEW-W	02-12-058	173-700-413	NEW-W	02-12-058
173-303-522	AMD-P	02-11-101	173-700-222	NEW-W	02-12-058	173-700-414	NEW-W	02-12-058
173-303-525	AMD-P	02-11-101	173-700-223	NEW-W	02-12-058	173-700-415	NEW-W	02-12-058
173-303-578	AMD-P	02-11-101	173-700-224	NEW-W	02-12-058	173-700-416	NEW-W	02-12-058
173-303-645	AMD-P	02-11-101	173-700-230	NEW-W	02-12-058	173-700-420	NEW-W	02-12-058
173-303-646	AMD-P	02-11-101	173-700-231	NEW-W	02-12-058	173-700-421	NEW-W	02-12-058
173-303-690	AMD-P	02-11-101	173-700-232	NEW-W	02-12-058	173-700-422	NEW-W	02-12-058
173-303-691	AMD-P	02-11-101	173-700-233	NEW-W	02-12-058	173-700-423	NEW-W	02-12-058
173-303-692	AMD-P	02-11-101	173-700-234	NEW-W	02-12-058	173-700-500	NEW-W	02-12-058
173-303-806	AMD-P	02-11-101	173-700-235	NEW-W	02-12-058	173-700-501	NEW-W	02-12-058
173-303-830	AMD-P	02-11-101	173-700-240	NEW-W	02-12-058	173-700-502	NEW-W	02-12-058
173-303-920	NEW-P	02-11-101	173-700-241	NEW-W	02-12-058	173-700-503	NEW-W	02-12-058
173-312-010	AMD	02-05-070	173-700-250	NEW-W	02-12-058	173-700-504	NEW-W	02-12-058
173-312-020	AMD	02-05-070	173-700-251	NEW-W	02-12-058	173-700-505	NEW-W	02-12-058
173-312-040	AMD	02-05-070	173-700-252	NEW-W	02-12-058	173-700-600	NEW-W	02-12-058
173-312-050	AMD	02-05-070	173-700-253	NEW-W	02-12-058	173-700-610	NEW-W	02-12-058
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173-312-080	AMD	02-05-070	173-700-256	NEW-W	02-12-058	173-700-620	NEW-W	02-12-058
173-312-090	AMD	02-05-070	173-700-257	NEW-W	02-12-058	173-700-630	NEW-W	02-12-058
173-312-100	AMD	02-05-070	173-700-258	NEW-W	02-12-058	173-700-700	NEW-W	02-12-058
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173-401-200	AMD-P	02-10-031	173-700-311	NEW-W	02-12-058	173-700-730	NEW-W	02-12-058
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173-401-500	AMD-P	02-10-031	173-700-330	NEW-W	02-12-058	173-700-732	NEW-W	02-12-058
173-401-530	AMD-P	02-10-031	173-700-340	NEW-W	02-12-058	173-700-740	NEW-W	02-12-058
173-401-615	AMD-P	02-10-031	173-700-350	NEW-W	02-12-058	173-700-750	NEW-W	02-12-058
173-401-710	AMD-P	02-10-031	173-700-351	NEW-W	02-12-058	173-700-800	NEW-W	02-12-058
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173-422	PREP	02-05-071	173-700-353	NEW-W	02-12-058	180-10	PREP	02-08-041
173-422-020	AMD-P	02-09-066	173-700-354	NEW-W	02-12-058	180-16	PREP	02-08-039
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173-422-030	AMD	02-12-072	173-700-357	NEW-W	02-12-058	180-16-006	REP-E	02-08-038
173-422-031	AMD-P	02-09-066	173-700-358	NEW-W	02-12-058	180-16-195	AMD-E	02-08-038
173-422-031	AMD	02-12-072	173-700-359	NEW-W	02-12-058	180-16-220	AMD-E	02-08-038
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173-422-060	AMD	02-12-072	173-700-361	NEW-W	02-12-058	180-18	PREP	02-08-039
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173-422-065	AMD	02-12-072	173-700-371	NEW-W	02-12-058	180-18-020	REP-E	02-08-038
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173-422-070	AMD	02-12-072	173-700-373	NEW-W	02-12-058	180-20	PREP	02-10-084
173-422-075	AMD-P	02-09-066	173-700-374	NEW-W	02-12-058	180-22	PREP	02-08-045
173-422-075	AMD	02-12-072	173-700-375	NEW-W	02-12-058	180-23	PREP	02-08-045
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173-422-190	AMD	02-12-072	173-700-380	NEW-W	02-12-058	180-24-400	AMD-E	02-08-035
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173-700-010	NEW-W	02-12-058	173-700-393	NEW-W	02-12-058	180-24-410	AMD-E	02-08-035
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180-26	PREP	02-06-054	180-77-002	AMD	02-04-018	180-82A-200	NEW	02-04-013
180-27	PREP	02-06-055	180-77-003	AMD	02-04-018	180-82A-202	NEW	02-04-013
180-29	PREP	02-06-056	180-77-005	AMD	02-04-018	180-82A-204	NEW	02-04-013
180-31	PREP	02-06-057	180-77-012	AMD	02-04-018	180-82A-206	NEW	02-04-013
180-32	PREP	02-06-058	180-77-014	AMD	02-04-018	180-82A-215	NEW	02-04-013
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180-34	PREP	02-08-046	180-77-025	AMD	02-04-018	180-85	PREP	02-06-075
180-36	PREP	02-06-060	180-77-031	AMD	02-04-018	180-85-035	AMD	02-04-017
180-37-005	PREP	02-10-051	180-77-041	AMD	02-04-018	180-85-075	AMD	02-04-017
180-37-010	PREP	02-10-051	180-77-041	PREP	02-10-048	180-85-075	PREP	02-06-081
180-38	PREP	02-08-043	180-77-068	AMD	02-04-018	180-85-075	AMD-P	02-10-086
180-39	PREP	02-06-061	180-77-070	AMD	02-04-018	180-86	PREP	02-06-076
180-40	PREP	02-06-062	180-77-075	AMD	02-04-018	180-86-011	AMD-P	02-10-052
180-41	PREP	02-06-063	180-77-080	AMD	02-04-018	180-86-013	AMD-P	02-10-052
180-43	PREP	02-08-042	180-77-110	AMD	02-04-018	180-86-020	PREP	02-03-084
180-44	PREP	02-06-064	180-77-120	AMD	02-04-018	180-86-020	REP-P	02-10-052
180-46	PREP	02-06-065	180-77-122	AMD	02-04-018	180-86-030	AMD-P	02-10-052
180-50	PREP	02-06-066	180-77A	AMD	02-04-018	180-86-055	PREP	02-03-084
180-52-070	NEW-P	02-08-092	180-77A	PREP	02-06-069	180-86-055	REP-P	02-10-052
180-52-070	NEW-P	02-10-089	180-77A-004	AMD	02-04-018	180-86-065	AMD-P	02-10-052
180-53	PREP	02-08-039	180-77A-006	AMD	02-04-018	180-86-070	AMD-P	02-10-052
180-53-005	REP-E	02-08-038	180-77A-025	AMD	02-04-018	180-86-075	AMD-P	02-10-052
180-53-010	REP-E	02-08-038	180-77A-029	AMD	02-04-018	180-86-100	AMD-P	02-10-052
180-53-020	REP-E	02-08-038	180-77A-030	AMD	02-04-018	180-86-116	AMD-P	02-10-052
180-53-025	REP-E	02-08-038	180-77A-033	AMD	02-04-018	180-86-130	AMD-P	02-10-052
180-53-030	REP-E	02-08-038	180-77A-037	AMD	02-04-018	180-86-140	AMD-P	02-10-052
180-53-035	REP-E	02-08-038	180-77A-040	AMD	02-04-018	180-86-145	AMD-P	02-10-052
180-53-040	REP-E	02-08-038	180-77A-057	AMD	02-04-018	180-86-160	AMD-P	02-10-052
180-53-045	REP-E	02-08-038	180-77A-165	AMD	02-04-018	180-86-170	AMD-P	02-10-052
180-53-050	REP-E	02-08-038	180-77A-180	AMD	02-04-018	180-86-180	AMD-P	02-10-052
180-53-055	REP-E	02-08-038	180-77A-195	AMD	02-04-018	180-86-185	AMD-P	02-10-052
180-53-060	REP-E	02-08-038	180-78A	PREP	02-06-070	180-87	PREP	02-06-077
180-53-070	REP-E	02-08-038	180-78A-209	AMD	02-04-018	180-90	PREP	02-06-078
180-55	PREP	02-08-039	180-78A-220	AMD	02-04-014	180-90-105	AMD-E	02-08-037
180-55-005	AMD-E	02-08-038	180-78A-255	AMD	02-04-014	180-90-105	AMD-P	02-10-088
180-55-010	REP-E	02-08-038	180-78A-261	AMD	02-04-014	180-90-110	REP-E	02-08-037
180-55-015	AMD-E	02-08-038	180-78A-264	AMD	02-04-014	180-90-110	REP-P	02-10-088
180-55-020	AMD-E	02-08-038	180-78A-270	AMD	02-04-018	180-90-112	AMD-E	02-08-037
180-55-025	REP-E	02-08-038	180-78A-505	PREP	02-06-051	180-90-112	AMD-P	02-10-088
180-55-030	REP-E	02-08-038	180-78A-505	AMD-P	02-10-085	180-90-115	REP-E	02-08-037
180-55-032	NEW-E	02-08-038	180-79A	PREP	02-06-071	180-90-115	REP-P	02-10-088
180-55-034	NEW-E	02-08-038	180-79A-030	AMD	02-04-015	180-90-119	REP-E	02-08-037
180-55-035	REP-E	02-08-038	180-79A-117	AMD	02-04-018	180-90-119	REP-P	02-10-088
180-55-050	REP-E	02-08-038	180-79A-130	AMD	02-04-018	180-90-120	REP-E	02-08-037
180-55-070	REP-E	02-08-038	180-79A-140	AMD	02-04-018	180-90-120	REP-P	02-10-088
180-55-075	REP-E	02-08-038	180-79A-150	AMD	02-04-018	180-90-123	REP-E	02-08-037
180-55-080	REP-E	02-08-038	180-79A-150	PREP	02-10-050	180-90-123	REP-P	02-10-088
180-55-085	REP-E	02-08-038	180-79A-206	PREP	02-05-061	180-90-125	REP-E	02-08-037
180-55-090	REP-E	02-08-038	180-79A-206	AMD-P	02-10-085	180-90-125	REP-P	02-10-088
180-55-095	REP-E	02-08-038	180-79A-211	AMD	02-04-018	180-90-130	AMD-E	02-08-037
180-55-100	REP-E	02-08-038	180-79A-250	PREP	02-05-060	180-90-130	AMD-P	02-10-088
180-55-105	REP-E	02-08-038	180-79A-250	AMD-P	02-10-087	180-90-133	REP-E	02-08-037
180-55-110	REP-E	02-08-038	180-79A-250	AMD-W	02-12-123	180-90-133	REP-P	02-10-088
180-55-115	REP-E	02-08-038	180-81	PREP	02-06-072	180-90-135	REP-E	02-08-037
180-55-120	REP-E	02-08-038	180-82	PREP	02-06-073	180-90-135	REP-P	02-10-088
180-55-125	REP-E	02-08-038	180-82-105	AMD	02-04-018	180-90-137	REP-E	02-08-037
180-55-130	REP-E	02-08-038	180-82-105	PREP	02-10-045	180-90-137	REP-P	02-10-088
180-55-135	REP-E	02-08-038	180-82-202	AMD	02-04-018	180-90-141	AMD-E	02-08-037
180-55-150	NEW-E	02-08-038	180-82-322	AMD	02-04-018	180-90-141	AMD-P	02-10-088

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180- 90-160	AMD-P	02-10-088	196- 26A-010	NEW-P	02-08-075	212- 12-035	AMD-P	02-11-038
180- 95	PREP	02-06-079	196- 26A-020	NEW-P	02-08-075	212- 12-040	PREP	02-07-018
180- 96	PREP	02-06-080	196- 26A-025	NEW-P	02-08-075	212- 12-040	AMD-P	02-11-038
180- 97	PREP	02-08-040	196- 26A-030	NEW-P	02-08-075	212- 12-044	PREP	02-07-018
180- 97-003	AMD-E	02-08-034	196- 26A-035	NEW-P	02-08-075	212- 12-044	AMD-P	02-11-038
180- 97-005	REP-E	02-08-034	196- 26A-040	NEW-P	02-08-075	212- 12-200	NEW-E	02-03-060
180- 97-010	AMD-E	02-08-034	196- 26A-045	NEW-P	02-08-075	212- 12-210	NEW-E	02-03-060
180- 97-015	REP-E	02-08-034	196- 26A-050	NEW-P	02-08-075	212- 12-220	NEW-E	02-03-060
180- 97-020	REP-E	02-08-034	196- 26A-055	NEW-P	02-08-075	212- 12-230	NEW-E	02-03-060
180- 97-040	AMD-E	02-08-034	196- 26A-060	NEW-P	02-08-075	212- 12-240	NEW-E	02-03-060
180- 97-050	REP-E	02-08-034	196- 26A-070	NEW-P	02-08-075	212- 12-250	NEW-E	02-03-060
180- 97-060	AMD-E	02-08-034	204- 36-030	AMD	02-07-055	212- 12-260	NEW-E	02-03-060
180- 97-070	REP-E	02-08-034	204- 36-040	AMD	02-07-055	212- 12-270	NEW-E	02-03-060
180- 97-080	AMD-E	02-08-034	204- 36-060	AMD	02-07-055	212- 12-280	NEW-E	02-03-060
180- 97-090	REP-E	02-08-034	204- 91A-010	AMD	02-07-056	212- 12-290	NEW-E	02-03-060
180- 97-100	REP-E	02-08-034	204- 91A-030	AMD	02-07-056	212- 12-300	NEW-E	02-03-060
182	PREP	02-11-034	204- 91A-060	AMD	02-07-056	212- 12-310	NEW-E	02-03-060
182	PREP	02-11-035	204- 91A-090	AMD	02-07-056	212- 12-320	NEW-E	02-03-060
182- 12-230	NEW-P	02-05-078	204- 91A-120	AMD	02-07-056	212- 12-330	NEW-E	02-03-060
182- 12-230	NEW	02-08-047	204- 91A-130	AMD	02-07-056	212- 12-340	NEW-E	02-03-060
192- 16-013	REP-X	02-08-071	204- 91A-140	AMD	02-07-056	212- 12-350	NEW-E	02-03-060
192- 16-021	REP	02-08-072	204- 91A-170	AMD	02-07-056	212- 12-360	NEW-E	02-03-060
192- 16-033	REP-E	02-03-074	204- 91A-180	AMD	02-07-056	212- 12-370	NEW-E	02-03-060
192- 16-033	PREP	02-07-064	204- 95	PREP	02-11-037	212- 12-380	NEW-E	02-03-060
192- 16-033	REP-E	02-07-065	208-424-010	NEW-P	02-11-010	212- 12-390	NEW-E	02-03-060
192- 16-036	REP-E	02-03-074	208-424-020	NEW-P	02-11-010	212- 12-400	NEW-E	02-03-060
192- 16-036	PREP	02-07-064	208-424-030	NEW-P	02-11-010	212- 12-410	NEW-E	02-03-060
192- 16-036	REP-P	02-07-065	208-472	AMD	02-04-094	212- 12-420	NEW-E	02-03-060
192- 16-040	REP-E	02-03-074	208-472-010	AMD	02-04-094	220- 16-028	AMD	02-08-048
192- 16-040	PREP	02-07-064	208-472-012	REP	02-04-094	220- 16-410	AMD-W	02-05-035
192- 16-040	REP-P	02-07-065	208-472-015	AMD	02-04-094	220- 16-480	AMD	02-08-027
192- 16-042	REP-E	02-03-074	208-472-020	AMD	02-04-094	220- 16-760	NEW	02-08-048
192- 16-042	PREP	02-07-064	208-472-025	AMD	02-04-094	220- 16-780	NEW	02-08-048
