

November 5, 2003

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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 November 2003 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

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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].

2003-2004

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption 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 -					
03 - 17	Jul 23, 03	Aug 6, 03	Aug 20, 03	Sep 3, 03	Sep 23, 03	Oct 21, 03
03 - 18	Aug 6, 03	Aug 20, 03	Sep 3, 03	Sep 17, 03	Oct 7, 03	Nov 4, 03
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04 - 01	Nov 26, 03	Dec 10, 03	Dec 24, 03	Jan 7, 04	Jan 27, 04	Feb 24, 04
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04 - 03	Dec 24, 03	Jan 7, 04	Jan 21, 04	Feb 4, 04	Feb 24, 04	Mar 23, 04
04 - 04	Jan 7, 04	Jan 21, 04	Feb 4, 04	Feb 18, 04	Mar 9, 04	Apr 6, 04
04 - 05	Jan 21, 04	Feb 4, 04	Feb 18, 04	Mar 3, 04	Mar 23, 04	Apr 20, 04
04 - 06	Feb 4, 04	Feb 18, 04	Mar 3, 04	Mar 17, 04	Apr 6, 04	May 4, 04
04 - 07	Feb 25, 04	Mar 10, 04	Mar 24, 04	Apr 7, 04	Apr 27, 04	May 25, 04
04 - 08	Mar 10, 04	Mar 24, 04	Apr 7, 04	Apr 21, 04	May 11, 04	Jun 8, 04
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04 - 22	Oct 6, 04	Oct 20, 04	Nov 3, 04	Nov 17, 04	Dec 7, 04	Jan 4, 05
04 - 23	Oct 20, 04	Nov 3, 04	Nov 17, 04	Dec 1, 04	Dec 21, 04	Jan 18, 05
04 - 24	Nov 3, 04	Nov 17, 04	Dec 1, 04	Dec 15, 04	Jan 4, 05	Feb 1, 05

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 34.05.230 and 1.12.040.

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 03-21-016

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed October 6, 2003, 10:39 a.m.]

Subject of Possible Rule Making: Will amend WAC 308-124C-030.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.84.040 (1) and (3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To allow for newer technology to store records and to allow for brokers to maintain records at a distant location from their business license address.

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; and agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jana L. Jones, Real Estate Program, Department of Licensing, P.O. Box 9015, Olympia, WA 98507-9015, phone (360) 664-6524, fax (360) 586-0998.

October 6, 2003

Jana L. Jones

Acting Administrator

WSR 03-21-017

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed October 6, 2003, 10:40 a.m.]

Subject of Possible Rule Making: Will amend WAC 308-124C-030 and 308-124D-030.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.84.040 (1) and (3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Will correct reference to RCW 18.85.230(20) to the newly numbered reference of RCW 18.85.230(17), which was effective on January 1, 2003. Will correct reference RCW 18.85.230(26) in WAC 308-124D-030 to RCW 18.85.230(23), for the same reason.

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; and correcting reference in rules to RCW numbers which were changed as a result of the enactment of the Uniform Regulation of Business and Professions Act. That act, which became effective on January 1, 2003, necessitates the renumbering of RCW 18.85.230 subsections.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jana L. Jones, Real Estate Program, Department of Licensing, P.O. Box 9015, Olympia, WA

98507-9015, phone (360) 64-6524 [664-6524], fax (360) 586-0998.

October 6, 2003

Jana L. Jones

Acting Administrator

WSR 03-21-018

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed October 6, 2003, 10:41 a.m.]

Subject of Possible Rule Making: Will amend WAC 308-124A-110(3).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.84.040 (1) and (3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To allow for e-commerce in the payment of the examination fee, to allow for payment with credit card [card], debit card, e-checks, and vouchers.

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; and agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jana L. Jones, Real Estate Program, Department of Licensing, P.O. Box 9015, Olympia, WA 98507-9015, phone (360) 664-6524, fax (360) 586-0998.

October 6, 2003

Jana L. Jones

Acting Administrator

WSR 03-21-052

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed October 10, 2003, 4:13 p.m.]

Subject of Possible Rule Making: Rule to outline the process the commission will use to promulgate an equitable distribution formula to calculate owners bonus funds to comply with RCW 67.16.102(1).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 67.16.102(1) mandates that prior to the commencement of each race meet the commission shall promulgate an equitable distribution formula from which owners bonus funds will be awarded.

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 Robert M. Leichner, Executive Secre-

tary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462, fax (360) 459-6461.

October 10, 2003
R. M. Leichner
Executive Secretary

sion, Robert M. Leichner, Executive Secretary, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462, fax (360) 459-6461.

October 10, 2003
R. M. Leichner
Executive Secretary

WSR 03-21-053

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed October 10, 2003, 4:15 p.m.]

Subject of Possible Rule Making: WAC 260-14-101 Definitions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In March 2002 the Washington Personnel Appeals Board (PAB) issued a decision in which a majority of commission employees were placed into classified positions. The definitions of "employee" and "regulatory" employee will need to be amended to meet with the PAB decision.

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 Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462, fax (360) 459-6461.

October 10, 2003
R. M. Leichner
Executive Secretary

WSR 03-21-055

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed October 10, 2003, 4:19 p.m.]

Subject of Possible Rule Making: To amend chapter 260-70 WAC to include a new section outlining prohibited practices that might endanger the health and welfare of a horse or endanger the safety of the rider.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A rule on prohibited practices is currently part of the national model rules regarding equine health. Adding a new section will bring the agency into compliance with national model rule standards.

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 Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462, fax (360) 459-6461.

October 10, 2003
R. M. Leichner
Executive Secretary

WSR 03-21-054

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed October 10, 2003, 4:17 p.m.]

Subject of Possible Rule Making: To amend the rules in chapter 260-36 WAC to increase license fees to capture the true cost of administration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current license fees contained in chapter 260-36 WAC fail to cover the true cost of administration as required in RCW 67.16.020(1).

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 Washington Horse Racing Commis-

WSR 03-21-056

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed October 10, 2003, 4:20 p.m.]

Subject of Possible Rule Making: WAC 260-40-160(#) Horses owned or managed by disqualified person.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current WAC limits entry of a husband or wife while either is disqualified. The court in *Levinson v. Horse Racing Commission*, 48 Wn.Ap. 822 (1987) held that this WAC interferes with an individual's right to marry. The WAC needs to be amended not as a blanket regulation, but rather narrowly tailored to meet the state interest while not infringing on constitutional guarantees.

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 Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462, fax (360) 459-6461.

October 10, 2003

R. M. Leichner
Executive Secretary

WSR 03-21-057

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed October 10, 2003, 4:21 p.m.]

Subject of Possible Rule Making: WAC 260-88-010(3)
Appeal to the commission.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current WAC requires that an individual desiring to appeal a stewards' decision to the commission, submit a \$100 appearance deposit along with his/her applications for appeal. This section of the WAC needs to be eliminated, as there is no statutory authority for requiring such deposit.

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 Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462, fax (360) 459-6461.