192- 16-042	REP-P	02-07-065	208-472-030	NEW	02-04-094	220- 16-78000A	NEW-E	02-10-118
192- 16-045	REP-E	02-03-074	208-472-035	NEW	02-04-094	220- 16-790	NEW	02-08-048
192- 16-045	PREP	02-07-064	208-472-041	REP	02-04-094	220- 16-79000A	NEW-E	02-10-118
192- 16-045	REP-P	02-07-065	208-472-045	REP	02-04-094	220- 20-010	AMD	02-08-048
192- 16-047	REP-E	02-03-074	208-472-050	REP	02-04-094	220- 20-016	PREP	02-06-107
192- 16-047	PREP	02-07-064	208-472-060	REP	02-04-094	220- 20-016	AMD-X	02-11-073
192- 16-047	REP-P	02-07-065	208-472-065	REP	02-04-094	220- 20-025	AMD	02-08-048
192-150-055	NEW-X	02-08-071	208-472-070	REP	02-04-094	220- 20-075	NEW	02-05-046
192-150-060	NEW	02-08-072	208-472-075	REP	02-04-094	220- 20-100	NEW	02-08-048
192-170-050	NEW	02-08-072	208-472-080	REP	02-04-094	220- 24-04000B	NEW-E	02-10-078
192-180-012	NEW	02-08-072	208-620-160	AMD-P	02-12-004	220- 24-04000B	REP-E	02-10-078
192-210-005	AMD-P	02-12-126	208-660-125	AMD-P	02-12-003	220- 24-04000B	REP-E	02-10-120
192-210-005	AMD-E	02-12-127	212- 12-001	PREP	02-07-018	220- 24-04000C	NEW-E	02-10-120
192-210-015	AMD-P	02-12-126	212- 12-001	AMD-P	02-11-038	220- 24-04000C	REP-E	02-10-120
192-210-015	AMD-E	02-12-127	212- 12-005	PREP	02-07-018	220- 32-05100K	REP-E	02-04-073
192-210-020	NEW-P	02-12-126	212- 12-005	AMD-P	02-11-038	220- 32-05100L	NEW-E	02-04-073
192-210-020	NEW-E	02-12-127	212- 12-010	PREP	02-07-018	220- 32-05100L	REP-E	02-04-073
192-240-010	NEW-E	02-03-074	212- 12-010	AMD-P	02-11-038	220- 32-05100L	REP-E	02-07-011
192-240-015	NEW-E	02-03-074	212- 12-011	PREP	02-07-018	220- 32-05100M	NEW-E	02-07-011
192-240-020	NEW-E	02-03-074	212- 12-011	AMD-P	02-11-038	220- 32-05100M	REP-E	02-07-011
192-240-025	NEW-E	02-03-074	212- 12-015	PREP	02-07-018	220- 32-05100M	REP-E	02-07-044
192-240-030	NEW-E	02-03-074	212- 12-015	AMD-P	02-11-038	220- 32-05100N	NEW-E	02-07-044
192-240-030	NEW-E	02-07-065	212- 12-020	PREP	02-07-018	220- 32-05100N	REP-E	02-07-044
192-240-035	NEW-E	02-03-074	212- 12-020	AMD-P	02-11-038	220- 32-05100P	NEW-E	02-10-042
192-240-040	NEW-E	02-03-074	212- 12-025	PREP	02-07-018	220- 32-05100P	REP-E	02-10-042
192-240-040	NEW-E	02-07-065	212- 12-025	AMD-P	02-11-038	220- 32-05100Q	NEW-E	02-11-003
192-240-045	NEW-E	02-07-065	212- 12-030	PREP	02-07-018	220- 32-05100Q	REP-E	02-11-003
196- 26-020	REP-P	02-08-075	212- 12-030	AMD-P	02-11-038	220- 32-05100R	NEW-E	02-11-049

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220-32-05100R	REP-E	02-11-049	220-52-04600F	NEW-E	02-07-075	220-56-285	AMD	02-08-048
220-32-05100S	NEW-E	02-11-085	220-52-04600F	REP-E	02-08-070	220-56-28500B	NEW-E	02-05-010
220-32-05100S	REP-E	02-11-085	220-52-04600G	NEW-E	02-08-070	220-56-28500B	REP-E	02-10-063
220-32-05100S	REP-E	02-11-146	220-52-04600G	REP-E	02-08-070	220-56-28500C	NEW-E	02-11-006
220-32-05500E	NEW-E	02-11-146	220-52-050	AMD-W	02-11-026	220-56-28500C	REP-E	02-11-006
220-32-05500E	REP-E	02-11-146	220-52-05100A	NEW-E	02-10-004	220-56-28500C	REP-E	02-11-039
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220-32-05700P	REP-E	02-11-146	220-52-05100B	NEW-E	02-10-043	220-56-307	REP	02-08-048
220-33-01000I	NEW-E	02-04-077	220-52-05100Y	NEW-E	02-09-021	220-56-310	AMD	02-08-048
220-33-01000I	REP-E	02-04-077	220-52-05100Y	REP-E	02-09-067	220-56-31000U	NEW-E	02-09-003
220-33-01000J	NEW-E	02-05-056	220-52-05100Z	NEW-E	02-09-067	220-56-31000U	REP-E	02-09-003
220-33-01000J	REP-E	02-05-056	220-52-05100Z	REP-E	02-10-004	220-56-315	AMD	02-08-048
220-33-01000J	REP-E	02-07-010	220-52-07300Q	REP-E	02-03-025	220-56-31500A	NEW-E	02-09-003
220-33-01000K	NEW-E	02-07-010	220-52-07300R	NEW-E	02-03-025	220-56-31500A	REP-E	02-09-003
220-33-01000K	REP-E	02-07-010	220-52-07300R	REP-E	02-03-067	220-56-31500B	NEW-E	02-11-020
220-33-01000K	REP-E	02-07-094	220-52-07300S	NEW-E	02-03-067	220-56-32500T	NEW-E	02-08-028
220-33-01000L	NEW-E	02-07-094	220-52-07300S	REP-E	02-03-090	220-56-32500T	REP-E	02-09-003
220-33-01000L	REP-E	02-07-094	220-52-07300T	NEW-E	02-03-090	220-56-32500U	NEW-E	02-10-028
220-33-01000L	REP-E	02-08-014	220-52-07300T	REP-E	02-04-035	220-56-32500U	REP-E	02-11-013
220-33-01000M	NEW-E	02-08-014	220-52-07300U	NEW-E	02-04-035	220-56-32500V	NEW-E	02-11-013
220-33-01000M	REP-E	02-08-025	220-52-07300U	REP-E	02-04-078	220-56-32500V	REP-E	02-11-041
220-33-01000N	NEW-E	02-08-025	220-52-07300V	NEW-E	02-04-078	220-56-32500W	NEW-E	02-11-041
220-33-01000N	REP-E	02-08-025	220-52-07300V	REP-E	02-07-046	220-56-32500W	REP-E	02-11-134
220-33-03000S	NEW-E	02-11-014	220-52-07300W	NEW-E	02-07-092	220-56-32500X	NEW-E	02-11-134
220-33-03000S	REP-E	02-11-014	220-52-07300W	REP-E	02-07-092	220-56-32500X	REP-E	02-12-054
220-33-04000N	REP-E	02-04-072	220-52-07500D	NEW-E	02-09-021	220-56-32500Y	NEW-E	02-12-054
220-33-04000P	NEW-E	02-04-072	220-52-07500D	REP-E	02-10-004	220-56-33000D	NEW-E	02-03-051
220-33-04000P	REP-E	02-04-072	220-52-07500E	NEW-E	02-10-004	220-56-33000D	REP-E	02-05-001
220-33-04000P	REP-E	02-04-102	220-55-00100A	NEW-E	02-10-106	220-56-33000E	NEW-E	02-05-001
220-33-04000Q	NEW-E	02-04-102	220-55-200	NEW-P	02-12-130	220-56-33000E	REP-E	02-07-037
220-33-04000Q	REP-E	02-04-102	220-55-20000A	REP-P	02-12-130	220-56-33000F	NEW-E	02-07-037
220-33-04000Q	REP-E	02-06-036	220-56-100	AMD	02-08-048	220-56-33000F	REP-E	02-07-075
220-33-04000R	NEW-E	02-06-036	220-56-105	AMD	02-08-048	220-56-33000G	NEW-E	02-07-075
220-33-04000R	REP-E	02-06-036	220-56-115	AMD	02-09-001	220-56-33000G	REP-E	02-08-070
220-40-027	AMD-X	02-11-072	220-56-116	AMD	02-08-048	220-56-33000H	NEW-E	02-08-070
220-44-05000H	REP-E	02-04-060	220-56-124	AMD-X	02-10-127	220-56-33000H	REP-E	02-11-050
220-44-05000I	NEW-E	02-04-060	220-56-128	AMD	02-08-048	220-56-33000H	REP-E	02-11-094
220-44-05000I	REP-E	02-07-093	220-56-15600A	NEW-E	02-10-108	220-56-33000I	NEW-E	02-11-050
220-44-05000J	NEW-E	02-07-093	220-56-193	NEW-P	02-10-124	220-56-33000I	REP-E	02-11-094
220-44-05000J	REP-E	02-11-042	220-56-194	NEW-P	02-10-124	220-56-33000J	NEW-E	02-11-094
220-44-05000K	NEW-E	02-11-042	220-56-195	AMD-X	02-10-127	220-56-33000J	REP-E	02-11-132
220-47-301	AMD-X	02-11-073	220-56-19500I	NEW-E	02-11-086	220-56-33000K	NEW-E	02-11-132
220-47-311	AMD-X	02-11-073	220-56-19500I	REP-E	02-11-086	220-56-335	AMD	02-08-048
220-47-401	AMD-X	02-11-073	220-56-210	AMD	02-08-048	220-56-350	AMD	02-08-048
220-47-411	AMD-X	02-11-073	220-56-235	AMD	02-09-001	220-56-35000J	REP-E	02-06-035
220-47-428	AMD-X	02-11-073	220-56-23500L	NEW-E	02-03-002	220-56-35000K	NEW-E	02-06-035
220-47-430	AMD-X	02-11-073	220-56-23500L	REP-E	02-07-004	220-56-35000K	REP-E	02-10-029
220-48-005	AMD	02-08-026	220-56-23500M	NEW-E	02-07-004	220-56-35000L	NEW-E	02-10-029
220-49-013	AMD	02-08-026	220-56-25000D	NEW-E	02-07-025	220-56-355	AMD	02-08-048
220-49-056	AMD	02-08-026	220-56-25000D	REP-E	02-07-025	220-56-35500B	NEW-E	02-07-076
220-52-03000R	NEW-E	02-11-043	220-56-25500X	NEW-E	02-09-045	220-56-36000L	NEW-E	02-03-053
220-52-03000R	REP-E	02-11-043	220-56-25500X	REP-E	02-12-014	220-56-36000L	REP-E	02-03-053
220-52-04000F	REP-E	02-03-068	220-56-25500Y	NEW-E	02-12-014	220-56-36000L	REP-E	02-04-039
220-52-04600A	REP-E	02-03-024	220-56-265	AMD	02-08-048	220-56-36000M	NEW-E	02-04-039
220-52-04600B	NEW-E	02-03-024	220-56-270	AMD	02-08-048	220-56-36000M	REP-E	02-04-039
220-52-04600B	REP-E	02-03-050	220-56-27000L	REP-E	02-06-036	220-56-36000N	NEW-E	02-07-012
220-52-04600C	NEW-E	02-03-050	220-56-27000M	NEW-E	02-06-036	220-56-36000N	REP-E	02-07-012
220-52-04600C	REP-E	02-04-093	220-56-27000M	REP-E	02-06-036	220-56-36000P	NEW-E	02-10-012
220-52-04600D	NEW-E	02-04-093	220-56-282	AMD	02-08-048	220-56-36000P	REP-E	02-10-012
220-52-04600D	REP-E	02-07-037	220-56-28200D	NEW-E	02-06-017	220-56-36000Q	NEW-E	02-11-012
220-52-04600E	NEW-E	02-07-037	220-56-28200D	REP-E	02-06-017	220-56-36000Q	REP-E	02-11-012
220-52-04600E	REP-E	02-07-075	220-56-28200E	NEW-E	02-10-119	220-56-380	AMD	02-08-048

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220- 56-38000C	REP-E	02-06-035	230- 20-244	AMD	02-06-006	232- 28-61900E	NEW-E	02-10-024
220- 56-38000D	NEW-E	02-06-035	230- 20-246	AMD	02-06-006	232- 28-61900E	REP-E	02-10-024
220- 56-38000D	REP-E	02-10-029	230- 20-249	AMD	02-06-006	232- 28-61900F	NEW-E	02-10-077
220- 56-38000E	NEW-E	02-10-029	230- 30-033	AMD	02-06-007	232- 28-61900G	NEW-E	02-10-062
220- 69	PREP	02-10-105	230- 30-045	AMD	02-06-007	232- 28-61900H	REP-E	02-03-014
220- 69-24000A	NEW-E	02-10-004	230- 30-072	AMD	02-06-007	232- 28-61900H	NEW-E	02-10-063
220- 69-24000A	REP-E	02-10-043	230- 30-106	AMD-P	02-06-038	232- 28-61900H	REP-E	02-11-006
220- 69-24000B	NEW-E	02-10-043	230- 30-106	AMD	02-10-003	232- 28-61900I	NEW-E	02-03-022
220- 74-020	AMD-P	02-06-109	230- 40-610	AMD-P	02-12-076	232- 28-61900I	REP-E	02-03-022
220- 74-020	AMD	02-10-023	230- 40-800	AMD-P	02-07-081	232- 28-61900I	NEW-E	02-11-001
220- 77-020	AMD	02-06-018	230- 40-800	AMD	02-11-084	232- 28-61900J	NEW-E	02-03-023
220- 77-040	AMD	02-06-018	230- 40-897	REP-P	02-07-081	232- 28-61900J	NEW-E	02-11-006
220- 77-09000A	NEW-E	02-04-069	230- 40-897	REP	02-11-084	232- 28-61900J	REP-E	02-11-039
220- 77-09000A	REP-E	02-04-089	232- 12-011	AMD-P	02-06-122	232- 28-61900K	NEW-E	02-03-014
220- 77-09000B	NEW-E	02-04-089	232- 12-011	AMD	02-08-048	232- 28-61900K	NEW-E	02-11-039
220- 77-100	NEW-W	02-11-027	232- 12-011	AMD	02-11-069	232- 28-61900K	REP-E	02-11-039
220- 77-105	NEW-W	02-11-027	232- 12-014	AMD-P	02-06-122	232- 28-61900L	NEW-E	02-03-015
220-130-040	AMD-W	02-02-089	232- 12-014	AMD	02-11-069	232- 28-61900L	REP-E	02-03-015
222- 10-040	AMD-P	02-05-087	232- 12-019	AMD	02-08-048	232- 28-61900L	NEW-E	02-11-040
222- 10-040	AMD	02-11-075	232- 12-147	REP	02-08-048	232- 28-61900M	NEW-E	02-03-066
222- 10-041	AMD-P	02-05-087	232- 12-151	REP	02-08-048	232- 28-61900M	REP-E	02-10-063
222- 10-041	AMD	02-11-075	232- 12-168	AMD	02-08-048	232- 28-61900M	NEW-E	02-11-068
222- 16-050	AMD-E	02-05-086	232- 12-16800B	NEW-E	02-07-095	232- 28-61900M	REP-E	02-11-068
222- 16-050	PREP	02-07-023	232- 12-16800B	REP-E	02-07-095	232- 28-61900N	NEW-E	02-04-019
222- 16-050	AMD-P	02-11-138	232- 12-245	NEW-W	02-11-025	232- 28-61900N	REP-E	02-04-019
222- 21-010	AMD	02-05-084	232- 12-253	NEW	02-05-021	232- 28-61900N	NEW-E	02-11-071
222- 21-020	AMD	02-05-084	232- 12-253	AMD-P	02-10-125	232- 28-61900N	REP-E	02-11-071
222- 21-045	AMD	02-05-084	232- 12-267	AMD-P	02-10-128	232- 28-61900P	NEW-E	02-04-103
222- 21-050	AMD	02-05-084	232- 12-272	NEW	02-08-048	232- 28-61900P	REP-E	02-12-013
222- 21-061	NEW	02-05-084	232- 12-619	AMD	02-08-048	232- 28-61900Q	NEW-E	02-05-007
226- 01-040	AMD-X	02-03-038	232- 28-02220	AMD-P	02-06-124	232- 28-61900Q	REP-E	02-11-040
226- 01-040	AMD	02-08-076	232- 28-02220	AMD	02-11-069	232- 28-61900Q	NEW-E	02-11-086
226- 01-050	AMD-X	02-03-038	232- 28-02240	AMD-P	02-06-124	232- 28-61900Q	REP-E	02-11-086
226- 01-050	AMD	02-08-076	232- 28-02240	AMD	02-11-069	232- 28-61900Q	REP-E	02-12-013
226- 12-080	AMD-X	02-03-038	232- 28-248	AMD-P	02-06-124	232- 28-61900R	NEW-E	02-05-008
226- 12-080	AMD	02-08-076	232- 28-248	AMD	02-11-069	232- 28-61900R	REP-E	02-05-008
226- 16-160	AMD-X	02-03-038	232- 28-266	AMD-P	02-06-121	232- 28-61900R	NEW-E	02-11-114
226- 16-160	AMD	02-08-076	232- 28-273	AMD-P	02-06-121	232- 28-61900R	REP-E	02-11-114
226- 20-010	AMD-X	02-03-038	232- 28-273	AMD	02-11-069	232- 28-61900S	NEW-E	02-05-010
226- 20-010	AMD	02-08-076	232- 28-276	AMD-P	02-10-128	232- 28-61900S	REP-E	02-09-009
230- 02-145	REP-P	02-07-081	232- 28-277	AMD-P	02-06-125	232- 28-61900S	NEW-E	02-12-013
230- 02-145	REP	02-11-084	232- 28-277	REP-P	02-10-128	232- 28-61900T	NEW-E	02-05-075
230- 02-205	AMD-S	02-03-077	232- 28-277	AMD	02-11-069	232- 28-61900T	REP-E	02-07-096
230- 04-064	AMD-P	02-06-037	232- 28-278	AMD-P	02-06-126	232- 28-61900T	NEW-E	02-12-019
230- 04-064	AMD	02-10-002	232- 28-278	AMD	02-11-069	232- 28-61900T	REP-E	02-12-019
230- 04-202	AMD-W	02-02-090	232- 28-279	AMD-P	02-06-123	232- 28-61900U	REP-E	02-03-022
230- 08-255	AMD-P	02-06-037	232- 28-279	AMD	02-11-069	232- 28-61900U	NEW-E	02-06-100
230- 08-255	AMD	02-10-002	232- 28-282	NEW-P	02-10-128	232- 28-61900U	REP-E	02-06-100
230- 12-045	NEW-P	02-07-081	232- 28-299	AMD-P	02-10-128	232- 28-61900V	NEW-E	02-06-099
230- 12-045	NEW	02-11-084	232- 28-42500C	NEW-E	02-03-052	232- 28-61900V	REP-E	02-06-099
230- 12-050	AMD-P	02-07-081	232- 28-42500C	REP-E	02-03-052	232- 28-61900W	NEW-E	02-07-061
230- 12-050	AMD	02-11-084	232- 28-619	AMD	02-08-048	232- 28-61900W	REP-E	02-07-061
230- 12-330	AMD-P	02-06-038	232- 28-619	AMD-X	02-10-127	232- 28-61900X	NEW-E	02-07-019
230- 12-330	AMD	02-10-003	232- 28-61900A	NEW-E	02-08-022	232- 28-61900X	REP-E	02-07-019
230- 12-340	AMD-P	02-06-038	232- 28-61900A	REP-E	02-11-001	232- 28-61900Y	NEW-E	02-07-066
230- 12-340	AMD	02-10-003	232- 28-61900B	NEW-E	02-08-004	232- 28-61900Y	REP-E	02-07-066
230- 20-111	REP-P	02-07-081	232- 28-61900B	REP-E	02-08-004	232- 28-61900Z	NEW-E	02-07-096
230- 20-111	REP	02-11-084	232- 28-61900C	NEW-E	02-09-023	232- 28-61900Z	REP-E	02-07-096
230- 20-125	REP-P	02-07-081	232- 28-61900C	REP-E	02-09-023	232- 28-620	AMD-X	02-10-127
230- 20-125	REP	02-11-084	232- 28-61900D	REP-E	02-05-075	232- 28-62000D	NEW-E	02-11-086
230- 20-230	REP-P	02-07-081	232- 28-61900D	NEW-E	02-09-009	232- 28-62000D	REP-E	02-11-086
230- 20-230	REP	02-11-084	232- 28-61900D	REP-E	02-10-063	232- 28-621	AMD	02-08-048

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232- 28-621	AMD-X	02-10-127	246-252-030	AMD-X	02-11-021	246-335-050	NEW-P	02-12-103
232- 28-62100G	NEW-E	02-11-086	246-254-053	AMD-P	02-04-034	246-335-055	NEW-P	02-12-103
232- 28-62100G	REP-E	02-11-086	246-254-053	AMD	02-07-085	246-335-060	NEW-P	02-12-103
246- 12-040	AMD-X	02-09-042	246-254-070	AMD	02-04-025	246-335-065	NEW-P	02-12-103
246- 50	PREP-W	02-09-027	246-254-080	AMD	02-04-025	246-335-070	NEW-P	02-12-103
246-100-166	PREP	02-10-066	246-254-090	AMD	02-04-025	246-335-075	NEW-P	02-12-103
246-100-206	AMD-P	02-08-018	246-254-100	AMD	02-04-025	246-335-080	NEW-P	02-12-103
246-100-206	AMD	02-12-106	246-254-120	AMD	02-04-025	246-335-085	NEW-P	02-12-103
246-100-207	AMD-P	02-08-018	246-272	PREP	02-03-137	246-335-090	NEW-P	02-12-103
246-100-207	AMD	02-12-106	246-282-990	AMD-P	02-12-102	246-335-095	NEW-P	02-12-103
246-100-208	AMD-P	02-08-018	246-310-990	AMD-P	02-10-064	246-335-100	NEW-P	02-12-103
246-100-208	AMD	02-12-106	246-320	PREP	02-11-076	246-335-105	NEW-P	02-12-103
246-145-001	NEW	02-11-109	246-320-990	AMD-P	02-10-131	246-335-110	NEW-P	02-12-103
246-145-010	NEW	02-11-109	246-322-990	AMD-P	02-10-131	246-335-115	NEW-P	02-12-103
246-145-020	NEW	02-11-109	246-324-990	AMD-P	02-10-131	246-335-120	NEW-P	02-12-103
246-145-030	NEW	02-11-109	246-327-010	REP-P	02-12-103	246-335-125	NEW-P	02-12-103
246-145-040	NEW	02-11-109	246-327-025	REP-P	02-12-103	246-335-130	NEW-P	02-12-103
246-215-150	AMD-P	02-04-091	246-327-030	REP-P	02-12-103	246-335-135	NEW-P	02-12-103
246-215-150	AMD	02-09-028	246-327-035	REP-P	02-12-103	246-335-140	NEW-P	02-12-103
246-224	AMD-P	02-07-021	246-327-065	REP-P	02-12-103	246-335-145	NEW-P	02-12-103
246-224-0001	NEW-P	02-07-021	246-327-077	REP-P	02-12-103	246-335-150	NEW-P	02-12-103
246-224-001	REP-P	02-07-021	246-327-085	REP-P	02-12-103	246-335-155	NEW-P	02-12-103
246-224-0010	NEW-P	02-07-021	246-327-090	REP-P	02-12-103	246-335-160	NEW-P	02-12-103
246-224-0020	NEW-P	02-07-021	246-327-095	REP-P	02-12-103	246-335-165	NEW-P	02-12-103
246-224-0030	NEW-P	02-07-021	246-327-105	REP-P	02-12-103	246-335-170	NEW-P	02-12-103
246-224-0040	NEW-P	02-07-021	246-327-115	REP-P	02-12-103	246-335-175	NEW-P	02-12-103
246-224-0050	NEW-P	02-07-021	246-327-125	REP-P	02-12-103	246-335-180	NEW-P	02-12-103
246-224-0060	NEW-P	02-07-021	246-327-135	REP-P	02-12-103	246-335-185	NEW-P	02-12-103
246-224-0070	NEW-P	02-07-021	246-327-145	REP-P	02-12-103	246-335-190	NEW-P	02-12-103
246-224-0080	NEW-P	02-07-021	246-327-165	REP-P	02-12-103	246-335-195	NEW-P	02-12-103
246-224-0090	NEW-P	02-07-021	246-327-185	REP-P	02-12-103	246-335-200	NEW-P	02-12-103
246-224-010	REP-P	02-07-021	246-327-990	REP-P	02-12-103	246-335-205	NEW-P	02-12-103
246-224-0100	NEW-P	02-07-021	246-329-990	AMD-P	02-10-131	246-335-210	NEW-P	02-12-103
246-224-0110	NEW-P	02-07-021	246-331-010	REP-P	02-12-103	246-335-220	NEW-P	02-12-103
246-224-0120	NEW-P	02-07-021	246-331-025	REP-P	02-12-103	246-335-225	NEW-P	02-12-103
246-224-020	REP-P	02-07-021	246-331-030	REP-P	02-12-103	246-335-230	NEW-P	02-12-103
246-224-050	REP-P	02-07-021	246-331-035	REP-P	02-12-103	246-335-235	NEW-P	02-12-103
246-224-060	REP-P	02-07-021	246-331-065	REP-P	02-12-103	246-335-240	NEW-P	02-12-103
246-224-070	REP-P	02-07-021	246-331-077	REP-P	02-12-103	246-335-245	NEW-P	02-12-103
246-224-090	REP-P	02-07-021	246-331-085	REP-P	02-12-103	246-335-250	NEW-P	02-12-103
246-224-100	REP-P	02-07-021	246-331-095	REP-P	02-12-103	246-335-255	NEW-P	02-12-103
246-229-0001	NEW-P	02-07-021	246-331-100	REP-P	02-12-103	246-335-260	NEW-P	02-12-103
246-229-001	REP-P	02-07-021	246-331-105	REP-P	02-12-103	246-335-265	NEW-P	02-12-103
246-229-0010	NEW-P	02-07-021	246-331-115	REP-P	02-12-103	246-335-270	NEW-P	02-12-103
246-229-0020	NEW-P	02-07-021	246-331-125	REP-P	02-12-103	246-335-275	NEW-P	02-12-103
246-229-0030	NEW-P	02-07-021	246-331-135	REP-P	02-12-103	246-335-280	NEW-P	02-12-103
246-229-0040	NEW-P	02-07-021	246-331-165	REP-P	02-12-103	246-335-285	NEW-P	02-12-103
246-229-0050	NEW-P	02-07-021	246-331-185	REP-P	02-12-103	246-335-290	NEW-P	02-12-103
246-229-0060	NEW-P	02-07-021	246-331-990	REP-P	02-12-103	246-335-295	NEW-P	02-12-103
246-229-0070	NEW-P	02-07-021	246-333-010	REP-X	02-10-132	246-335-990	NEW-P	02-12-103
246-229-0080	NEW-P	02-07-021	246-333-020	REP-X	02-10-132	246-336-010	REP-P	02-12-103
246-229-0090	NEW-P	02-07-021	246-333-030	REP-X	02-10-132	246-336-025	REP-P	02-12-103
246-229-0100	NEW-P	02-07-021	246-333-040	REP-X	02-10-132	246-336-030	REP-P	02-12-103
246-229-020	REP-P	02-07-021	246-335-001	NEW-P	02-12-103	246-336-035	REP-P	02-12-103
246-229-030	REP-P	02-07-021	246-335-010	NEW-P	02-12-103	246-336-065	REP-P	02-12-103
246-229-050	REP-P	02-07-021	246-335-015	NEW-P	02-12-103	246-336-077	REP-P	02-12-103
246-229-060	REP-P	02-07-021	246-335-020	NEW-P	02-12-103	246-336-085	REP-P	02-12-103
246-229-070	REP-P	02-07-021	246-335-025	NEW-P	02-12-103	246-336-095	REP-P	02-12-103
246-229-080	REP-P	02-07-021	246-335-030	NEW-P	02-12-103	246-336-100	REP-P	02-12-103
246-229-090	REP-P	02-07-021	246-335-035	NEW-P	02-12-103	246-336-105	REP-P	02-12-103
246-229-100	REP-P	02-07-021	246-335-040	NEW-P	02-12-103	246-336-115	REP-P	02-12-103
246-229-110	REP-P	02-07-021	246-335-045	NEW-P	02-12-103	246-336-125	REP-P	02-12-103

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246-336-165	REP-P	02-12-103	246-810-640	REP	02-11-108	246-851-520	AMD	02-10-065
246-336-990	REP-P	02-12-103	246-810-650	REP	02-11-108	246-873-090	PREP	02-12-101
246-338-020	PREP	02-03-138	246-810-660	REP	02-11-108	246-883-020	AMD-X	02-07-086
246-338-020	AMD-P	02-09-026	246-810-720	REP	02-09-041	246-883-050	REP-W	02-11-105
246-338-020	AMD	02-12-105	246-810-721	REP	02-09-041	246-887-160	PREP-W	02-11-105
246-338-990	PREP	02-03-138	246-810-732	REP	02-09-041	246-889-020	AMD-X	02-11-152
246-338-990	AMD-P	02-09-026	246-810-740	REP	02-09-041	246-904-010	PREP-W	02-11-105
246-338-990	AMD	02-12-105	246-811	PREP-W	02-11-105	246-918-990	AMD	02-05-009
246-360-990	AMD-P	02-12-104	246-811-081	NEW	02-07-083	246-919-990	AMD	02-05-009
246-388	PREP	02-08-017	246-811-082	NEW	02-07-083	246-924-485	PREP-W	02-11-105
246-562-080	PREP	02-12-100	246-811-200	NEW	02-07-084	246-935	AMD	02-10-135
246-650	PREP	02-03-136	246-811-210	NEW	02-07-084	246-935-010	AMD	02-10-135
246-650	PREP-W	02-04-024	246-811-220	NEW	02-07-084	246-935-020	AMD	02-10-135
246-790-010	AMD-P	02-07-020	246-811-230	NEW	02-07-084	246-935-030	AMD	02-10-135
246-790-010	AMD	02-11-107	246-811-240	NEW	02-07-084	246-935-090	AMD	02-10-135
246-790-050	AMD-P	02-07-020	246-811-250	NEW	02-07-084	246-935-100	AMD	02-10-135
246-790-050	AMD	02-11-107	246-811-260	NEW	02-07-084	246-935-120	AMD	02-10-135
246-790-065	AMD-P	02-07-020	246-811-270	NEW	02-07-084	246-937	AMD	02-11-022
246-790-065	AMD	02-11-107	246-811-990	AMD	02-07-083	246-937-010	AMD	02-11-022
246-790-070	AMD-P	02-07-020	246-826-080	PREP-W	02-11-105	246-937-020	AMD	02-11-022
246-790-070	AMD	02-11-107	246-826-100	AMD	02-06-115	246-937-030	AMD	02-11-022
246-790-080	AMD-P	02-07-020	246-826-300	NEW	02-06-115	246-937-040	AMD	02-11-022
246-790-080	AMD	02-11-107	246-826-301	NEW	02-06-115	246-937-050	AMD	02-11-022
246-790-085	AMD-P	02-07-020	246-826-302	NEW	02-06-115	246-937-060	AMD	02-11-022
246-790-085	AMD	02-11-107	246-826-303	NEW	02-06-115	246-937-070	AMD	02-11-022
246-790-090	AMD-P	02-07-020	246-828	PREP-W	02-11-105	246-937-090	AMD	02-11-022
246-790-090	AMD	02-11-107	246-828-080	PREP-W	02-11-105	246-976-031	AMD-P	02-10-133
246-790-100	AMD-P	02-07-020	246-828-090	PREP-W	02-11-105	246-976-161	PREP	02-11-077
246-790-100	AMD	02-11-107	246-828-100	PREP-W	02-11-105	246-976-171	PREP	02-11-077
246-790-120	AMD-P	02-07-020	246-828-320	PREP-W	02-11-105	246-976-500	AMD-P	02-09-043
246-790-120	AMD	02-11-107	246-840-020	PREP	02-04-033	246-976-500	AMD	02-12-107
246-790-130	AMD-P	02-07-020	246-840-030	PREP	02-04-033	246-976-510	AMD-P	02-09-043
246-790-130	AMD	02-11-107	246-840-040	PREP	02-04-033	246-976-510	AMD	02-12-107
246-808-101	REP-W	02-11-105	246-840-050	PREP	02-04-033	246-976-550	AMD-P	02-09-043
246-808-320	REP-W	02-11-105	246-840-060	PREP	02-04-033	246-976-550	AMD	02-12-107
246-808-330	REP-W	02-11-105	246-840-070	PREP	02-04-033	246-976-560	AMD-P	02-09-043
246-808-340	REP-W	02-11-105	246-840-080	PREP	02-04-031	246-976-560	AMD	02-12-107
246-808-350	REP-W	02-11-105	246-840-090	PREP	02-04-031	246-976-600	AMD-P	02-09-043