October 10, 2003

R. M. Leichner
Executive Secretary

WSR 03-21-063

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed October 10, 2003, 4:47 p.m.]

Subject of Possible Rule Making: Update to chapter 308-14 WAC, Regulation of Court Reporting Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.145.050, 43.24.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend, repeal, and retain current rules which may no longer be needed or need further

written clarification as per the governor's directive on state rules review.

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. Interested parties may send in their comments by mail, phone, facsimile, or e-mail to Susan Colard, Business and Professions Division, Court Reporter Program, P.O. Box 9026, Olympia, WA 98507-9026, phone (360) 664-6636, fax (360) 570-7002, e-mail plssunit@dol.wa.gov. Additional information will be posted on the court reporter internet website as it becomes available at <http://www.dol.wa.gov/plss/crtfront.htm>.

October 9, 2003

Susan Colard
Licensing Manager

WSR 03-21-076

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed October 16, 2003, 1:27 p.m.]

Subject of Possible Rule Making: To amend the rules of racing in Title 260 WAC to increase license and registration fees to capture the true cost of administration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current license and registration fees fail to cover the true cost of administration as required in RCW 67.16.020(1).

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 Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462, fax (360) 459-6461.

October 16, 2003

R. M. Leichner
Executive Secretary

WSR 03-21-077

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed October 16, 2003, 1:28 p.m.]

Subject of Possible Rule Making: To amend sections in chapter 260-24 WAC regarding clockers and the licensing and approval process for clocking during the off-season.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There is a need by the horse racing industry to clock workouts of horses during the off-season, when current clocking activities are not being performed. It is hoped that a process for licensing and approving both training centers and clockers to perform timed workouts during the off-season can be developed to assist horsemen.

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 Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462, fax (360) 459-6461.

October 16, 2003

R. M. Leichner
Executive Secretary

WSR 03-21-078

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed October 16, 2003, 1:30 p.m.]

Subject of Possible Rule Making: To amend chapter 260-40 WAC regarding the number of minimum workouts required prior to a race meet.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The designation by the commission the minimum number of workouts required prior to a race meet is a subject of rule making. Amending to appropriate sections of chapter 260-40 WAC will allow the commission to designate the number of minimum workouts required before a horse can be entered in a race.

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 Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462, fax (360) 459-6461.

October 16, 2003

R. M. Leichner
Executive Secretary

WSR 03-21-079

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed October 16, 2003, 1:31 p.m.]

Subject of Possible Rule Making: To amend chapter 260-24 WAC regarding the authority of the stewards, changes to the stewards' hearing process, addition of a penalty matrix and the establishment of a process for the stewards to make an initial agency determination of violations of agency rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify and provide additional specificity about the process to be used by the stewards in making an initial agency determination of violation of agency rules, and provide guidelines for determining appropriate penalties.

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 Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462, fax (360) 459-6461.

October 16, 2003

R. M. Leichner
Executive Secretary

WSR 03-21-080

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed October 16, 2003, 1:32 p.m.]

Subject of Possible Rule Making: Chapter 260-80 WAC amending rules related to public records and public disclosure to comply with applicable sections in chapters 42.17 and 40.14 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the procedures the agency will use to grant access to public records.

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 Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin

Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462, fax (360) 459-6461.

October 16, 2003
R. M. Leichner
Executive Secretary

WSR 03-21-081

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed October 16, 2003, 1:33 p.m.]

Subject of Possible Rule Making: To amend sections of chapter 260-60 WAC regarding claims by joint owners.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To allow claims to be signed by "an owner." This has been interpreted by the commission and the Thurston County Superior Court as requiring only the signature of one owner where there are joint owners. However, it would be more helpful to commission staff and owners to clearly specify in the rule itself what the signature requirements are when joint owners wish to claim a horse.

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; and Superior Court decision.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462, fax (360) 459-6461.

October 16, 2003
R. M. Leichner
Executive Secretary

WSR 03-21-085

**PREPROPOSAL STATEMENT OF INQUIRY
UNIVERSITY OF WASHINGTON**

[Filed October 16, 2003, 3:05 p.m.]

Subject of Possible Rule Making: Chapter 478-116 WAC, Parking and traffic rules of the University of Washington, Seattle.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.10.560 and 28B.20.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The University of Washington's parking services, police department, and transportation organizations recommend minor amendments to these rules as well as changes to the fine schedule.

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 written comments or inquiries that may be directed to Rebecca Goodwin Deardorff, Director, Administrative Procedures Office by one of the following routes: United States Mail, University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203; Campus Mail Box 355509; e-mail adminpro@w.washington.edu; or fax (206) 616-6294.

October 13, 2003
Rebecca Goodwin Deardorff, Director
Administrative Procedures Office

WSR 03-21-104

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed October 17, 2003, 3:09 p.m.]

The Washington Horse Racing Commission (WHRC) would like to withdraw our CR-101 preproposing amendments to chapter 260-36 WAC, WSR 03-21-054. On October 16, 2003, the WHRC filed another CR-101, WSR 03-21-076, which broaden the scope of preproposed actions.

If you have any questions you may contact Robert J. Lopez at (360) 459-6462 or via e-mail at rlopez@whrc.state.wa.us.

R. J. Lopez
Administrative Services Manager

WSR 03-21-113

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed October 20, 2003, 2:25 p.m.]

The Department of Health would like to withdraw the following notices of inquiry (CR-101) because they are no longer valid.

WAC NUMBER	WSR NUMBER	WSR DATE	SUBJECT
246-809-XXX	02-04-032	1/25/2002	Counselor confidential communication
246-828-510	97-15-097	7/21/1997	Hearing and speech continuing education
246-828-990	02-02-042	12/27/2001	Hearing and speech fees and renewal cycle
246-830-XXX	98-21-080	10/21/1998	Massage exam requirements
246-834-XXX	98-21-081	10/21/1998	Midwifery reactivation
246-834-990	99-06-090	3/3/1999	Midwifery retired active license

WAC NUMBER	WSR NUMBER	WSR DATE	SUBJECT
246-840-010 246-840-020 246-840-565 246-840-750 246-840-760 246-840-780 246-840-920	99-11-032	5/13/1999	Nursing definitions
246-840-020 through 246-840-070	02-04-033	1/25/2002	Nursing housekeeping rules
246-840-080 246-840-090	02-04-031	1/25/2002	Nursing licensure
246-840-XXX	99-11-033	5/13/1999	Nursing telenursing
246-879-090	01-09-087	4/18/2001	Pharmacy export wholesaler
246-883-030	97-10-033	4/30/1997	Pharmacy ephedrine RX restrictions
246-933-255	00-11-157	5/24/2001	Veterinary out-of-state vets
246-935-XXX	99-15-102	7/21/1999	Veterinary technician continuing education

If you have any questions, please contact Mary Dale, Rules Coordinator, at (360) 236-4985.

Mary C. Selecky
Secretary

WSR 03-21-117

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed October 20, 2003, 2:32 p.m.]