246-808-360	REP-W	02-11-105	246-840-700	AMD	02-06-117	246-976-600	AMD	02-12-107
246-808-370	REP-W	02-11-105	246-840-705	AMD	02-06-117	246-976-610	AMD-P	02-09-043
246-808-380	REP-W	02-11-105	246-840-710	AMD	02-06-117	246-976-610	AMD	02-12-107
246-808-390	REP-W	02-11-105	246-840-715	REP	02-06-117	246-976-650	AMD-P	02-09-043
246-808-640	REP-W	02-11-105	246-843-015	REP-X	02-06-116	246-976-650	AMD	02-12-107
246-808-700	REP-W	02-11-105	246-843-150	AMD-P	02-11-106	246-976-720	AMD-P	02-09-043
246-809-600	NEW	02-11-108	246-843-180	AMD-P	02-11-106	246-976-720	AMD	02-12-107
246-809-610	NEW	02-11-108	246-843-220	PREP-W	02-11-105	246-976-730	AMD-P	02-09-043
246-809-620	NEW	02-11-108	246-843-330	AMD-P	02-11-106	246-976-730	AMD	02-12-107
246-809-630	NEW	02-11-108	246-851	PREP-W	02-11-105	246-976-770	AMD-P	02-09-043
246-809-640	NEW	02-11-108	246-851-150	AMD-C	02-04-090	246-976-770	AMD	02-12-107
246-809-650	NEW	02-11-108	246-851-150	AMD	02-10-065	246-976-780	AMD-P	02-09-043
246-810-320	REP	02-09-041	246-851-160	AMD-C	02-04-090	246-976-780	AMD	02-12-107
246-810-321	REP	02-09-041	246-851-160	AMD	02-10-065	246-976-810	AMD-P	02-09-043
246-810-332	REP	02-09-041	246-851-200	REP	02-10-134	246-976-810	AMD	02-12-107
246-810-340	REP	02-09-041	246-851-250	AMD-C	02-04-090	246-976-820	AMD-P	02-09-043
246-810-520	REP	02-09-041	246-851-250	AMD	02-10-065	246-976-820	AMD	02-12-107
246-810-521	REP	02-09-041	246-851-300	AMD-C	02-04-090	246-976-886	NEW-P	02-09-043
246-810-532	REP	02-09-041	246-851-300	AMD	02-10-065	246-976-886	NEW	02-12-107
246-810-540	REP	02-09-041	246-851-310	AMD-C	02-04-090	246-976-887	NEW-P	02-09-043
246-810-600	REP	02-11-108	246-851-310	AMD	02-10-065	246-976-887	NEW	02-12-107
246-810-610	REP	02-11-108	246-851-330	AMD-C	02-04-090	246-976-935	AMD	02-04-045
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251- 01-180	REP-P	02-12-116	251- 17-200	AMD-P	02-04-080	296- 24	PREP	02-09-091
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251- 06-091	NEW-P	02-12-114	251- 22-060	AMD-P	02-12-115	296- 24-23003	AMD-X	02-05-077
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251- 08-005	AMD-P	02-12-116	251- 22-180	AMD-P	02-12-115	296- 24-405	REP-P	02-07-100
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251- 08-021	AMD-P	02-12-116	259- 04-050	AMD	02-06-014	296- 24-40503	REP-P	02-07-100
251- 08-051	REP-E	02-12-049	259- 04-070	AMD	02-06-014	296- 24-40505	REP-P	02-07-100
251- 08-051	REP-P	02-12-116	260- 36-040	AMD-P	02-05-029	296- 24-40507	REP-P	02-07-100
251- 08-060	REP-E	02-12-049	260- 36-040	AMD	02-10-101	296- 24-40509	REP-P	02-07-100
251- 08-060	REP-P	02-12-116	260- 48-930	NEW-P	02-05-028	296- 24-40511	REP-P	02-07-100
251- 10-030	AMD-P	02-12-119	260- 48-930	NEW-W	02-05-033	296- 24-40513	REP-P	02-07-100
251- 12-073	REP-P	02-04-079	260- 48-930	NEW	02-10-100	296- 24-40515	REP-P	02-07-100
251- 12-073	REP	02-07-048	260- 70-650	AMD-P	02-05-030	296- 24-51009	AMD-X	02-05-077
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251- 14-020	AMD-P	02-12-111	292-110-010	AMD	02-07-074	296- 24-51015	AMD-X	02-05-077
251- 14-030	REP-E	02-12-052	292-110-010	AMD-W	02-09-069	296- 24-51015	AMD	02-12-098
251- 14-030	REP-P	02-12-111	292-110-060	PREP	02-12-002	296- 24-60205	AMD-X	02-05-077
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251- 14-042	REP-P	02-12-111	296- 05-007	AMD	02-10-083	296- 24-67513	AMD-X	02-05-077
251- 14-050	REP-E	02-12-052	296- 05-300	AMD-X	02-04-004	296- 24-67513	AMD	02-12-098
251- 14-050	REP-P	02-12-111	296- 05-300	AMD	02-10-083	296- 24-67515	AMD-X	02-05-077
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251- 14-052	AMD-P	02-12-111	296- 05-316	AMD	02-10-083	296- 28-001	REP-P	02-07-101
251- 14-054	AMD-E	02-12-052	296- 05-402	AMD-X	02-04-004	296- 28-005	REP-P	02-07-101
251- 14-054	AMD-P	02-12-111	296- 05-402	AMD	02-10-083	296- 28-010	REP-P	02-07-101
251- 14-056	AMD-E	02-12-052	296- 150C	PREP	02-04-106	296- 28-015	REP-P	02-07-101
251- 14-056	AMD-P	02-12-111	296- 150F	PREP	02-04-106	296- 28-020	REP-P	02-07-101
251- 14-058	AMD-E	02-12-052	296- 150M	PREP	02-04-106	296- 28-025	REP-P	02-07-101
251- 14-058	AMD-P	02-12-111	296- 150P	PREP	02-04-106	296- 28-030	REP-P	02-07-101
251- 14-060	AMD-E	02-12-052	296- 150R	PREP	02-04-106	296- 28-035	REP-P	02-07-101
251- 14-060	AMD-P	02-12-111	296- 150V	PREP	02-04-106	296- 28-040	REP-P	02-07-101
251- 14-070	REP-E	02-12-052	296- 17	PREP	02-07-102	296- 28-045	REP-P	02-07-101
251- 14-070	REP-P	02-12-111	296- 17-35203	AMD-P	02-03-123	296- 28-050	REP-P	02-07-101
251- 14-080	REP-E	02-12-052	296- 17-35203	AMD	02-09-093	296- 32	AMD-S	02-10-025
251- 14-080	REP-P	02-12-111	296- 17-52140	AMD-P	02-03-123	296- 32-240	AMD-P	02-05-080
251- 14-082	REP-E	02-12-052	296- 17-52140	AMD	02-09-093	296- 32-250	AMD-X	02-05-077
251- 14-082	REP-P	02-12-111	296- 17-52141	AMD-P	02-03-123	296- 32-250	AMD	02-12-098
251- 14-083	REP-E	02-12-052	296- 17-52141	AMD	02-09-093	296- 32-280	AMD-X	02-05-077
251- 14-083	REP-P	02-12-111	296- 17-52150	AMD-P	02-03-123	296- 32-280	AMD	02-12-098
251- 14-085	REP-E	02-12-052	296- 17-52150	AMD	02-09-093	296- 33-010	NEW	02-06-024
251- 14-085	REP-P	02-12-111	296- 17-52151	AMD-P	02-03-123	296- 400A	PREP	02-04-106
251- 14-086	REP-E	02-12-052	296- 17-52151	AMD	02-09-093	296- 401B	PREP	02-04-106
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296-46A-915	AMD	02-12-022	296-52-60130	NEW	02-03-125	296-52-66050	NEW	02-03-125
296-52	AMD	02-03-125	296-52-61005	NEW	02-03-125	296-52-66055	NEW	02-03-125
296-52-401	REP	02-03-125	296-52-61010	NEW	02-03-125	296-52-66060	NEW	02-03-125
296-52-405	REP	02-03-125	296-52-61015	NEW	02-03-125	296-52-67005	NEW-W	02-06-102
296-52-409	REP	02-03-125	296-52-61020	NEW	02-03-125	296-52-67010	NEW	02-03-125
296-52-413	REP	02-03-125	296-52-61025	NEW	02-03-125	296-52-67015	NEW-W	02-06-102
296-52-417	REP	02-03-125	296-52-61030	NEW	02-03-125	296-52-67020	NEW	02-03-125
296-52-419	REP	02-03-125	296-52-61035	NEW	02-03-125	296-52-67025	NEW	02-03-125
296-52-421	REP	02-03-125	296-52-61040	NEW	02-03-125	296-52-67030	NEW	02-03-125
296-52-423	REP	02-03-125	296-52-61045	NEW	02-03-125	296-52-67035	NEW	02-03-125
296-52-425	REP	02-03-125	296-52-61050	NEW	02-03-125	296-52-67040	NEW	02-03-125
296-52-429	REP	02-03-125	296-52-62005	NEW	02-03-125	296-52-67045	NEW	02-03-125
296-52-433	REP	02-03-125	296-52-62010	NEW	02-03-125	296-52-67050	NEW	02-03-125
296-52-437	REP	02-03-125	296-52-62020	NEW-W	02-06-102	296-52-67055	NEW	02-03-125
296-52-441	REP	02-03-125	296-52-62025	NEW	02-03-125	296-52-67060	NEW	02-03-125
296-52-445	REP	02-03-125	296-52-62030	NEW	02-03-125	296-52-67065	NEW	02-03-125
296-52-449	REP	02-03-125	296-52-62035	NEW	02-03-125	296-52-67070	NEW	02-03-125
296-52-453	REP	02-03-125	296-52-62040	NEW	02-03-125	296-52-67075	NEW	02-03-125
296-52-457	REP	02-03-125	296-52-62045	NEW	02-03-125	296-52-67080	NEW	02-03-125
296-52-461	REP	02-03-125	296-52-63005	NEW	02-03-125	296-52-67085	NEW	02-03-125
296-52-465	REP	02-03-125	296-52-63010	NEW	02-03-125	296-52-67090	NEW	02-03-125
296-52-469	REP	02-03-125	296-52-63015	NEW-W	02-06-102	296-52-67095	NEW	02-03-125
296-52-477	REP	02-03-125	296-52-63020	NEW	02-03-125	296-52-67100	NEW	02-03-125
296-52-481	REP	02-03-125	296-52-63025	NEW	02-03-125	296-52-67105	NEW	02-03-125
296-52-485	REP	02-03-125	296-52-63030	NEW	02-03-125	296-52-67110	NEW	02-03-125
296-52-487	REP	02-03-125	296-52-64005	NEW	02-03-125	296-52-67115	NEW	02-03-125
296-52-489	REP	02-03-125	296-52-64010	NEW-W	02-06-102	296-52-67120	NEW-W	02-06-102
296-52-493	REP	02-03-125	296-52-64015	NEW-W	02-06-102	296-52-67125	NEW	02-03-125
296-52-497	REP	02-03-125	296-52-64020	NEW	02-03-125	296-52-67130	NEW	02-03-125
296-52-501	REP	02-03-125	296-52-64025	NEW-W	02-06-102	296-52-67135	NEW	02-03-125
296-52-505	REP	02-03-125	296-52-64030	NEW	02-03-125	296-52-67140	NEW	02-03-125
296-52-509	REP	02-03-125	296-52-64035	NEW	02-03-125	296-52-67145	NEW	02-03-125
296-52-510	REP	02-03-125	296-52-64040	NEW	02-03-125	296-52-67150	NEW-W	02-06-102
296-52-550	REP	02-03-125	296-52-64045	NEW	02-03-125	296-52-67155	NEW-W	02-06-102
296-52-552	REP	02-03-125	296-52-64050	NEW	02-03-125	296-52-67160	NEW	02-03-125
296-52-555	REP	02-03-125	296-52-64055	NEW	02-03-125	296-52-67165	NEW	02-03-125
296-52-600	NEW-W	02-06-102	296-52-64060	NEW-W	02-06-102	296-52-67170	NEW	02-03-125
296-52-60005	NEW	02-03-125	296-52-64065	NEW	02-03-125	296-52-67175	NEW-W	02-06-102
296-52-60010	NEW	02-03-125	296-52-64070	NEW-W	02-06-102	296-52-67180	NEW	02-03-125
296-52-60015	NEW	02-03-125	296-52-64075	NEW	02-03-125	296-52-67185	NEW	02-03-125
296-52-60020	NEW	02-03-125	296-52-64080	NEW	02-03-125	296-52-67190	NEW	02-03-125
296-52-60025	NEW-W	02-06-102	296-52-64085	NEW	02-03-125	296-52-67195	NEW	02-03-125
296-52-60030	NEW	02-03-125	296-52-64090	NEW	02-03-125	296-52-67200	NEW	02-03-125
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296-52-60040	NEW-W	02-06-102	296-52-64100	NEW	02-03-125	296-52-67210	NEW	02-03-125
296-52-60045	NEW	02-03-125	296-52-650	NEW	02-03-125	296-52-67215	NEW	02-03-125
296-52-60050	NEW	02-03-125	296-52-65005	NEW	02-03-125	296-52-67220	NEW	02-03-125
296-52-60055	NEW	02-03-125	296-52-65010	NEW	02-03-125	296-52-67225	NEW	02-03-125
296-52-60060	NEW	02-03-125	296-52-65015	NEW	02-03-125	296-52-67230	NEW	02-03-125
296-52-60065	NEW	02-03-125	296-52-65020	NEW	02-03-125	296-52-67235	NEW	02-03-125
296-52-60070	NEW-W	02-06-102	296-52-65025	NEW	02-03-125	296-52-67240	NEW	02-03-125
296-52-60075	NEW	02-03-125	296-52-65030	NEW	02-03-125	296-52-67245	NEW	02-03-125
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296-52-60100	NEW	02-03-125	296-52-66020	NEW	02-03-125	296-52-68020	NEW	02-03-125
296-52-60105	NEW	02-03-125	296-52-66025	NEW-W	02-06-102	296-52-68025	NEW	02-03-125
296-52-60110	NEW-W	02-06-102	296-52-66030	NEW	02-03-125	296-52-68030	NEW	02-03-125
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296- 52-68045	NEW	02-03-125	296- 52-71050	NEW-W	02-06-102	296- 62-41035	REP	02-11-141
296- 52-68050	NEW	02-03-125	296- 52-71055	NEW	02-03-125	296- 62-41040	REP	02-11-141
296- 52-68055	NEW	02-03-125	296- 52-71060	NEW	02-03-125	296- 62-41041	REP	02-11-141
296- 52-68060	NEW	02-03-125	296- 52-71065	NEW	02-03-125	296- 62-41042	REP	02-11-141
296- 52-68065	NEW	02-03-125	296- 52-71070	NEW-W	02-06-102	296- 62-41043	REP	02-11-141
296- 52-68070	NEW-W	02-06-102	296- 52-71075	NEW	02-03-125	296- 62-41044	REP	02-11-141
296- 52-68075	NEW	02-03-125	296- 52-71080	NEW	02-03-125	296- 62-41045	REP	02-11-141
296- 52-68080	NEW	02-03-125	296- 52-71085	NEW-W	02-06-102	296- 62-41046	REP	02-11-141
296- 52-68085	NEW	02-03-125	296- 52-71090	NEW	02-03-125	296- 62-41047	REP	02-11-141
296- 52-69005	NEW	02-03-125	296- 52-71095	NEW	02-03-125	296- 62-41060	REP	02-11-141
296- 52-69010	NEW	02-03-125	296- 52-71100	NEW	02-03-125	296- 62-41061	REP	02-11-141
296- 52-69015	NEW	02-03-125	296- 52-71105	NEW	02-03-125	296- 62-41063	REP	02-11-141
296- 52-69020	NEW	02-03-125	296- 52-720	NEW	02-03-125	296- 62-41080	REP	02-11-141
296- 52-69025	NEW	02-03-125	296- 52-725	NEW	02-03-125	296- 62-41081	REP	02-11-141
296- 52-69030	NEW	02-03-125	296- 62	PREP	02-04-107	296- 62-41082	REP	02-11-141
296- 52-69035	NEW	02-03-125	296- 62	PREP	02-10-130	296- 62-41084	REP	02-11-141
296- 52-69040	NEW	02-03-125	296- 62-060	AMD-P	02-09-092	296- 62-41085	REP	02-11-141
296- 52-69045	NEW	02-03-125	296- 62-070	AMD-P	02-09-092	296- 62-41086	REP	02-11-141
296- 52-69050	NEW	02-03-125	296- 62-071	PREP	02-11-140	296- 78-56501	AMD	02-03-124
296- 52-69055	NEW	02-03-125	296- 62-07302	AMD-X	02-05-077	296- 78-56505	AMD	02-03-124
296- 52-69060	NEW	02-03-125	296- 62-07302	AMD	02-12-098	296- 78-71015	AMD-P	02-07-100
296- 52-69065	NEW	02-03-125	296- 62-07304	AMD-X	02-05-077	296- 79-140	AMD-X	02-05-077
296- 52-69070	NEW	02-03-125	296- 62-07304	AMD	02-12-098	296- 79-140	AMD	02-12-098
296- 52-69075	NEW-W	02-06-102	296- 62-07312	AMD-X	02-05-077	296- 86A-010	REP-P	02-09-095
296- 52-69080	NEW	02-03-125	296- 62-07312	AMD	02-12-098	296- 86A-010	REP	02-12-022
296- 52-69085	NEW	02-03-125	296- 62-07314	AMD-X	02-05-077	296- 86A-020	REP-P	02-09-095
296- 52-69090	NEW	02-03-125	296- 62-07314	AMD	02-12-098	296- 86A-020	REP	02-12-022
296- 52-69095	NEW	02-03-125	296- 62-07421	AMD-X	02-05-077	296- 86A-025	REP-P	02-09-095
296- 52-69100	NEW-W	02-06-102	296- 62-07421	AMD	02-12-098	296- 86A-025	REP	02-12-022
296- 52-69105	NEW	02-03-125	296- 62-07501	AMD-X	02-05-077	296- 86A-028	REP-P	02-09-095
296- 52-69110	NEW	02-03-125	296- 62-07501	AMD	02-12-098	296- 86A-028	REP	02-12-022
296- 52-69115	NEW	02-03-125	296- 62-07527	AMD-X	02-05-077	296- 86A-030	REP-P	02-09-095
296- 52-69120	NEW	02-03-125	296- 62-07527	AMD	02-12-098	296- 86A-030	REP	02-12-022
296- 52-69125	NEW	02-03-125	296- 62-07540	AMD-X	02-05-077	296- 86A-040	REP-P	02-09-095
296- 52-700	NEW	02-03-125	296- 62-07540	AMD	02-12-098	296- 86A-040	REP	02-12-022
296- 52-70005	NEW	02-03-125	296- 62-080	AMD-P	02-09-092	296- 86A-060	REP-P	02-09-095
296- 52-70010	NEW	02-03-125	296- 62-11021	AMD-P	02-07-100	296- 86A-060	REP	02-12-022
296- 52-70015	NEW	02-03-125	296- 62-130	AMD-P	02-09-092	296- 86A-065	REP-P	02-09-095
296- 52-70020	NEW	02-03-125	296- 62-14105	AMD-X	02-05-077	296- 86A-065	REP	02-12-022
296- 52-70025	NEW	02-03-125	296- 62-14105	AMD	02-12-098	296- 86A-070	REP-P	02-09-095
296- 52-70030	NEW	02-03-125	296- 62-14110	AMD-X	02-05-077	296- 86A-070	REP	02-12-022
296- 52-70035	NEW	02-03-125	296- 62-14110	AMD	02-12-098	296- 86A-073	REP-P	02-09-095
296- 52-70040	NEW	02-03-125	296- 62-14155	AMD-X	02-05-077	296- 86A-073	REP	02-12-022
296- 52-70045	NEW	02-03-125	296- 62-14155	AMD	02-12-098	296- 86A-074	REP-P	02-09-095
296- 52-70050	NEW	02-03-125	296- 62-14171	AMD-X	02-05-077	296- 86A-074	REP	02-12-022
296- 52-70055	NEW	02-03-125	296- 62-14171	AMD	02-12-098	296- 86A-075	REP-P	02-09-095
296- 52-70060	NEW	02-03-125	296- 62-410	REP	02-11-141	296- 86A-075	REP	02-12-022
296- 52-70065	NEW	02-03-125	296- 62-41001	REP	02-11-141	296- 86A-080	REP-P	02-09-095
296- 52-70070	NEW	02-03-125	296- 62-41003	REP	02-11-141	296- 86A-080	REP	02-12-022
296- 52-70075	NEW-W	02-06-102	296- 62-41010	REP	02-11-141	296- 96	PREP	02-04-106
296- 52-70080	NEW	02-03-125	296- 62-41011	REP	02-11-141	296- 96	PREP	02-09-090
296- 52-70085	NEW	02-03-125	296- 62-41013	REP	02-11-141	296- 96-01010	AMD-P	02-09-095
296- 52-710	NEW	02-03-125	296- 62-41015	REP	02-11-141	296- 96-01010	AMD	02-12-022
296- 52-71005	NEW-W	02-06-102	296- 62-41017	REP	02-11-141	296- 96-01012	NEW-P	02-09-095
296- 52-71010	NEW-W	02-06-102	296- 62-41019	REP	02-11-141	296- 96-01012	NEW	02-12-022
296- 52-71015	NEW	02-03-125	296- 62-41020	REP	02-11-141	296- 96-01015	REP-P	02-09-095
296- 52-71020	NEW	02-03-125	296- 62-41021	REP	02-11-141	296- 96-01015	REP	02-12-022
296- 52-71025	NEW	02-03-125	296- 62-41023	REP	02-11-141	296- 96-01025	AMD-P	02-09-095
296- 52-71030	NEW-W	02-06-102	296- 62-41025	REP	02-11-141	296- 96-01025	AMD	02-12-022
296- 52-71035	NEW	02-03-125	296- 62-41030	REP	02-11-141	296- 96-01027	AMD-P	02-09-095
296- 52-71040	NEW	02-03-125	296- 62-41031	REP	02-11-141	296- 96-01027	AMD	02-12-022

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296-96-01030	AMD-P	02-09-095	296-155-606	NEW-P	02-05-080	296-307-45450	NEW	02-11-141
296-96-01030	AMD	02-12-022	296-155-607	NEW-P	02-05-080	296-307-45600	NEW	02-11-141
296-96-01035	AMD-P	02-09-095	296-155-608	NEW-P	02-05-080	296-307-45610	NEW	02-11-141
296-96-01035	AMD	02-12-022	296-155-609	NEW-P	02-05-080	296-307-45620	NEW	02-11-141
296-96-01040	AMD-P	02-09-095	296-155-610	AMD-P	02-05-080	296-307-45800	NEW	02-11-141
296-96-01040	AMD	02-12-022	296-155-611	NEW-P	02-05-080	296-307-46000	NEW	02-11-141
296-96-01045	AMD-P	02-09-095	296-155-612	NEW-P	02-05-080	296-400A	PREP	02-09-089
296-96-01045	AMD	02-12-022	296-155-615	AMD-P	02-05-080	296-400A	AMD-P	02-09-096
296-96-01050	AMD-P	02-09-095	296-155-655	AMD-P	02-05-080	296-400A-005	AMD-P	02-09-096
296-96-01050	AMD	02-12-022	296-155-66405	AMD-X	02-05-077	296-400A-020	AMD-P	02-09-096
296-96-01055	AMD-P	02-09-095	296-155-66405	AMD	02-12-098	296-400A-025	AMD-P	02-09-096
296-96-01055	AMD	02-12-022	296-155-66411	AMD-X	02-05-077	296-400A-026	AMD-P	02-09-096
296-96-01060	AMD-P	02-09-095	296-155-66411	AMD	02-12-098	296-400A-030	AMD-P	02-09-096
296-96-01060	AMD	02-12-022	296-155-700	REP-P	02-06-114	296-400A-031	AMD-P	02-09-096
296-96-01065	AMD-P	02-09-095	296-155-701	NEW-P	02-06-114	296-400A-035	AMD-P	02-09-096
296-96-01065	AMD	02-12-022	296-155-702	NEW-P	02-06-114	296-400A-045	AMD-P	02-09-096
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296-104	PREP	02-08-090	296-155-704	NEW-P	02-06-114	296-400A-100	AMD-P	02-09-096
296-104-055	AMD-P	02-09-094	296-155-705	REP-P	02-06-114	296-400A-120	AMD-P	02-09-096
296-104-055	AMD	02-12-021	296-155-706	NEW-P	02-06-114	296-400A-121	AMD-P	02-09-096
296-104-060	AMD-P	02-09-094	296-155-707	NEW-P	02-06-114	296-400A-122	NEW-P	02-09-096
296-104-060	AMD	02-12-021	296-155-708	NEW-P	02-06-114	296-400A-130	AMD-P	02-09-096
296-104-700	AMD-P	02-09-094	296-155-709	NEW-P	02-06-114	296-400A-140	AMD-P	02-09-096
296-104-700	AMD	02-12-021	296-155-710	REP-P	02-06-114	296-400A-430	NEW-P	02-09-096
296-130	PREP	02-11-139	296-155-711	NEW-P	02-06-114	296-401B-700	AMD-P	02-09-095
296-150C-0800	AMD-P	02-09-095	296-155-714	NEW-P	02-06-114	296-401B-700	AMD	02-12-022
296-150C-0800	AMD	02-12-022	296-155-715	REP-P	02-06-114	296-402A-040	AMD-P	02-09-097
296-150C-3000	AMD-P	02-09-095	296-155-716	NEW-P	02-06-114	296-402A-410	AMD-P	02-09-097
296-150C-3000	AMD	02-12-022	296-155-717	NEW-P	02-06-114	296-402A-630	AMD-P	02-09-097
296-150M-0020	AMD	02-03-048	296-155-720	REP-P	02-06-114	296-403-010	REP-P	02-09-097
296-150M-0049	NEW	02-03-048	296-155-72401	NEW-P	02-06-114	296-403-020	REP-P	02-09-097
296-150M-0140	AMD	02-03-048	296-155-72402	NEW-P	02-06-114	296-403-030	REP-P	02-09-097
296-150M-0302	NEW	02-03-048	296-155-72403	NEW-P	02-06-114	296-403-040	REP-P	02-09-097
296-150M-0304	NEW-W	02-09-070	296-155-72404	NEW-P	02-06-114	296-403-050	REP-P	02-09-097
296-150P-3000	AMD-P	02-09-095	296-155-72405	NEW-P	02-06-114	296-403-060	REP-P	02-09-097
296-150P-3000	AMD	02-12-022	296-155-72406	NEW-P	02-06-114	296-403-070	REP-P	02-09-097
296-150R-3000	AMD-P	02-09-095	296-155-960	AMD-X	02-05-077	296-403-080	REP-P	02-09-097
296-150R-3000	AMD	02-12-022	296-155-960	AMD	02-12-098	296-403-090	REP-P	02-09-097
296-150T-3000	AMD-P	02-09-095	296-200A-080	AMD-P	02-09-095	296-403-100	REP-P	02-09-097
296-150T-3000	AMD	02-12-022	296-200A-080	AMD	02-12-022	296-403-110	REP-P	02-09-097
296-150V-0800	AMD-P	02-09-095	296-200A-900	AMD-P	02-09-095	296-403-120	REP-P	02-09-097
296-150V-0800	AMD	02-12-022	296-200A-900	AMD	02-12-022	296-403-130	REP-P	02-09-097
296-150V-3000	AMD-P	02-09-095	296-305-04001	AMD-X	02-05-077	296-403-140	REP-P	02-09-097
296-150V-3000	AMD	02-12-022	296-305-04001	AMD	02-12-098	296-403-150	REP-P	02-09-097
296-155	PREP	02-09-091	296-305-05003	AMD-X	02-05-077	296-403-160	REP-P	02-09-097
296-155	AMD-S	02-10-025	296-305-05003	AMD	02-12-098	296-403A-100	NEW-P	02-09-097
296-155-110	AMD-P	02-05-080	296-307	PREP	02-04-107	296-403A-110	NEW-P	02-09-097
296-155-165	AMD-P	02-05-080	296-307-039	AMD-X	02-05-077	296-403A-120	NEW-P	02-09-097
296-155-200	AMD-P	02-05-080	296-307-039	AMD	02-12-098	296-403A-130	NEW-P	02-09-097
296-155-24525	AMD-X	02-05-077	296-307-08009	AMD-X	02-05-077	296-403A-140	NEW-P	02-09-097
296-155-24525	AMD	02-12-098	296-307-08009	AMD	02-12-098	296-403A-150	NEW-P	02-09-097
296-155-441	AMD-X	02-05-077	296-307-14520	PREP	02-07-103	296-403A-160	NEW-P	02-09-097
296-155-441	AMD	02-12-098	296-307-452	NEW	02-11-141	296-403A-170	NEW-P	02-09-097
296-155-525	AMD-X	02-05-077	296-307-45210	NEW	02-11-141	296-403A-180	NEW-P	02-09-097
296-155-525	AMD	02-12-098	296-307-45220	NEW	02-11-141	296-403A-190	NEW-P	02-09-097
296-155-530	AMD-X	02-05-077	296-307-45230	NEW	02-11-141	296-403A-195	NEW-P	02-09-097
296-155-530	AMD	02-12-098	296-307-45240	NEW	02-11-141	296-403A-200	NEW-P	02-09-097
296-155-601	NEW-P	02-05-080	296-307-45400	NEW	02-11-141	296-403A-210	NEW-P	02-09-097
296-155-602	NEW-P	02-05-080	296-307-45410	NEW	02-11-141	296-403A-220	NEW-P	02-09-097
296-155-603	NEW-P	02-05-080	296-307-45420	NEW	02-11-141	296-403A-230	NEW-P	02-09-097
296-155-604	NEW-P	02-05-080	296-307-45430	NEW	02-11-141	296-403A-240	NEW-P	02-09-097
296-155-605	AMD-P	02-05-080	296-307-45440	NEW	02-11-141	296-800	PREP	02-04-107

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296-800-110	AMD-P	02-09-092	296-835-11010	NEW-P	02-07-100	308- 12-230	AMD	02-11-082
296-800-11040	NEW-P	02-09-092	296-835-11015	NEW-P	02-07-100	308- 12-240	AMD-P	02-04-114
296-800-11045	NEW-P	02-09-092	296-835-11020	NEW-P	02-07-100	308- 12-240	AMD	02-11-082
296-800-130	AMD-P	02-09-092	296-835-11025	NEW-P	02-07-100	308- 12-320	AMD-P	02-04-114
296-800-13005	REP-P	02-09-092	296-835-11030	NEW-P	02-07-100	308- 12-320	AMD	02-11-082
296-800-13010	REP-P	02-09-092	296-835-11035	NEW-P	02-07-100	308- 12-321	REP-P	02-04-114
296-800-13015	REP-P	02-09-092	296-835-11040	NEW-P	02-07-100	308- 12-321	REP	02-11-082
296-800-13020	NEW-P	02-09-092	296-835-11045	NEW-P	02-07-100	308- 12-322	REP-P	02-04-114
296-800-13025	NEW-P	02-09-092	296-835-11050	NEW-P	02-07-100	308- 12-322	REP	02-11-082
296-800-13030	NEW-P	02-09-092	296-835-120	NEW-P	02-07-100	308- 12-323	REP-P	02-04-114
296-800-13035	NEW-P	02-09-092	296-835-12005	NEW-P	02-07-100	308- 12-323	REP	02-11-082
296-800-13040	NEW-P	02-09-092	296-835-12010	NEW-P	02-07-100	308- 12-324	REP-P	02-04-114
296-800-150	AMD-P	02-09-092	296-835-12015	NEW-P	02-07-100	308- 12-324	REP	02-11-082
296-800-15030	NEW-P	02-09-092	296-835-12020	NEW-P	02-07-100	308- 12-325	REP-P	02-04-114
296-800-15035	NEW-P	02-09-092	296-835-12025	NEW-P	02-07-100	308- 12-325	REP	02-11-082