Subject of Possible Rule Making: WAC 246-976-935 Emergency medical services and trauma care system trust account.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.168 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As a result of the new budget appropriations adopted by the legislature for the 03-05 biennium, to the emergency medical services and trauma care system trust account, a new spending plan for this program has been developed. This new spending plan includes new grant funding distribution methodologies that need to be added to WAC 246-976-935. In addition, some distribution methodologies need to be repealed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Social and Health Services, Medical Assistance Administration (MAA) program will be involved in the rule-making process for changes to the Department of Health (DOH) WAC. MAA will be given the opportunity to participate in drafting, reviewing and commenting on the proposed rules through workgroups, open public meetings and public workshops. In addition, they will also receive in the

mail, through e-mail, or on DOH rules comment website appropriate draft rules for their review and input.

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. Statutory and other EMS and trauma care committees, as well as the Department of Social and Health Services, other constituents and the public will participate in drafting, reviewing and commenting on the proposed rules through open public meetings and public workshops. In addition, constituents may also receive in the mail, through e-mail, or on DOH rules comment website appropriate draft rules for their review and input. Invitations to public WAC sessions and other information on the rules and updates are also provided at appropriate meetings.

Any questions regarding this rule making should contact Rebecca Pittman, Trauma Fund Manager, Office of Emergency Medical Services and Trauma System, P.O. Box 47853, Olympia, WA 98504-7853, phone (360) 236-2860, fax (360) 236-2829.

October 17, 2003
Mary C. Selecky
Secretary

WSR 03-21-119

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 03-09—Filed October 20, 2003, 4:20 p.m.]

Subject of Possible Rule Making: This rule making will create a new chapter in the Washington Administrative Code. This chapter will focus on carbon dioxide mitigation at new power plants that fall below the Energy Facility Site Evaluation Council (EFSEC) threshold (350MWH) and supply the public with electricity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.94 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Carbon dioxide emissions are a major contributor to global warming. In Washington, power plants are the fastest-growing source of carbon dioxide emissions. Mandating reductions in carbon dioxide emissions from new power plants is probably the best and most cost-effective way to help reduce the effects of global warming. A rule will concisely, simply, and clearly spell out CO₂ mitigation requirements for new power plants. EFSEC is concurrently developing CO₂ mitigation requirements for new power plants under its jurisdiction.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Ecology staff will work closely with EFSEC staff during all phases of both agencies' CO₂ mitigation rule development. EFSEC is composed of members from several state agencies including, the Utilities and Transportation Commission, the Department of Natural Resources, the Department of Fish and Wildlife, the Department of Community, Trade, and Economic Development, and the Department of Ecology.

Process for Developing New Rule: Rule making for significant legislative rules, as described in the Washington State Administrative Procedure Act, chapter 34.05 RCW.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can access more information on this rule making by contacting Melissa McEachron, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6860, fax (360) 407-7534, e-mail mmce461@ecy.wa.gov, or accessing the ecology website <http://www.ecy.wa.gov/laws-rules/index.html>.

October 16, 2003

Mary E. Burg
Program Manager

WSR 03-21-126

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed October 21, 2003, 9:48 a.m.]

Subject of Possible Rule Making: Chapter 296-800 WAC, Safety and health core rules; chapter 296-307 WAC, Safety standards for agriculture; chapter 296-45 WAC, Safety standards for electrical workers; chapter 296-78 WAC, Safety standards for sawmills and woodworking operations; chapter 296-155 WAC, Safety standards for construction work; and chapter 296-305 WAC, Safety standards for fire fighters.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In *Dept't of Labor & Indus. v. Nat'l Sec. Consultants*, the Division II Court of Appeals determined that WISHA first-aid rules in chapter 296-800 WAC, Safety and health core rules do not apply to employers with fewer than fifty employees. However, exempting employers with less than fifty employees from the first-aid training requirements would result in the department being less-effective-than OSHA. RCW 49.17.050(2) requires that WISHA adopt rules that are at-least-as-effective-as OSHA rules. The department plans to repeal the current first-aid rules in the core rules and the agriculture standards and adopt a rule in each that references the OSHA first-aid rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies, other than the Occupational Safety and Health Administration (OSHA) are known that regulate this subject. The Washington Industrial Safety and Health Act's (WISHA) rules are required to be at-least-as-effective-as OSHA's rules.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cindy Ireland, Regulations Analyst, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5522, fax (360) 902-5529.

October 21, 2003

Judy Schurke
for Paul Trause
Director

WSR 03-21-128

PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed October 21, 2003, 10:36 a.m.]

Subject of Possible Rule Making: Rules to implement the basic skills test (WEST-B) required for all applicants to teacher preparation programs and certified teachers from out-of-state applying for a Washington state residency teaching certificate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW provides that the Professional Educator Standards Board may establish exemptions to the WEST-B for applicants to master's level teacher preparation programs and for certified teachers from out-of-state applying for a Washington state residency teaching certificate.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: We are coordinating with the Washington State Board of Education.

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 contacting David Anderson, Assessment Director, Professional Educator Standards Board, Old Capitol Building, P.O. Box 47236, Olympia, WA 98504-7236, (360) 725-6277, fax (360) 586-4548 or PESB website www.pesb.wa.gov.

October 21, 2003

Jennifer Wallace
Executive Director

WSR 03-21-129
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed October 21, 2003, 10:37 a.m.]

Subject of Possible Rule Making: Rules to implement the subject knowledge tests (WEST-E/Praxis II) required for all applicants applying for an endorsement to his or her residency or professional teaching certificate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW provides that the Professional Educator Standards Board may establish exemptions to the subject knowledge (WEST-E/Praxis II) assessment requirement.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: We are coordinating with the Washington State Board of Education.

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 contacting David Anderson, Assessment Director, Professional Educator Standards Board, Old Capitol Building, P.O. Box 47236, Olympia, WA 98504-7236, (360) 725-6277, fax (360) 586-4548 or PESB website www.pesb.wa.gov.

October 21, 2003
Jennifer Wallace
Executive Director

WSR 03-21-132
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 21, 2003, 11:16 a.m.]

Subject of Possible Rule Making: Commercial fishing rules for ocean spot shrimp fishery.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current rules allow for a bycatch of bottomfish as bycatch in the ocean spot shrimp fishery. Federal rules on bottomfish have changed significantly since these rules were adopted and bottomfish harvest allowances have been eliminated or significantly restricted in ocean fisheries due to concerns about poor stock status. This action will eliminate a source of groundfish mortality from target fishing under the spot shrimp fishing rules.

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 Morris Barker, State Marine Resource

Manager, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2826.

Contact by December 4, 2003. Expected proposal filing date is December 9, 2003.

October 21, 2003
Evan Jacoby
Rules Coordinator

WSR 03-21-148
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)
[Filed October 22, 2003, 8:12 a.m.]

Subject of Possible Rule Making: Amendments to WAC 388-71-0203 LTC services—Assessment of task self-performance and determination of required assistance, 388-71-0205 LTC services—Service plan, and chapter 388-72A WAC, Comprehensive assessment reporting and evaluation (CARE) tool. Amending other sections and adding new sections as needed.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Incorporating CARE assessment criteria for children receiving state plan Medicaid personal care (MPC) services and amending other sections as needed to implement this change.