296-800-15040	NEW-P	02-09-092	296-835-12030	NEW-P	02-07-100	308- 12-330	NEW-P	02-04-114
296-800-16050	AMD-P	02-09-092	296-835-12035	NEW-P	02-07-100	308- 12-330	NEW	02-11-082
296-800-16070	AMD-P	02-09-092	296-835-12040	NEW-P	02-07-100	308- 13-005	AMD-P	02-04-113
296-800-170	AMD-P	02-09-092	296-835-12045	NEW-P	02-07-100	308- 13-005	AMD	02-07-047
296-800-17020	AMD-P	02-09-092	296-835-12050	NEW-P	02-07-100	308- 13-020	AMD-P	02-04-113
296-800-17025	AMD-P	02-09-092	296-835-12055	NEW-P	02-07-100	308- 13-020	AMD	02-07-047
296-800-17030	AMD-P	02-09-092	296-835-12060	NEW-P	02-07-100	308- 13-024	AMD-P	02-04-113
296-800-18010	AMD-P	02-09-092	296-835-12065	NEW-P	02-07-100	308- 13-024	AMD	02-07-047
296-800-18015	AMD-P	02-09-092	296-835-130	NEW-P	02-07-100	308- 13-036	NEW-P	02-04-113
296-800-20005	AMD-P	02-09-092	296-835-13005	NEW-P	02-07-100	308- 13-036	NEW	02-07-047
296-800-23010	AMD-P	02-09-092	296-835-13010	NEW-P	02-07-100	308- 13-050	AMD-P	02-04-113
296-800-23020	AMD-P	02-09-092	296-835-13015	NEW-P	02-07-100	308- 13-050	AMD	02-07-047
296-800-25015	AMD-P	02-09-092	296-835-13020	NEW-P	02-07-100	308- 13-100	AMD-P	02-04-113
296-800-28040	AMD-P	02-09-092	296-835-13025	NEW-P	02-07-100	308- 13-100	AMD	02-07-047
296-800-28045	AMD-P	02-09-092	296-835-13030	NEW-P	02-07-100	308- 13-150	PREP	02-08-033
296-800-32025	AMD-P	02-09-092	296-835-140	NEW-P	02-07-100	308- 13-150	AMD-P	02-12-077
296-800-35030	AMD-P	02-09-092	296-860-100	NEW-P	02-07-101	308- 14-085	AMD-P	02-08-074
296-800-35040	AMD-P	02-09-092	296-860-10005	NEW-P	02-07-101	308- 14-085	AMD-W	02-11-057
296-800-35056	AMD-P	02-09-092	296-860-10010	NEW-P	02-07-101	308- 14-090	REP-P	02-08-074
296-800-35076	AMD-P	02-09-092	296-860-10020	NEW-P	02-07-101	308- 14-090	REP-W	02-11-057
296-800-370	AMD-P	02-09-092	296-860-10025	NEW-P	02-07-101	308- 14-100	AMD-P	02-08-074
296-824-100	NEW	02-11-141	296-860-10030	NEW-P	02-07-101	308- 14-100	AMD-W	02-11-057
296-824-110	NEW	02-11-141	296-860-10040	NEW-P	02-07-101	308- 14-120	AMD-P	02-08-074
296-824-11010	NEW	02-11-141	296-860-10050	NEW-P	02-07-101	308- 14-120	AMD-W	02-11-057
296-824-11020	NEW	02-11-141	296-860-10060	NEW-P	02-07-101	308- 14-130	AMD-P	02-08-074
296-824-11050	NEW	02-11-141	296-860-10070	NEW-P	02-07-101	308- 14-130	AMD-W	02-11-057
296-824-11060	NEW	02-11-141	296-860-10100	NEW-P	02-07-101	308- 14-135	AMD-P	02-08-074
296-824-12010	NEW	02-11-141	308- 08-600	AMD	02-11-011	308- 14-135	AMD-W	02-11-057
296-824-12020	NEW	02-11-141	308- 12-010	AMD-P	02-04-114	308- 14-210	AMD-P	02-08-074
296-824-12030	NEW	02-11-141	308- 12-010	AMD	02-11-082	308- 14-210	AMD-W	02-11-057
296-824-12040	NEW	02-11-141	308- 12-031	AMD-P	02-04-114	308- 15-040	PREP	02-05-079
296-824-12050	NEW	02-11-141	308- 12-031	AMD	02-11-082	308- 15-040	AMD-P	02-09-011
296-824-12060	NEW	02-11-141	308- 12-050	AMD-P	02-04-114	308- 15-140	PREP	02-05-079
296-824-13010	NEW	02-11-141	308- 12-050	AMD	02-11-082	308- 15-140	NEW-P	02-09-011
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356-30-065	AMD	02-07-049	365-220-045	NEW	02-07-026	388-14A-5520	AMD	02-06-098
356-30-067	AMD-S	02-04-082	365-220-050	NEW	02-07-026	388-14A-5525	AMD-P	02-03-096
356-30-067	AMD	02-07-049	365-220-055	NEW	02-07-026	388-14A-5525	AMD	02-06-098
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356-42-020	REP-P	02-12-111	365-220-105	NEW	02-07-026	388-15-021	NEW-P	02-03-118
356-42-030	REP-E	02-12-052	365-220-110	NEW	02-07-026	388-15-025	NEW-P	02-03-118
356-42-030	REP-P	02-12-111	365-220-115	NEW	02-07-026	388-15-029	NEW-P	02-03-118
356-42-040	REP-E	02-12-052	365-220-120	NEW	02-07-026	388-15-033	NEW-P	02-03-118
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356-42-045	AMD-E	02-12-052	365-220-140	NEW	02-07-026	388-15-049	NEW-P	02-03-118
356-42-045	AMD-P	02-12-111	365-220-145	NEW	02-07-026	388-15-053	NEW-P	02-03-118
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356-42-049	REP-P	02-12-111	365-220-155	NEW	02-07-026	388-15-061	NEW-P	02-03-118
356-42-060	REP-E	02-12-052	365-220-160	NEW	02-07-026	388-15-065	NEW-P	02-03-118
356-42-060	REP-P	02-12-111	365-220-165	NEW	02-07-026	388-15-069	NEW-P	02-03-118
356-42-070	REP-E	02-12-052	365-220-170	NEW	02-07-026	388-15-073	NEW-P	02-03-118
356-42-070	REP-P	02-12-111	365-220-175	NEW	02-07-026	388-15-077	NEW-P	02-03-118
356-42-080	REP-E	02-12-052	365-220-180	NEW	02-07-026	388-15-081	NEW-P	02-03-118
356-42-080	REP-P	02-12-111	365-220-185	NEW	02-07-026	388-15-085	NEW-P	02-03-118
356-42-082	REP-E	02-12-052	365-220-190	NEW	02-07-026	388-15-089	NEW-P	02-03-118
356-42-082	REP-P	02-12-111	371-08-320	AMD	02-06-011	388-15-093	NEW-P	02-03-118
356-42-083	REP-E	02-12-052	371-08-450	AMD	02-06-012	388-15-097	NEW-P	02-03-118
356-42-083	REP-P	02-12-111	371-08-485	AMD	02-06-013	388-15-101	NEW-P	02-03-118
356-42-084	REP-E	02-12-052	388-01-015	NEW-P	02-03-119	388-15-105	NEW-P	02-03-118
356-42-084	REP-P	02-12-111	388-14A-2000	PREP	02-03-010	388-15-109	NEW-P	02-03-118
356-42-085	REP-E	02-12-052	388-14A-2025	PREP	02-03-010	388-15-113	NEW-P	02-03-118
356-42-085	REP-P	02-12-111	388-14A-2080	PREP	02-03-010	388-15-117	NEW-P	02-03-118
356-42-086	REP-E	02-12-052	388-14A-2105	AMD	02-07-091	388-15-121	NEW-P	02-03-118
356-42-086	REP-P	02-12-111	388-14A-2107	NEW	02-07-091	388-15-125	NEW-P	02-03-118
356-42-088	REP-E	02-12-052	388-14A-2110	AMD	02-07-091	388-15-129	NEW-P	02-03-118
356-42-088	REP-P	02-12-111	388-14A-2112	NEW	02-07-091	388-15-130	REP-P	02-03-118
356-42-089	REP-E	02-12-052	388-14A-2114	NEW	02-07-091	388-15-131	REP-P	02-03-118
356-42-089	REP-P	02-12-111	388-14A-2115	AMD	02-07-091	388-15-132	REP-P	02-03-118
356-42-105	AMD-E	02-12-052	388-14A-2116	NEW	02-07-091	388-15-133	NEW-P	02-03-118
356-42-105	AMD-P	02-12-111	388-14A-2120	AMD	02-07-091	388-15-134	REP-P	02-03-118
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356-56-070	NEW-E	02-12-045	388-14A-2130	NEW	02-07-091	388-15-141	NEW-P	02-03-118
356-56-070	NEW-P	02-12-120	388-14A-2135	NEW	02-07-091	388-15-194	PREP-W	02-05-066
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363-116-185	AMD-P	02-10-081	388-14A-3130	AMD-P	02-03-096	388-15-202	PREP-W	02-05-064
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388-15-600	PREP-W	02-05-064	388-71-05949	NEW-S	02-11-129	388-97-610	NEW-P	02-07-116
388-15-620	PREP-W	02-05-064	388-71-05950	NEW	02-10-117	388-97-615	NEW-P	02-07-116
388-15-630	PREP-W	02-05-064	388-71-05951	NEW	02-10-117	388-97-620	NEW-P	02-07-116
388-15-880	PREP-W	02-05-064	388-71-05952	NEW	02-10-117	388-97-625	NEW-P	02-07-116
388-15-890	PREP-W	02-05-064	388-71-05953	NEW-W	02-10-036	388-97-630	NEW-P	02-07-116
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388-71-0410	PREP	02-04-096	388-71-0820	PREP	02-04-096	388-97-640	NEW-P	02-07-116
388-71-0410	PREP-W	02-05-066	388-71-0820	AMD-P	02-12-067	388-97-645	NEW-P	02-07-116
388-71-0430	PREP	02-04-096	388-76-535	AMD-P	02-03-117	388-97-650	NEW-P	02-07-116
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388-71-0440	PREP	02-04-096	388-76-570	AMD-S	02-11-032	388-97-660	NEW-P	02-07-116
388-71-0440	PREP-W	02-05-066	388-76-59100	REP-S	02-11-032	388-97-665	NEW-P	02-07-116
388-71-0445	PREP	02-04-096	388-76-59110	REP-S	02-11-032	388-97-670	NEW-P	02-07-116
388-71-0445	PREP-W	02-05-066	388-76-59120	REP-S	02-11-032	388-97-675	NEW-P	02-07-116
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388-71-0500	PREP	02-04-096	388-76-640	REP-P	02-03-117	388-97-685	NEW-P	02-07-116
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388-71-0515	PREP	02-04-096	388-76-64010	NEW-P	02-03-117	388-97-695	NEW-P	02-07-116
388-71-0520	AMD	02-10-117	388-76-64015	NEW-P	02-03-117	388-98-001	REP-P	02-07-116
388-71-0525	REP	02-10-117	388-76-64020	NEW-P	02-03-117	388-98-003	REP-P	02-07-116
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388-71-0540	AMD	02-10-117	388-76-64035	NEW-P	02-03-117	388-98-020	REP-P	02-07-116
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388-71-05912	NEW	02-10-117	388-76-710	AMD-P	02-03-117	388-98-330	REP-P	02-07-116
388-71-05913	NEW	02-10-117	388-78A-050	AMD-S	02-11-031	388-98-340	REP-P	02-07-116
388-71-05914	NEW	02-10-117	388-78A-060	AMD-W	02-11-059	388-98-700	REP-P	02-07-116
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388-71-05916	NEW	02-10-117	388-79-010	AMD-P	02-11-067	388-98-810	REP-P	02-07-116
388-71-05917	NEW	02-10-117	388-79-020	AMD-P	02-11-067	388-98-830	REP-P	02-07-116
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388-71-05919	NEW	02-10-117	388-79-040	AMD-P	02-11-067	388-98-890	REP-P	02-07-116
388-71-05920	NEW	02-10-117	388-96-713	AMD-E	02-04-011	388-110-020	PREP	02-04-096
388-71-05921	NEW	02-10-117	388-96-901	AMD-E	02-04-011	388-110-110	REP-S	02-11-032
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388-71-05923	NEW	02-10-117	388-97-005	AMD-P	02-07-116	388-110-230	PREP	02-04-096
388-71-05924	NEW	02-10-117	388-97-043	AMD-P	02-07-116	388-112-0001	NEW-S	02-11-032
388-71-05925	NEW	02-10-117	388-97-07005	AMD-P	02-07-116	388-112-0005	NEW-S	02-11-032
388-71-05926	NEW	02-10-117	388-97-07040	AMD-P	02-07-116	388-112-0010	NEW-S	02-11-032
388-71-05927	NEW	02-10-117	388-97-07050	AMD-P	02-07-116	388-112-0015	NEW-S	02-11-032
388-71-05928	NEW	02-10-117	388-97-076	AMD-P	02-07-116	388-112-0020	NEW-S	02-11-032
388-71-05929	NEW	02-10-117	388-97-160	AMD-P	02-07-116	388-112-0025	NEW-S	02-11-032
388-71-05930	NEW	02-10-117	388-97-162	AMD-P	02-07-116	388-112-0030	NEW-S	02-11-032
388-71-05931	NEW	02-10-117	388-97-180	AMD-P	02-07-116	388-112-0035	NEW-S	02-11-032
388-71-05932	NEW	02-10-117	388-97-202	AMD-P	02-07-116	388-112-0040	NEW-S	02-11-032
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388-71-05940	NEW	02-10-117	388-97-555	PREP	02-11-126	388-112-0080	NEW-S	02-11-032
388-71-05941	NEW	02-10-117	388-97-565	AMD-P	02-07-116	388-112-0085	NEW-S	02-11-032
388-71-05942	NEW	02-10-117	388-97-570	AMD-P	02-07-116	388-112-0090	NEW-S	02-11-032
388-71-05943	NEW	02-10-117	388-97-570	PREP	02-11-066	388-112-0095	NEW-S	02-11-032
388-71-05944	NEW	02-10-117	388-97-575	AMD-P	02-07-116	388-112-0100	NEW-S	02-11-032
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388-112-0130	NEW-S	02-11-032	388-148-0065	PREP	02-06-083	388-265-1250	REP-P	02-11-131
388-112-0135	NEW-S	02-11-032	388-148-0120	PREP	02-06-083	388-265-1275	REP-P	02-11-131
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388-112-0180	NEW-S	02-11-032	388-148-0560	PREP	02-06-083	388-290-0010	PREP	02-04-097
388-112-0185	NEW-S	02-11-032	388-148-0585	PREP	02-06-083	388-290-0010	AMD-E	02-08-032
388-112-0190	NEW-S	02-11-032	388-148-0630	PREP	02-06-083	388-290-0010	AMD-P	02-11-128
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390-05-200	AMD	02-03-018	392-140-613	AMD	02-05-036	415-104-0125	PREP	02-05-025
390-05-205	AMD	02-03-018	392-140-616	AMD	02-05-036	415-104-0125	PREP	02-06-041
390-12-040	AMD	02-03-018	392-140-625	AMD	02-05-036	415-104-108	PREP	02-11-078