Process for Developing New Rule: The department welcomes public participation in the development of its rules. Information on how to participate or receive notices about this rule may be obtained by contacting the person below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tiffany Sevruk, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2538, fax (360) 407-7582, e-mail sevruta@dshs.wa.gov.

October 21, 2003
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-21-149
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Management Services Administration)
[Filed October 22, 2003, 8:13 a.m.]

Subject of Possible Rule Making: Chapter 388-02 WAC, DSHS hearing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department plans to add or change rules to clarify chapter 388-02 WAC and to clarify

or modify the right to review by the DSHS Board of Appeals of interim and initial orders entered by Office of Administrative Hearings, including but not limited to the addition of review of the following types of cases: Findings of abuse, neglect or exploitation of vulnerable adults and placement of perpetrators' names on a statewide adult protective services registry; eligibility, denial or termination of Division of Developmental Disabilities - state supplemental payments; and other cases as appropriate. Changes in rules are needed to clarify and simplify the rules, to make rules consistent with statutes and court decisions, to protect the health and safety of the public and DSHS clients, and to provide due process. Other changes will update WAC and RCW references.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of Administrative Hearings, coordination occurs through meetings and training, as appropriate.

Process for Developing New Rule: At a later date, the department will file proposed rules and a proposed rule-making notice for publication in the state register, invite public comments and hold a public hearing. The proposal will be sent to everyone on the mailing list to receive rule-making notices on this subject, and to anyone who requests the proposal. If you want to make comments about the subject of these rules, want to be added to the mailing list, or want information about the development of these rules and the availability of draft rules for review and comment, please contact the person listed below.

This notice and all DSHS rule-making notices, proposed rules and adopted rules are available on the internet at <http://www1.dshs.wa.gov/msa/rpau/>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian H. Lindgren, Manager, P.O. Box 45850, Olympia, WA 98504-5850, phone (360) 664-6093, fax (360) 664-6185, e-mail SwensFH@dshs.wa.gov.

October 20, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-21-150
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed October 22, 2003, 8:14 a.m.]

Subject of Possible Rule Making: WAC 388-472-0010 What are necessary supplemental accommodation services?, the amended rule is to correct a reference to a repealed WAC by removing the reference in subsection (8).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To correct a reference to a repealed WAC by removing the reference in subsection (8).

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

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. At a later date, DSHS will file the proposed rule with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal 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 Patti Clark, Program Manager, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3084, fax (360) 413-3493, e-mail clarkpj@dshs.wa.gov.

October 20, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-21-151
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed October 22, 2003, 8:15 a.m.]

Subject of Possible Rule Making: WAC 388-538-112, the Medical Assistance Administration's (MAA's) fair hearing process for enrollee appeals of managed care organization (MCO) actions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.522, 74.09.450.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On September 2, 2003, the Medical Assistance Administration filed a rule-making order amending chapter 388-538 WAC, Managed care, under WSR 03-18-110. This filing amended the managed care rules to bring the program into compliance with the federal Balanced Budget Act (BBA) of 1997. Due to an administrative error, WAC 388-538-112(5) omitted listing the department as a party to the MAA fair hearing, and did not state the time limit for a fair hearing. It is MAA's intention to correct these errors with this rule-making action.

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

Process for Developing New Rule: The department invites the interested public to review and comment on draft material. For information about how to participate, contact the person listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ann Myers, Rules and Publications Section, P.O. Box 45533, Olympia, WA 98504, phone (360)

725-1345, fax (360) 586-9727, e-mail myersea@dshs.wa.gov.

October 20, 2003
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-21-158
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed October 22, 2003, 9:03 a.m.]

Subject of Possible Rule Making: The following sections in chapter 16-301 WAC will be amended: WAC 16-301-250 Annual bluegrass quarantine—Definitions, 16-301-265 Annual bluegrass quarantine—Regulated articles, 16-301-270 Annual bluegrass quarantine—Conditions governing movement of regulated articles, 16-301-310 Rough bluegrass quarantine—Definitions, 16-301-325 Rough bluegrass quarantine—Regulated articles, 16-301-330 Rough bluegrass quarantine—Conditions governing movement of regulated articles, and 16-301-335 Rough bluegrass—Procedure for clearing seed stocks.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.24.011, 17.24.041, and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Based upon recommendations from the Seed Program Advisory Committee, amendments will be proposed to amend WAC 16-301-250, 16-301-265, and 16-301-270 to remove range, reclamation, and forage type grasses from the annual bluegrass quarantine requirements; and amend WAC 16-301-310, 16-301-325, 16-301-330, and 16-301-335 to remove range, reclamation, and forage type grasses from the rough bluegrass quarantine requirements.

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

Process for Developing New Rule: The proposed amendments will be developed by the WSDA seed program operations manager with input from the seed industry through the Seed Program Advisory Committee. Interested parties can also submit comments during the public comment period and can participate in the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Victor Shaul, Operations Manager, Washington State Department of Agriculture, Seed Program, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, phone (509) 225-2630, fax (509) 454-4395, e-mail seed@agr.wa.gov.

October 20, 2003
Robert W. Gore
Assistant Director

PREPROPOSAL STATEMENT OF INQUIRY
APPRENTICESHIP AND
TRAINING COUNCIL

[Filed October 22, 2003, 9:23 a.m.]

Subject of Possible Rule Making: Chapter 296-05 WAC, Apprenticeship rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 49.04 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to review the apprenticeship rules (chapter 296-05 WAC) for possible changes relating to objections of apprenticeship program standards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable. However, the United States Department of Labor, Office of Apprenticeship, Training, Employer and Labor Services, which has federal apprenticeship oversight responsibility, will be provided with a copy of the proposed rules.

Process for Developing New Rule: Parties interested in the formulation of these rules may contact the individual listed below. The public may also participate by providing written comments or giving testimony during public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Josh Swanson, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail swaj235@lni.wa.gov.

October 22, 2003
Lawrence "Pete" Crow
Chair

WSR 03-21-033
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed October 8, 2003, 9:02 a.m.]

Original Notice.
 Preproposal statement of inquiry was filed as WSR 03-02-063 and 02-17-068.
 Title of Rule: Chapter 388-820 WAC.

WAC	Caption	Purpose of Proposed Rule
388-820-020	What definitions apply to this chapter?	Added definitions to address crisis diversion services and state supplemental payment (SSP).
388-820-030	What are residential services?	Added the term "instruction" to accurately reflect the services provided.
388-820-050	Where are residential services provided?	Added the term "instruction" to accurately reflect the intent of residential services.
388-820-056 (new)	Where are crisis diversion services provided?	This new WAC is added to include crisis services under certification.
388-820-060	Who may receive residential services?	Added SSP reference.
388-820-070	What physical and safety requirements exist for residential services?	Crisis diversion services offered in client's home are exempted.
388-820-076 (new)	How must service providers assist clients in regulating water temperature?	This section provides specific guidelines for service providers when they are assisting clients to maintain a safe hot water temperature. It is a specific safety requirement.
388-820-086 (new)	What are crisis diversion services?	Explains the service.
388-820-090	What are group homes?	Housekeeping changes.

WAC	Caption	Purpose of Proposed Rule
388-820-100	When must a service provider document a client's refusal to participate in services?	WAC reference corrected.
388-820-120	Who pays for a client's residential services?	SSP reference added.
388-820-230	May a service provider receive provisional certification?	Clarified the intent of the WAC.
388-820-260	Must service providers' administrative documents be approved by DDD?	Relaxed the requirement by removing some of the policies that must be approved by DDD.
388-820-290	What staffing requirements must service providers meet?	Changed reference from funds to hours.
388-820-300	May clients instruct and support other clients?	Clarified the role of clients in crisis diversion services.
388-820-310	Do employees and volunteers need background checks?	Reworded this WAC to reflect the current practice in place.
388-820-320	What are the minimum requirements for staff employed by service providers?	Date corrected.
388-820-330	What staff training is required?	Housekeeping changes.
388-820-340	How often must performance reviews be conducted for staff of service providers?	Relaxed the requirement.
388-820-350	When must service providers have staff-coverage schedules approved by DDD?	Replaced funding by staff coverage.
388-820-400	What information do service providers need to keep in client records?	Added crisis diversion reference.
388-820-405 (new)	What information do crisis diversion service providers need to keep in client's records?	New section includes information for crisis diversion services.

PROPOSED

PROPOSED

WAC	Caption	Purpose of Proposed Rule
388-820-410	Do service providers need to keep client's property records?	Exempted crisis diversion service providers.
388-820-550	How often must the ISP be reviewed?	Housekeeping changes.
388-820-555 (new)	What plans must crisis diversion service providers develop?	Clarifies information on the plan.
388-820-560	What is an individual instruction and support plan (IISP) for clients?	Housekeeping changes.
388-820-600	May a service provider hold bankbooks and bankcards for a client?	Made the rule more general.
388-820-650	What documentation must service providers keep to protect a client's financial interests?	Made the rule more specific by clarifying the WAC.
388-820-690	What must service providers do to support a client's health?	Increased the scope by moving two services from other part of the chapter.

Purpose: The Division of Developmental Disabilities (DDD) is amending rules to specify health and safety standards that service providers must meet to support clients in mental health crisis diversion services. The rules also specify training requirements for staff working with clients in these settings and administrative responsibilities of the contractor. The standards will ensure provision of supports to client in DDD-contracted mental health crisis diversion services that are consistent with the division's philosophy of community supports and establish standards for monitoring these services. The standard added regarding safety features is to also clarify requirements for providers regarding the health and safety of clients receiving community residential services and support services. DDD also proposes revisions to: Correct errors in rules adopted as WSR 01-22-020; clarify the language of the rules; and clarify requirements for providers.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: Chapter 71A.12 RCW.

Summary: The proposed rules add mental health crisis diversion services as part of DDD certified services. This will allow DDD to monitor the services and ensure that providers meet the requirements of their contract. It adds specifics for providers to assist clients in regulating water temperature in the client's homes. Some amendments are made to correct errors from the last revision.

Reasons Supporting Proposal: The proposed rules provide oversight for mental health crisis diversion services and adds specifics for safeguarding client health and safety.

Name of Agency Personnel Responsible for Drafting and Implementation: Saif Hakim, P.O. Box 45310, Olympia, WA 98504, (360) 902-0263; and Enforcement: Rita Dickey, P.O. Box 45310, Olympia, WA 98504, (360) 902-8451.

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: See Title of Rule, Purpose, Summary, and Reasons Supporting Proposal above. It is anticipated that the change in rules would provide guidance for service providers who offer mental health crisis diversion services. It will also provide monitoring by the state on regular basis for these services. It improves the safety standards and removes some of the redundant requirements that service providers currently have to meet.

Proposal Changes the Following Existing Rules: See Title of Rule, Purpose, Summary, and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There are no new costs associated with the addition of the new rules. Also, the existing rules that are amended do not have a fiscal impact on service providers.

RCW 34.05.328 applies to this rule adoption. The department has determined that the proposed rules meet the definition of a "significant legislative rule." An evaluation of the probable costs and benefits of the proposed rules has been prepared, and is available by contacting the person listed above.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on November 25, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by November 21, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Rules Coordinator, DSHS Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., November 25, 2003.

Date of Intended Adoption: Not earlier than November 26, 2003.

October 3, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-020 What definitions apply to this chapter? "Agency" means an entity interested in becoming a service provider that offers residential instruction and support services to clients.

"Certification" means the determination by DSHS that an agency or service provider has satisfactorily complied

with the requirements outlined in this chapter and in the department contract.

"Client" means a person who (1) has a developmental disability(2) and is eligible under RCW 71A.10.020(3) and (4) is authorized by DDD to receive residential services outlined in this chapter). (For eligibility criteria, see chapter 388-825 WAC and WAC 388-820-060.)

"Client services" means instruction and support activities that benefit clients, as specified under WAC 388-820-450 through 388-820-510.

"Community alternatives program (CAP)" means a Title XIX Medicaid waiver program that serves a specific number of individuals. This waiver is for particular home- and community-based services not covered under the Medicaid state plan. (See WAC 388-825-170 for more details.)

"Community protection services" (Community Protection Intensive Supported Living Services, or CP-ISLS) means intensive supported living services provided to clients who meet the criteria of "Individual with Community Protection Issues."

"Crisis diversion services (CDS)" means DDD-authorized crisis residential services and supports offered to clients on a temporary basis. These clients show a serious decline in mental functioning, making the client at risk for psychiatric hospitalization (see WAC 388-820-050 and 388-820-085 for details).

"Crisis service plan" refers to a document that identifies needs and services a client will receive while placed in crisis diversion services.

"DDD" refers to the division of developmental disabilities at DSHS.

"DSHS" refers to the department of social and health services of Washington state.

"Exceptions" means DSHS' approval of a written request for an exception to a rule in this chapter. (There are no exceptions to RCWs.)

"Group home" means residential services provided in a dwelling that is:

(1) Owned, leased, or rented by an entity other than the client;

(2) Licensed by the applicable state authority; and

(3) Operated by a provider.

(See WAC 388-820-090 for further details.)

"Group training home" means a certified nonprofit residential facility that provides full-time care, treatment, training, and maintenance for clients, as defined under RCW 71A.22.020(2).

"IFP" refers to individual financial plan. (See WAC 388-820-620.)

"IISP" refers to the individual instruction and support plan for clients. (See WAC 388-820-560 through 388-820-580.)