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390-13-100	AMD	02-03-018	392-140-650	AMD	02-05-036	415-108-010	PREP	02-06-041
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390-16-060	AMD	02-03-018	392-140-971	NEW-S	02-10-007	415-108-441	AMD	02-03-120
390-16-060	AMD-P	02-09-080	392-140-972	NEW-S	02-10-007	415-108-443	AMD	02-03-120
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415-108-465	AMD	02-03-120	415-112-0160	PREP	02-06-041	434-236-020	DECOD	02-09-007
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415-108-815	NEW	02-03-120	415-112-0167	PREP	02-06-041	434-236-050	REP	02-07-028
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415-110-0102	PREP	02-06-041	415-112-413	AMD	02-03-120	434-236-070	AMD	02-07-028
415-110-0103	PREP	02-05-025	415-112-725	AMD	02-03-120	434-236-070	DECOD	02-09-007
415-110-0103	PREP	02-06-041	415-113-030	PREP	02-06-041	434-236-080	AMD-P	02-03-133
415-110-0104	PREP	02-05-025	415-113-0301	PREP	02-06-041	434-236-080	AMD	02-07-028
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415-110-0110	PREP	02-05-025	415-113-0306	PREP	02-06-041	434-236-100	AMD	02-07-028
415-110-0110	PREP	02-06-041	415-113-0307	PREP	02-06-041	434-236-100	DECOD	02-09-007
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415-110-0111	PREP	02-06-041	415-113-0309	PREP	02-06-041	434-236-110	AMD	02-07-028
415-110-050	NEW-P	02-10-098	415-113-0310	REP	02-03-120	434-236-110	DECOD	02-09-007
415-110-060	NEW-P	02-10-098	415-113-041	AMD	02-03-120	434-236-120	DECOD	02-09-007
415-110-070	NEW-P	02-10-098	415-113-042	AMD	02-03-120	434-236-140	AMD-P	02-03-133
415-110-340	PREP	02-11-078	415-113-065	AMD	02-03-120	434-236-140	AMD	02-07-028
415-110-815	NEW	02-03-120	415-113-070	AMD	02-03-120	434-236-140	DECOD	02-09-007
415-110-910	AMD	02-03-120	415-113-090	AMD	02-03-120	434-236-160	DECOD	02-09-007
415-111-100	AMD	02-03-120	415-113-200	AMD	02-03-120	434-236-170	DECOD	02-09-007
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415-111-310	AMD	02-03-120	415-501-495	AMD-P	02-09-055	434-236-180	DECOD	02-09-007
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415-111-440	NEW	02-03-120	434-208-060	AMD-P	02-11-133	434-236-210	REP	02-07-028
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415-112-0151	PREP	02-06-041	434-215-070	NEW-P	02-11-133	434-238-070	RECOD	02-09-007
415-112-0154	PREP	02-05-025	434-215-080	NEW-P	02-11-133	434-238-080	RECOD	02-09-007
415-112-0154	PREP	02-06-041	434-215-090	NEW-P	02-11-133	434-238-090	RECOD	02-09-007
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415-112-0156	PREP	02-06-041	434-228-005	DECOD	02-09-007	434-238-110	RECOD	02-09-007
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434-240-010	AMD-P	02-03-133	434-333-025	RECOD	02-09-007	434-334-155	DECOD	02-09-007
434-240-010	AMD	02-07-028	434-333-030	RECOD	02-09-007	434-334-160	DECOD	02-09-007
434-240-020	AMD-P	02-03-133	434-333-035	RECOD	02-09-007	434-334-165	DECOD	02-09-007
434-240-020	AMD	02-07-028	434-333-040	RECOD	02-09-007	434-334-170	DECOD	02-09-007
434-240-025	REP-P	02-03-133	434-333-045	RECOD	02-09-007	434-334-175	DECOD	02-09-007
434-240-025	REP	02-07-028	434-333-050	RECOD	02-09-007	456-09-950	AMD-P	02-09-029
434-240-027	NEW-P	02-03-133	434-333-055	RECOD	02-09-007	456-10-750	AMD-P	02-09-029
434-240-027	NEW	02-07-028	434-333-060	RECOD	02-09-007	458-12-090	REP-P	02-09-020
434-240-060	AMD-P	02-03-133	434-333-063	RECOD	02-09-007	458-12-135	REP-X	02-09-018
434-240-060	AMD	02-07-028	434-333-065	RECOD	02-09-007	458-12-140	AMD-P	02-09-019
434-240-080	NEW-P	02-03-133	434-333-070	RECOD	02-09-007	458-12-270	REP-P	02-09-020
434-240-080	NEW	02-07-028	434-333-075	RECOD	02-09-007	458-12-275	REP-P	02-09-020
434-240-090	AMD-P	02-03-133	434-333-082	RECOD	02-09-007	458-12-280	REP-P	02-09-020
434-240-090	AMD	02-07-028	434-333-085	RECOD	02-09-007	458-16-115	AMD-P	02-09-020
434-240-120	AMD-P	02-03-133	434-333-090	RECOD	02-09-007	458-16-560	PREP	02-07-077
434-240-120	AMD	02-07-028	434-333-095	RECOD	02-09-007	458-16-560	NEW-P	02-11-051
434-240-130	AMD-P	02-03-133	434-333-100	RECOD	02-09-007	458-18-220	AMD	02-03-039
434-240-130	AMD	02-07-028	434-333-105	RECOD	02-09-007	458-19-005	PREP	02-10-110
434-240-150	AMD-P	02-03-133	434-333-110	RECOD	02-09-007	458-19-010	PREP	02-10-110
434-240-150	AMD	02-07-028	434-333-120	RECOD	02-09-007	458-19-015	PREP	02-10-110
434-240-160	REP-P	02-03-133	434-333-125	RECOD	02-09-007	458-19-020	PREP	02-10-110
434-240-160	REP	02-07-028	434-333-127	RECOD	02-09-007	458-19-025	PREP	02-10-110
434-240-190	AMD-P	02-03-133	434-333-130	RECOD	02-09-007	458-19-030	PREP	02-10-110
434-240-190	AMD	02-07-028	434-333-135	RECOD	02-09-007	458-19-035	PREP	02-10-110
434-240-200	AMD-P	02-03-134	434-333-140	RECOD	02-09-007	458-19-040	PREP	02-10-110
434-240-200	AMD	02-07-029	434-333-145	RECOD	02-09-007	458-19-045	PREP	02-10-110
434-240-205	AMD-P	02-03-133	434-333-150	RECOD	02-09-007	458-19-050	PREP	02-10-110
434-240-205	AMD	02-07-028	434-333-155	RECOD	02-09-007	458-19-055	PREP	02-10-110
434-240-230	AMD-P	02-03-133	434-333-160	RECOD	02-09-007	458-19-060	PREP	02-10-110
434-240-230	AMD	02-07-028	434-333-165	RECOD	02-09-007	458-19-065	PREP	02-10-110
434-240-235	AMD-P	02-03-133	434-333-170	RECOD	02-09-007	458-19-070	PREP	02-10-110
434-240-235	AMD	02-07-028	434-333-175	RECOD	02-09-007	458-19-075	PREP	02-10-110
434-240-240	AMD-P	02-03-134	434-334-010	DECOD	02-09-007	458-19-080	PREP	02-10-110
434-240-240	AMD	02-07-029	434-334-015	DECOD	02-09-007	458-19-085	PREP	02-10-110
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434-240-250	AMD	02-07-028	434-334-025	DECOD	02-09-007	458-20-122	PREP	02-11-123
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434-240-320	AMD	02-07-028	434-334-035	DECOD	02-09-007	458-20-151	PREP	02-04-054
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434-253-045	NEW-P	02-03-134	434-334-050	DECOD	02-09-007	458-20-208	PREP	02-09-068
434-253-045	NEW	02-07-029	434-334-055	DECOD	02-09-007	458-20-209	PREP	02-11-123
434-253-047	NEW-P	02-03-134	434-334-060	DECOD	02-09-007	458-20-210	PREP	02-11-123
434-253-047	NEW	02-07-029	434-334-063	DECOD	02-09-007	458-20-217	AMD-X	02-11-044
434-253-049	NEW-P	02-03-134	434-334-065	DECOD	02-09-007	458-20-252	PREP	02-06-030
434-253-049	NEW	02-07-029	434-334-070	DECOD	02-09-007	458-20-260	AMD-W	02-02-088
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458- 53-140	AMD-P	02-10-032	478-117-060	NEW-E	02-04-087	478-118-020	NEW-E	02-06-042
458- 57-005	PREP	02-12-122	478-117-060	NEW	02-08-023	478-118-020	NEW-P	02-08-066
458- 57-015	PREP	02-12-122	478-117-070	NEW-P	02-03-085	478-118-030	NEW-E	02-06-042
458- 57-017	PREP	02-12-122	478-117-070	NEW-E	02-04-087	478-118-030	NEW-P	02-08-066
458- 57-025	PREP	02-12-122	478-117-070	NEW	02-08-023	478-118-040	NEW-E	02-06-042
458- 57-035	PREP	02-12-122	478-117-080	NEW-P	02-03-085	478-118-040	NEW-P	02-08-066
458- 57-045	PREP	02-12-122	478-117-080	NEW-E	02-04-087	478-118-050	NEW-E	02-06-042
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460- 12A-010	NEW	02-10-103	478-117-090	NEW-P	02-03-085	478-118-060	NEW-E	02-06-042
461- 08-320	AMD	02-06-008	478-117-090	NEW-E	02-04-087	478-118-060	NEW-P	02-08-066
461- 08-355	AMD	02-06-009	478-117-090	NEW	02-08-023	478-118-070	NEW-E	02-06-042
461- 08-500	AMD	02-06-010	478-117-100	NEW-P	02-03-085	478-118-070	NEW-P	02-08-066
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468- 38-075	AMD	02-06-106	478-117-110	NEW-E	02-04-087	478-118-090	NEW-P	02-08-066
468- 38-120	PREP	02-10-058	478-117-110	NEW	02-08-023	478-118-100	NEW-E	02-06-042
468- 38-120	AMD-E	02-10-059	478-117-200	NEW-P	02-03-085	478-118-100	NEW-P	02-08-066
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468-300-010	AMD	02-09-010	478-117-210	NEW-E	02-04-087	478-118-210	NEW-P	02-08-066
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468-300-040	AMD	02-09-010	478-117-220	NEW	02-08-023	478-118-230	NEW-P	02-08-066
468-300-220	AMD-P	02-05-062	478-117-230	NEW-P	02-03-085	478-118-240	NEW-E	02-06-042
468-300-220	AMD	02-09-010	478-117-230	NEW-E	02-04-087	478-118-240	NEW-P	02-08-066
468-550	PREP	02-06-004	478-117-230	NEW	02-08-023	478-118-250	NEW-E	02-06-042
468-550-030	AMD-P	02-10-020	478-117-240	NEW-P	02-03-085	478-118-250	NEW-P	02-08-066
468-550-040	AMD-P	02-10-020	478-117-240	NEW-E	02-04-087	478-118-260	NEW-E	02-06-042
468-550-050	AMD-P	02-10-020	478-117-240	NEW	02-08-023	478-118-260	NEW-P	02-08-066
468-550-060	AMD-P	02-10-020	478-117-250	NEW-P	02-03-085	478-118-270	NEW-E	02-06-042
468-550-070	AMD-P	02-10-020	478-117-250	NEW-E	02-04-087	478-118-270	NEW-P	02-08-066
468-550-080	AMD-P	02-10-020	478-117-250	NEW	02-08-023	478-118-280	NEW-E	02-06-042
478-108-010	AMD-P	02-03-085	478-117-260	NEW-P	02-03-085	478-118-280	NEW-P	02-08-066
478-108-010	AMD-E	02-04-087	478-117-260	NEW-E	02-04-087	478-118-400	NEW-E	02-06-042
478-108-010	AMD-E	02-06-042	478-117-260	NEW	02-08-023	478-118-400	NEW-P	02-08-066
478-108-010	AMD	02-08-023	478-117-270	NEW-P	02-03-085	478-118-410	NEW-E	02-06-042
478-108-010	AMD-P	02-08-066	478-117-270	NEW-E	02-04-087	478-118-410	NEW-P	02-08-066
478-116-131	PREP	02-06-045	478-117-270	NEW	02-08-023	478-118-420	NEW-E	02-06-042
478-116-131	AMD-P	02-10-080	478-117-280	NEW-P	02-03-085	478-118-420	NEW-P	02-08-066
478-116-131	AMD-E	02-11-045	478-117-280	NEW-E	02-04-087	478-118-500	NEW-E	02-06-042
478-117-005	NEW-P	02-03-085	478-117-280	NEW	02-08-023	478-118-500	NEW-P	02-08-066
478-117-005	NEW-E	02-04-087	478-117-300	NEW-P	02-03-085	478-118-510	NEW-E	02-06-042
478-117-005	NEW	02-08-023	478-117-300	NEW-E	02-04-087	478-118-510	NEW-P	02-08-066
478-117-010	NEW-P	02-03-085	478-117-300	NEW	02-08-023	478-136-012	AMD	02-06-020
478-117-010	NEW-E	02-04-087	478-117-310	NEW-P	02-03-085	478-136-015	AMD	02-06-020
478-117-010	NEW	02-08-023	478-117-310	NEW-E	02-04-087	478-136-030	AMD-E	02-03-102
478-117-020	NEW-P	02-03-085	478-117-310	NEW	02-08-023	478-136-030	AMD	02-06-020
478-117-020	NEW-E	02-04-087	478-117-320	NEW-P	02-03-085	478-160-125	AMD	02-06-021
478-117-020	NEW	02-08-023	478-117-320	NEW-E	02-04-087	478-160-130	AMD	02-06-021
478-117-030	NEW-P	02-03-085	478-117-320	NEW	02-08-023	478-160-140	AMD	02-06-021
478-117-030	NEW-E	02-04-087	478-117-400	NEW-P	02-03-085	478-160-163	NEW	02-06-021
478-117-030	NEW	02-08-023	478-117-400	NEW-E	02-04-087	478-160-175	AMD	02-06-021
478-117-040	NEW-P	02-03-085	478-117-400	NEW	02-08-023	480- 14-999	AMD-X	02-12-131
478-117-040	NEW-E	02-04-087	478-117-410	NEW-P	02-03-085	480- 15-999	AMD-X	02-12-131
478-117-040	NEW	02-08-023	478-117-410	NEW-E	02-04-087	480- 30-999	AMD-X	02-12-131
478-117-050	NEW-P	02-03-085	478-117-410	NEW	02-08-023	480- 31-999	AMD-X	02-12-131
478-117-050	NEW-E	02-04-087	478-118	PREP	02-04-037	480- 40-999	AMD-X	02-12-131

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480-62-240	AMD-X	02-12-131	480-80-090	REP	02-11-081	480-90-195	NEW	02-11-081