"Individual with community protection issues" means a client identified by DDD as needing one or more of the following criteria:

(1) The person has been convicted of or charged with a crime of sexual violence as defined in chapter 71.09 RCW, including, but not limited to, rape, statutory rape, rape of a child, and child molestation;

(2) The person has been convicted of or charged with acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization;

(3) The person has been convicted of or charged with a sexually violent offense and/or predatory act, and may constitute a future danger;

(4) The person has not been convicted and/or charged, but has a history of stalking, sexually violent, predatory, and/or opportunistic behavior which demonstrates a likelihood to commit a sexually violent and/or predatory act based on current behaviors that may escalate to violence;

(5) The person has committed one or more violent crimes, such as murder, attempted murder, arson, first degree assault, kidnapping, or use of a weapon to commit a crime.

"Initial assessment" means a written evaluation that identifies a client's needs upon entry into crisis diversion services.

"Instruction" means goal-oriented teaching that is designed for acquiring and enhancing skills.

"ISP" refers to the individual service plan for clients. (See WAC 388-820-520 through 388-820-550.)

"Nursing assistant" means a person who is registered or certified by department of health under chapter 18.88A RCW. A nursing assistant performs certain nursing care tasks that are delegated by a registered nurse for a specific client in authorized settings. (See chapter 246-841 WAC for more details.)

"Regional support network (RSN)" means a county, combination of counties or other member entities under contract with DSHS mental health division (MHD). These RSNs administer all mental health service activities within their jurisdiction, using available resources. (See WAC 388-865-200 for details.)

"Reprisal" means any negative action taken as retaliation against an employee.

"Residential service" means client services offered by certified service providers.

"Secretary" means the secretary of the department of social and health services or the secretary's designee.

"Service provider" means an agency certified by and contracted with DDD to provide residential services to clients. Also refers to state operated living alternative (SOLA) program.

"Severity" means the seriousness of an incident. This is determined by the extent to which a client's physical, mental, or psychosocial well-being is or may be compromised or threatened.

"SSP" (state supplemental payment) means DSHS cash assistance program for certain DDD-eligible clients receiving SSI (Supplemental Security Income). (See chapter 388-827 WAC for details.)

"Support" means assistance as requested or needed by a client, based on their abilities, needs, and goals.

"Supported living" means residential services provided to clients living in their own homes, which are owned, rented, or leased by the clients or their legal representatives. (See WAC 388-820-080 for more details.)

"Trust account" means a bank account containing two or more clients' funds where the service provider has the authority to make deposits and withdrawals.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-030 What are residential services? Residential ~~((service is))~~ services are instructions and supports provided to eligible clients by service providers to enable clients to live in their community. These may include:

- (1) Supported living services;
- (2) Group home services; or
- (3) Services provided in the group training home.

Residential services must follow the requirements outlined in this chapter.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-050 Where are residential services provided? ~~((Residential services may be offered by))~~ (1) Service providers may offer residential services in:

- ~~((1))~~ (a) The client's own home;
- ~~((2))~~ (b) Group homes; or
- ~~((3))~~ (c) The group training home.

(2) Residential services must be located in a residential neighborhood within reasonable distance of necessary resources, unless a client chooses to live in a remote area. Resources include stores, banks, laundromats, churches, job opportunities, and other public services.

(a) **Exception:** Group homes certified prior to 1983 do not need to follow this requirement.

(b) **Exception:** Clients who receive community protection services may not need to follow this requirement.

NEW SECTION

WAC 388-820-056 Where are crisis diversion services provided? Crisis diversion services may be provided in either:

- (1) A single person dwelling that is maintained by the service provider; or
- (2) The client's own home.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-060 Who may receive residential services? Clients ~~((who))~~ may receive residential services if they are at least eighteen years old and authorized by DDD ~~((may))~~ to either:

- (1) Receive residential services outlined in this chapter;
- or
- (2) Have an agreement with the service provider to purchase residential services using SSP funds.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-070 What physical and safety requirements exist for residential services? (1) Crisis diversion service providers who offer services in a client's own home are exempt from the physical and safety requirements described in this section.

For clients who receive more than forty hours of residential service per month.

~~((1))~~ (2) When clients receive more than forty hours of residential services per month, the service provider must ensure that the following physical and safety requirements are met for the client:

- (a) A safe and healthy environment;
- (b) Accessible telephone equipment;
- (c) An evacuation plan developed and practiced with the client;

(d) An entrance and/or exit that does not rely solely upon windows, ladders, folding stairs, or trap doors;

(e) A safe storage area for flammable and combustible materials;

(f) Unblocked exits;

(g) A working smoke detector, with a light-alarm for clients with hearing impairments, located close to sleeping rooms;

(h) A flashlight or a nonelectrical light source in working condition; and

(i) Basic first-aid supplies.

For clients who receive forty hours or less of residential service per month.

~~((2))~~ (3) When clients receive forty hours or less of residential services per month, at least once every six months, the service provider must ensure the following physical safety requirements are met:

(a) A safe and healthy environment;

(b) An entrance and/or exit that does not rely solely upon windows, ladders, folding stairs, or trap doors;

(c) A safe storage area for flammable and combustible materials;

(d) Unblocked exits; and

(e) A working smoke detector, with a light-alarm for clients with hearing impairments, located close to sleeping rooms.

~~((3))~~ (4) The following supports are also offered to clients who receive forty hours or less of residential services. These clients may choose not to participate in meeting these requirements. This choice must be documented by the service provider, as per WAC 388-820-100. The supports offered include:

(a) Accessible telephone equipment;

(b) An evacuation plan developed and practiced with the client;

(c) A flashlight or a nonelectrical light source in working condition; and

(d) Basic first-aid supplies.

For all clients:

~~((4))~~ (5) The service provider must ensure that documentation is kept, showing that physical safety requirements are met. The client may independently document that these

requirements are met as long as the client's IISP shows this involvement.

~~((5)) Residential services must be located in a residential neighborhood within reasonable distance of necessary resources, unless a client chooses to live in a remote area. Resources include stores, banks, laundromats, churches, job opportunities, and other public services.~~

~~(a) Exception: Group homes certified prior to 1983 may not follow this requirement.~~

~~(b) Exception: Clients who receive community protection services may not follow this requirement.~~

NEW SECTION

WAC 388-820-076 How must service providers assist clients in regulating water temperature? (1) Water temperature must be regulated by service providers for clients who receive services and supports from on-duty staff twenty-four hour a day.

(2) Service providers must assist clients so that the water temperature in their household is maintained below one hundred and twenty degrees Fahrenheit.

(3) Service providers must check the water temperature when the client first moves into the household and at least once every six months from then on. Note: The water temperature is best measured two hours after substantial hot water usage.

(4) The service provider must document compliance with this requirement.

NEW SECTION

WAC 388-820-086 What are crisis diversion services? Crisis diversion services are DDD-authorized crisis residential services and supports offered to clients on a temporary basis. DDD may offer these services to clients who show a serious decline in mental functioning that puts them at risk of psychiatric hospitalization.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-090 What are group homes? (1) Group homes are residences that are licensed as either a boarding home or an adult family home by aging and ~~((adult))~~ disability services administration in DSHS, under chapters 388-78A and 388-76 WAC, respectively.

(2) Group homes must have a contract with DDD.

(3) The service provider must ensure that group homes comply with all applicable licensing regulations.

~~((3))~~ (4) Group homes provide residential services to two or more clients who are unrelated to the provider.

~~((4))~~ (5) Clients who live in group homes pay costs of room and board from their own financial resources. (See WAC 388-820-120 for additional information.)

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-100 When must a service provider document a client's refusal to participate in services? (1)

A service provider must document a client's refusal to participate in:

(a) Physical and safety requirements, as outlined in WAC 388-820-070~~((2))~~(3); and

(b) Health services under WAC 388-820-690.

(2) Documentation must include the following:

(a) A description of events relating to the client's refusal to participate in these services;

(b) A plan to inform the client of the benefits of these services;

(c) A description of the service provider's efforts to give the services to the client; and

(d) Any health or safety concerns that the refusal may pose.

(3) The service provider must review this documentation with the client at least every six months. The client or client's guardian must sign the documentation after reviewing it.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-120 Who pays for a client's residential services? (1) DSHS must pay for contracted residential services provided to department-funded clients ~~((under department contract))~~. Residential services are paid at the contracted rate.

(2) DSHS must require a client to share the cost of services when mandated by federal or state statute or regulation.

(3) Clients funded through SSP may purchase services through a separate agreement with the service provider.

(4) The service provider must inform DSHS when the client requires additional supports.

(a) The service provider must submit a written request with justification for additional service hours.

(b) DSHS may approve and provide payment for additional expenses or services.

(c) The service provider must retain a copy of department ~~((approval))~~ response.

~~((4))~~ (5) For a client who is receiving group homeser-
VICES and support:

(a) The client must pay for cost of care or services from earnings or other financial resources. Clients receiving SSI are responsible only for the cost of room and board.

(b) DSHS may pay for these services only after a client has used his or her own financial resources.

(c) When a client's guardian or legal representative controls the client's income, estate, or trust fund, ~~((they))~~ he or she must reimburse the service provider as described in WAC 388-820-120.

~~((5))~~ (6) Clients receiving supported living services must pay for their own housing, utilities, food, clothing, and other personal and incidental expenses from earnings and other financial resources.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-230 May a service provider receive provisional certification? (1) A service provider that does not comply with ~~((aH))~~ requirements of this chapter may receive provisional certification by DSHS.

(2) Provisional certification may not exceed one hundred eighty days.

(3) At the end of provisional certification:

(a) If the service provider has complied with certification requirements, DSHS may approve the service provider for regular certification.

(b) If the service provider has not complied with all certification requirements, DSHS must revoke the service provider's certification and terminate the contract.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-260 Must service providers' administrative documents be approved by DDD? Service providers must have DDD approval for several types of administrative documents.

(1) Service providers must have these written statements approved by DDD:

(a) A mission statement;

(b) Program description and admission criteria;

(c) An organizational chart and description showing all supervisory relationships; and

(d) Definition of staff roles and responsibilities, including the person designated to act in the absence of the administrator.

(2) Service providers must also have these policies and procedures approved by DDD:

(a) ~~((Background checks, as required under chapter 388-146 WAC;~~

~~(b) Client confidentiality and release of information;~~

~~(e)) Client rights, ((which must include information on how to report suspected abuse, neglect, exploitation, and mistreatment;~~

~~(d)) including a client's right to file a complaint or suggestion without interference;~~

~~(b) Client grievance procedures(, including a client's right to file a complaint or suggestion without interference;~~

~~(e) Protection of client's financial interests, including management of client accounts, if applicable;~~

~~(f) Medication management, administration, and assistance;~~

~~(g));~~

~~(c) Information on how to report suspected abuse, neglect, exploitation, and mistreatment;~~

~~(d) Plans for responding to missing persons; client emergencies, including access to medical, mental health, and law enforcement resources; and natural or other disasters;~~

~~((h)) (e) Notification of client's guardian and/or relatives in case of emergency; and~~

~~((i)) (f) Methods used for soliciting client input and feedback on services and support received.~~

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-290 What staffing requirements must service providers meet? (1) A service provider must have a designated administrator.

(2) Clients must have immediate access to staff, or the means to contact staff, at all times: Twenty-four hours a day, seven days a week.

(3) A service provider must provide adequate staff within contracted ~~((funds))~~ hours to administer the program and meet the needs of the clients.

(4) A service provider must have other staff available, as specified by the service provider's contract with DSHS.

(5) Each group home must maintain staffing that complies with:

(a) Boarding home or adult family home licensing requirements under chapter 388-78A or 388-76 WAC, respectively; and

(b) Contract requirements with the division of developmental disabilities.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-300 May clients instruct and support other clients? (1) Clients must not be routinely involved in the unpaid instruction and support of other clients.

(2) Clients placed in crisis diversion services must not be involved in the instruction and support of other clients.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-310 ~~((Do employees and volunteers need)) Who needs background checks?~~ (1) ~~((Employees and volunteers must have a background check cleared by DSHS before working alone, unsupervised with clients. Employee and volunteers waiting for background checks may work with clients only if they are directly observed by staff who have a DSHS background clearance.~~

~~(2) An FBI check is required when an employee or volunteer has resided in the state for less than three years. Service providers must follow the requirements under WAC 388-06-0500 through 388-06-0540 for provisional hire of employees awaiting Federal Bureau of Investigation (FBI) background checks.~~

~~(3) Clearances must be obtained for each service provider where the staff person works or volunteers.~~

~~(4) Clearances must be renewed as specified by DDD))~~ Service providers must obtain background checks from DSHS for all administrators, employees, volunteers and subcontractors showing that there are no records prevent individuals from working with clients.

(2) Before administrators, employees, volunteers or subcontractors may have unsupervised access to clients, the service provider must have a background check report from DSHS. This report must indicate that the individual has no disqualifying records that prevent him or her from working with clients.

(3) In certain situations, administrators employees, volunteers or subcontractors must not work alone with clients unless they are directly observed by staff authorized to have unsupervised access to clients. These situations are:

(a) The service provider has not yet received a DSHS response for a background check request;

(b) DSHS has disqualified the individual based on background check information; or

(c) The individual is awaiting FBI clearance and does not have provisional clearance from their employer under WAC 388-06-0500 through 388-06-0540.

(4) Background checks must be renewed at least every thirty-six months for each administrator employee, volunteer or subcontractor of a contracted service provider.

(5) Service providers must follow the requirements of RCW 43.43.830 and 74.15.030.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-320 What are the minimum requirements for staff employed by service providers? Service provider staff must meet the following minimum requirements:

(1) Exhibit job-related competency and the ability to make independent judgments;

(2) Have a high school diploma or GED equivalent, unless the employees were hired before ~~((1983))~~ September 1, 1991;

(3) Be at least eighteen years of age when employed as a direct care staff, or at least twenty-one years of age when employed as an administrator; and

(4) Treat ~~((a-client))~~ clients with dignity and consideration, respecting the ~~((clients's))~~ clients' civil and human rights at all times.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-330 What staff training is required?

The service provider must give specific training to staff. Within the first six months, staff must receive a minimum of thirty-two total hours of training that meet the following requirements.