480-62-999	AMD-X	02-12-131	480-80-100	REP	02-11-081	480-90-197	NEW	02-11-081
480-70	PREP	02-10-055	480-80-101	NEW	02-11-081	480-90-198	NEW	02-11-081
480-70-999	AMD-X	02-12-131	480-80-102	NEW	02-11-081	480-90-199	NEW	02-11-081
480-75	AMD-P	02-12-132	480-80-103	NEW	02-11-081	480-90-203	AMD-X	02-12-131
480-75-002	REP-P	02-12-132	480-80-104	NEW	02-11-081	480-90-208	AMD-X	02-12-131
480-75-005	REP-P	02-12-132	480-80-105	NEW	02-11-081	480-90-999	AMD-X	02-12-131
480-75-010	REP-P	02-12-132	480-80-110	REP	02-11-081	480-93-240	NEW	02-03-016
480-75-100	NEW-P	02-12-132	480-80-111	NEW	02-11-081	480-100	PREP	02-10-055
480-75-200	NEW-P	02-12-132	480-80-112	NEW	02-11-081	480-100-148	PREP	02-10-055
480-75-210	NEW-P	02-12-132	480-80-121	NEW	02-11-081	480-100-163	AMD-X	02-12-131
480-75-220	NEW-P	02-12-132	480-80-122	NEW	02-11-081	480-100-193	AMD	02-11-081
480-75-223	REP-P	02-12-132	480-80-123	NEW	02-11-081	480-100-194	NEW	02-11-081
480-75-230	REP-P	02-12-132	480-80-124	NEW	02-11-081	480-100-195	NEW	02-11-081
480-75-240	NEW	02-03-016	480-80-125	REP	02-11-081	480-100-197	NEW	02-11-081
480-75-250	NEW-P	02-12-132	480-80-130	REP	02-11-081	480-100-198	NEW	02-11-081
480-75-260	NEW-P	02-12-132	480-80-131	NEW	02-11-081	480-100-199	NEW	02-11-081
480-75-300	NEW-P	02-12-132	480-80-132	NEW	02-11-081	480-100-203	AMD-X	02-12-131
480-75-310	NEW-P	02-12-132	480-80-133	NEW	02-11-081	480-100-208	AMD-X	02-12-131
480-75-320	NEW-P	02-12-132	480-80-134	NEW	02-11-081	480-100-999	AMD-X	02-12-131
480-75-330	NEW-P	02-12-132	480-80-140	REP	02-11-081	480-110	PREP	02-10-055
480-75-340	NEW-P	02-12-132	480-80-141	NEW	02-11-081	480-110-275	AMD-X	02-12-131
480-75-350	NEW-P	02-12-132	480-80-142	NEW	02-11-081	480-110-485	AMD-X	02-12-131
480-75-360	NEW-P	02-12-132	480-80-143	NEW	02-11-081	480-110-999	NEW-X	02-12-131
480-75-370	NEW-P	02-12-132	480-80-150	REP	02-11-081	480-120-011	AMD-P	02-12-055
480-75-380	NEW-P	02-12-132	480-80-160	REP	02-11-081	480-120-015	AMD-P	02-12-055
480-75-390	NEW-P	02-12-132	480-80-170	REP	02-11-081	480-120-017	NEW-P	02-12-055
480-75-400	NEW-P	02-12-132	480-80-180	REP	02-11-081	480-120-019	NEW-P	02-12-055
480-75-410	NEW-P	02-12-132	480-80-190	REP	02-11-081	480-120-021	AMD-P	02-12-055
480-75-420	NEW-P	02-12-132	480-80-200	REP	02-11-081	480-120-029	REP-P	02-12-055
480-75-430	NEW-P	02-12-132	480-80-201	NEW	02-11-081	480-120-031	REP-P	02-12-055
480-75-440	NEW-P	02-12-132	480-80-202	NEW	02-11-081	480-120-032	REP-P	02-12-055
480-75-450	NEW-P	02-12-132	480-80-203	NEW	02-11-081	480-120-033	REP-P	02-12-055
480-75-460	NEW-P	02-12-132	480-80-204	NEW	02-11-081	480-120-041	REP-P	02-12-055
480-75-500	NEW-P	02-12-132	480-80-205	NEW	02-11-081	480-120-042	REP-P	02-12-055
480-75-510	NEW-P	02-12-132	480-80-206	NEW	02-11-081	480-120-043	REP	02-11-081
480-75-520	NEW-P	02-12-132	480-80-210	REP	02-11-081	480-120-043	REP-P	02-12-055
480-75-530	NEW-P	02-12-132	480-80-220	REP	02-11-081	480-120-045	REP-P	02-12-055
480-75-540	NEW-P	02-12-132	480-80-230	REP	02-11-081	480-120-046	REP-P	02-12-055
480-75-550	NEW-P	02-12-132	480-80-240	REP	02-11-081	480-120-051	REP-P	02-12-055
480-75-600	NEW-P	02-12-132	480-80-241	NEW	02-11-081	480-120-052	REP	02-11-080
480-75-610	NEW-P	02-12-132	480-80-242	NEW	02-11-081	480-120-056	REP-P	02-12-055
480-75-620	NEW-P	02-12-132	480-80-250	REP	02-11-081	480-120-057	REP-P	02-12-055
480-75-630	NEW-P	02-12-132	480-80-260	REP	02-11-081	480-120-058	REP	02-11-080
480-75-640	NEW-P	02-12-132	480-80-270	REP	02-11-081	480-120-061	AMD-P	02-12-055
480-75-650	NEW-P	02-12-132	480-80-280	REP	02-11-081	480-120-081	REP-P	02-12-055
480-75-660	NEW-P	02-12-132	480-80-290	REP	02-11-081	480-120-087	REP-P	02-12-055
480-75-999	AMD-P	02-12-132	480-80-300	REP	02-11-081	480-120-088	REP-P	02-12-055
480-80-010	AMD	02-11-081	480-80-310	REP	02-11-081	480-120-089	REP-P	02-12-055
480-80-015	NEW	02-11-081	480-80-320	REP	02-11-081	480-120-101	REP-P	02-12-055
480-80-020	AMD	02-11-081	480-80-325	REP	02-11-081	480-120-102	NEW-P	02-12-055
480-80-025	NEW	02-11-081	480-80-326	REP	02-11-081	480-120-103	NEW-P	02-12-055
480-80-030	AMD	02-11-081	480-80-330	REP	02-11-081	480-120-104	NEW-P	02-12-055
480-80-031	NEW	02-11-081	480-80-335	REP	02-11-081	480-120-105	NEW-P	02-12-055
480-80-035	REP	02-11-081	480-80-340	REP	02-11-081	480-120-106	REP-P	02-12-055
480-80-040	REP	02-11-081	480-80-350	REP	02-11-081	480-120-107	NEW-P	02-12-055
480-80-041	REP	02-11-081	480-80-360	REP	02-11-081	480-120-108	NEW-P	02-12-055
480-80-045	REP	02-11-081	480-80-370	REP	02-11-081	480-120-112	NEW-P	02-12-055
480-80-050	REP	02-11-081	480-80-380	REP	02-11-081	480-120-116	REP-P	02-12-055
480-80-060	REP	02-11-081	480-90	PREP	02-10-055	480-120-121	REP-P	02-12-055
480-80-070	REP	02-11-081	480-90-193	AMD	02-11-081	480-120-122	NEW-P	02-12-055
480-80-080	REP	02-11-081	480-90-194	NEW	02-11-081	480-120-123	NEW-P	02-12-055

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480-120-124	NEW-P	02-12-055	480-120-263	NEW-P	02-12-055	480-121-065	NEW	02-11-081
480-120-125	NEW-P	02-12-055	480-120-264	NEW	02-11-080	480-121-070	REP	02-11-080
480-120-126	REP-P	02-12-055	480-120-265	NEW-P	02-12-055	480-122-010	AMD	02-03-017
480-120-127	NEW	02-11-080	480-120-301	NEW-P	02-12-055	480-122-020	AMD	02-03-017
480-120-128	NEW-P	02-12-055	480-120-302	NEW-P	02-12-055	480-122-030	REP	02-03-017
480-120-131	REP-P	02-12-055	480-120-303	NEW-P	02-12-055	480-122-040	REP	02-03-017
480-120-132	NEW-P	02-12-055	480-120-304	NEW-P	02-12-055	480-122-060	AMD	02-03-017
480-120-133	NEW-P	02-12-055	480-120-305	NEW-P	02-12-055	480-122-070	REP	02-03-017
480-120-136	REP-P	02-12-055	480-120-311	NEW-P	02-12-055	480-122-080	AMD	02-03-017
480-120-138	REP-P	02-12-055	480-120-312	NEW-P	02-12-055	480-122-090	REP	02-03-017
480-120-139	REP-P	02-12-055	480-120-321	NEW-P	02-12-055	495C-120-040	AMD	02-04-022
480-120-141	REP-P	02-12-055	480-120-322	NEW-P	02-12-055	495C-120-041	AMD	02-04-022
480-120-144	REP-P	02-08-081	480-120-323	NEW-P	02-12-055	504- 15-060	REP-P	02-11-092
480-120-146	NEW-P	02-12-055	480-120-340	REP-P	02-12-055	504- 15-100	AMD-P	02-11-092
480-120-147	NEW-P	02-12-055	480-120-350	REP-P	02-12-055	504- 15-200	AMD-P	02-11-092
480-120-148	NEW-P	02-12-055	480-120-401	NEW-P	02-12-055	504- 15-210	AMD-P	02-11-092
480-120-151	REP-P	02-08-081	480-120-402	NEW-P	02-12-055	504- 15-460	AMD-P	02-11-092
480-120-152	REP-P	02-08-081	480-120-411	NEW-P	02-12-055	504- 15-540	AMD-P	02-11-092
480-120-153	REP-P	02-08-081	480-120-412	NEW-P	02-12-055	504- 15-580	AMD-P	02-11-092
480-120-154	REP-P	02-08-081	480-120-414	NEW-P	02-12-055	504- 15-600	AMD-P	02-11-092
480-120-161	NEW-P	02-12-055	480-120-436	NEW-P	02-12-055	504- 15-650	AMD-P	02-11-092
480-120-162	NEW-P	02-12-055	480-120-437	NEW-P	02-12-055	504- 15-810	AMD-P	02-11-092
480-120-163	NEW-P	02-12-055	480-120-438	NEW-P	02-12-055	504- 15-830	AMD-P	02-11-092
480-120-164	NEW-P	02-12-055	480-120-439	NEW-P	02-12-055	504- 25-001	NEW-P	02-11-093
480-120-165	NEW-P	02-12-055	480-120-440	NEW-P	02-12-055	504- 25-002	NEW-P	02-11-093
480-120-166	NEW-P	02-12-055	480-120-450	NEW-P	02-12-055	504- 25-003	NEW-P	02-11-093
480-120-167	NEW-P	02-12-055	480-120-451	NEW-P	02-12-055	504- 25-004	NEW-P	02-11-093
480-120-171	NEW-P	02-12-055	480-120-452	NEW-P	02-12-055	504- 25-005	REP-P	02-11-093
480-120-172	NEW-P	02-12-055	480-120-500	REP-P	02-12-055	504- 25-010	REP-P	02-11-093
480-120-173	NEW-P	02-12-055	480-120-505	REP-P	02-12-055	504- 25-011	NEW-P	02-11-093
480-120-174	NEW-P	02-12-055	480-120-510	REP-P	02-12-055	504- 25-012	NEW-P	02-11-093
480-120-193	NEW	02-11-081	480-120-515	REP-P	02-12-055	504- 25-013	NEW-P	02-11-093
480-120-194	NEW	02-11-081	480-120-520	REP-P	02-12-055	504- 25-014	NEW-P	02-11-093
480-120-195	NEW	02-11-081	480-120-525	REP-P	02-12-055	504- 25-015	AMD-P	02-11-093
480-120-196	NEW	02-11-081	480-120-530	REP-P	02-12-055	504- 25-018	NEW-P	02-11-093
480-120-197	NEW	02-11-081	480-120-531	REP-P	02-12-055	504- 25-020	AMD-P	02-11-093
480-120-198	NEW	02-11-081	480-120-535	REP-P	02-12-055	504- 25-025	AMD-P	02-11-093
480-120-199	NEW	02-11-081	480-120-541	REP-P	02-12-055	504- 25-030	AMD-P	02-11-093
480-120-201	NEW-P	02-08-081	480-120-542	REP-P	02-12-055	504- 25-035	AMD-P	02-11-093
480-120-202	NEW-P	02-08-081	480-120-543	REP-P	02-12-055	504- 25-040	AMD-P	02-11-093
480-120-203	NEW-P	02-08-081	480-120-544	REP-P	02-12-055	504- 25-041	NEW-P	02-11-093
480-120-204	NEW-P	02-08-081	480-120-545	REP-P	02-12-055	504- 25-042	NEW-P	02-11-093
480-120-205	NEW-P	02-08-081	480-120-999	NEW-P	02-12-055	504- 25-045	AMD-P	02-11-093
480-120-206	NEW-P	02-08-081	480-121-010	REP	02-11-080	504- 25-050	AMD-P	02-11-093
480-120-207	NEW-P	02-08-081	480-121-011	NEW	02-11-080	504- 25-055	AMD-P	02-11-093
480-120-208	NEW-P	02-08-081	480-121-015	AMD	02-11-080	504- 25-060	AMD-P	02-11-093
480-120-209	NEW-P	02-08-081	480-121-016	NEW	02-11-080	504- 25-065	AMD-P	02-11-093
480-120-211	NEW-P	02-08-081	480-121-017	NEW	02-11-080	504- 25-075	AMD-P	02-11-093
480-120-212	NEW-P	02-08-081	480-121-018	NEW	02-11-080	504- 25-080	AMD-P	02-11-093
480-120-213	NEW-P	02-08-081	480-121-020	AMD-S	02-07-041	504- 25-085	AMD-P	02-11-093
480-120-214	NEW-P	02-08-081	480-121-020	AMD	02-11-080	504- 25-090	AMD-P	02-11-093
480-120-215	NEW-P	02-08-081	480-121-023	REP	02-11-080	504- 25-095	AMD-P	02-11-093
480-120-216	NEW-P	02-08-081	480-121-026	AMD	02-11-080	504- 25-100	AMD-P	02-11-093
480-120-251	NEW-P	02-12-055	480-121-030	REP	02-11-080	504- 25-115	AMD-P	02-11-093
480-120-252	NEW-P	02-12-055	480-121-040	AMD	02-11-080	504- 25-120	AMD-P	02-11-093
480-120-253	NEW-P	02-12-055	480-121-050	REP	02-11-080	504- 25-125	AMD-P	02-11-093
480-120-254	NEW-P	02-12-055	480-121-060	AMD	02-11-080	504- 25-130	AMD-P	02-11-093
480-120-255	NEW-P	02-12-055	480-121-061	AMD	02-11-080	504- 25-135	AMD-P	02-11-093
480-120-256	NEW-P	02-12-055	480-121-062	AMD	02-11-080	504- 25-137	NEW-P	02-11-093
480-120-257	NEW-P	02-12-055	480-121-063	AMD-S	02-07-041	504- 25-138	AMD-P	02-11-093
480-120-261	NEW-P	02-12-055	480-121-063	AMD	02-11-080	504- 25-139	NEW-P	02-11-093
480-120-262	NEW-P	02-12-055	480-121-064	AMD	02-11-080	504- 25-140	AMD-P	02-11-093

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504- 25-200	AMD-P	02-11-093						
504- 25-201	NEW-P	02-11-093						
504- 25-202	NEW-P	02-11-093						
504- 25-203	NEW-P	02-11-093						
504- 25-205	AMD-P	02-11-093						
504- 25-210	REP-P	02-11-093						
504- 25-215	AMD-P	02-11-093						
504- 25-220	REP-P	02-11-093						
504- 25-221	NEW-P	02-11-093						
504- 25-222	NEW-P	02-11-093						
504- 25-223	NEW-P	02-11-093						
504- 25-224	NEW-P	02-11-093						
504- 25-225	REP-P	02-11-093						
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504- 25-245	AMD-P	02-11-093						
516- 12-400	AMD	02-07-045						
516- 12-420	AMD	02-07-045						
516- 12-430	AMD	02-07-045						
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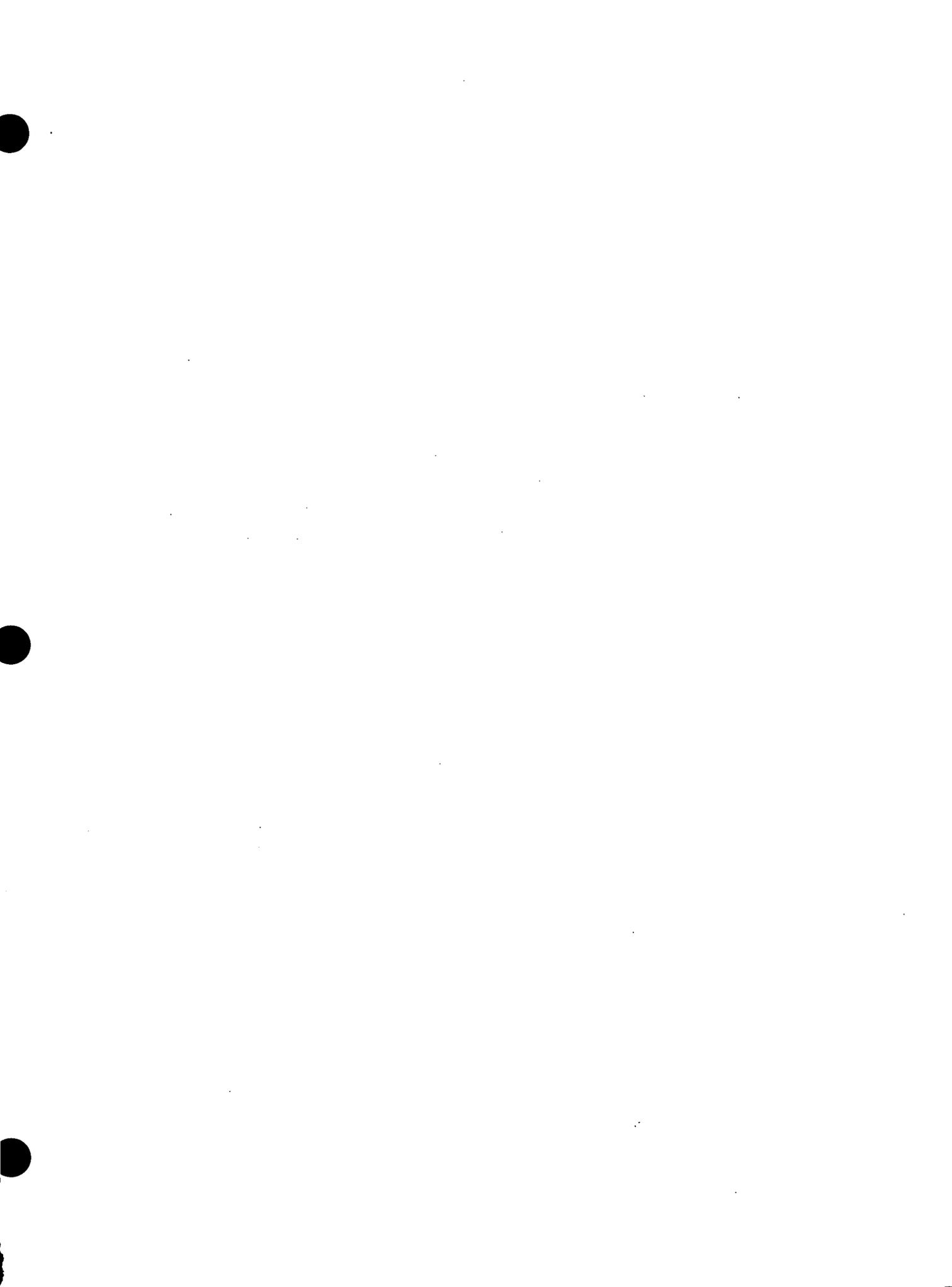
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