(1) Before the employee works alone with clients, the service provider must explain the following to the employee:

(a) The current instruction and support ~~((plan for the employee's))~~ plans of the clients with whom the employee works;

(b) Emergency procedures for clients;

(c) The DSHS-approved policy on abuse and neglect; and

(d) Client confidentiality.

(2) Within the first four weeks of employing a staff person, the service provider must provide training that includes:

(a) The service provider's mission statement;

(b) Policies and procedures; and

(c) On-the-job training.

(3) Additional training within the first six months must include:

(a) First aid/CPR;

(b) ~~((Bloodborne))~~ Blood-borne pathogens with HIV/AIDS information; and

(c) Client services.

(4) Each employee must keep first aid/CPR certification and ~~((bloodborne))~~ blood-borne pathogens training current.

(5) The service provider must document orientation and training activities.

(6) Group homes must also meet the training requirements mandated by the licensing requirements specified ~~((by DSHS))~~ in chapter 388-78A WAC.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-340 How often must performance reviews be conducted for staff of service providers? (1) Written performance reviews for staff of residential service providers must be conducted at least ~~((annually))~~ every twenty-four months and kept on file.

(2) If the service provider is a nonprofit organization, ~~((administrators must be evaluated annually by their supervisor or by))~~ the organization's governing board, must give written performance reviews for administrators every twenty-four months.

(3) If the service provider is a for-profit organization, owners are not required to have performance reviews.

(4) If the service provider is a governmental agency, administrators are evaluated by their supervisor.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-350 When must service providers have staff-coverage schedules approved by DDD? (1) DDD must approve staff-coverage schedules for those service providers who have on-duty staff twenty-four hours a day.

(2) The staff-coverage schedules must be approved at the following times:

(a) Before certification review takes place;

(b) When household configuration changes affect ~~((funding, and))~~ staff coverage; or

(c) When additional staffing is requested.

(3) Staff-coverage schedules may be requested by DDD at any time.

(4) Each service provider must retain copies of the approved staff-coverage schedules.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-400 What information do service providers need to keep in client records? ~~((A))~~ (1) Crisis diversion service providers are exempt from the client record requirements specified in this section. Instead, they must follow requirements outlined in WAC 388-820-405.

~~((2))~~ (2) Service ~~((provider needs to))~~ providers must keep certain information in client records to fulfill DSHS requirements. The client's records must include, but not be limited to, the following:

~~((1))~~ (a) The client's name, address, and Social Security number.

~~((2))~~ (b) The name, address, and telephone number of the client's relative, guardian or legal representative.

~~((3))~~ (c) Copies of legal guardianship papers, if any.

~~((4))~~ (d) Client health records, including:

~~((a))~~ (i) The name, address, and telephone number of the client's physician, dentist, mental health service provider, and any other health care service provider;

~~((b))~~ (ii) Health care service providers' instructions about health care needed, including appointment dates and date of next appointment if appropriate;

~~((c))~~ (iii) Written documentation that the health care service providers' instructions have been followed; and

~~((d))~~ (iv) A record of major health events and surgeries when known.

~~((e))~~ (e) A copy of the client's individual service plan (ISP).

~~((f))~~ (f) The client's individual instruction and support plan (IISP), including:

~~((a))~~ (i) Instruction and support activities for each client as a basis for review and evaluation of client's progress;

~~((b))~~ (ii) Semiannual review of the IISP;

~~((c))~~ (iii) Consultation with other service providers and other interested persons;

~~((d))~~ (iv) IISP revisions and changes; and

~~((e))~~ (v) Other activities relevant to the client that the client wants included.

~~((7))~~ (g) Progress notes and incident reports on clients.

~~((8))~~ (h) The client's financial records for funds managed by the service provider, including:

~~((a))~~ (i) Receipts, ledgers and records of the client's financial transactions; and

~~((b))~~ (ii) Client's related bankbooks, checkbooks, bank registers, tax records and bank statements.

~~((9))~~ (i) Burial plans and wills.

NEW SECTION

WAC 388-820-405 What information do crisis diversion service providers need to keep in client records? (1) All crisis diversion service providers must keep the following information in client records:

(a) The client's name, address, and Social Security number.

(b) The name, address, and telephone number of the client's relative, guardian or legal representative.

(c) Progress notes and incident reports on clients.

(2) Crisis diversion service providers other than those offering services in a client's own home have additional requirements. These service providers also must keep the following information in client records:

(a) An initial assessment;

(b) An crisis service plan;

(c) Copies of legal guardianship papers, if any;

(d) Client health records, including:

(i) The name, address, and telephone number of the client's physician, dentist, mental health service provider, and any other health care service provider;

(ii) Health care service providers' instructions about health care needed, including appointment dates and date of next appointment if appropriate;

(iii) Written documentation that the health care service providers' instructions have been followed; and

(iv) A record of major health events and surgeries when known.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-410 Do service providers need to keep client's property records? (1) Crisis diversion service providers who offer services in a client's own home are exempt from requirements in this section.

(2) The service provider must assist clients in maintaining current, written property records when the clients receive forty hours or more a month of services. The record consists of:

~~((1))~~ (a) A list of items with a value of at least twenty-five dollars that the client owns when moving into the program;

~~((2))~~ (b) A list of personal possessions with a value of seventy-five dollars or more per item once the client is receiving services;

~~((3))~~ (c) Description and identifying numbers, if any, of the property;

~~((4))~~ (d) The date the client purchased the items after moving into the program;

~~((5))~~ (e) The date and reason for addition or removal from the record; and

~~((6))~~ (f) The signature of the staff or client making the entry.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-550 How often must the ISP be reviewed? (1) The DDD case resource manager must review the ISP with the client at least every twelve months.

(2) In addition, an ISP meeting must be held and a new ISP developed with the client at least every two years, under RCW 71A.18.010. The meeting must be held in the client's home unless requested otherwise by the client.

(3) A client may request a review of the ISP at any time.

NEW SECTION

WAC 388-820-556 What plans must crisis diversion service providers develop? Crisis diversion service providers must develop the following plans for each client they support:

(1) An initial assessment plan within forty-eight hours of placement; and

(2) A crisis service plan within seven days of placement.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-560 What is an individual instruction and support plan (IISP) for clients? (1) An individual instruction and support plan (IISP) outlines the specific ~~((requirements))~~ goals for carrying out the residential services portion outlined in the individual service plan (ISP). The IISP also must describe the methods of instruction and/or support needed to reach the client's goal.

(2) The IISP must be based on the goals of the individual service plan (ISP), reflect the client's preferences, and have the client's agreement.

(3) The IISP identifies activities and opportunities that promote one or more of the following client services:

- (a) Health and safety;
- (b) Personal power and choice;
- (c) Positive recognition by self and others;
- (d) Integration in the physical and social life of the community;
- (e) Positive relationships; and
- (f) Competence and self-reliance.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-600 **May a service provider hold bankbooks and bankcards for a client?** Clients may ask a service provider to hold their bankbooks and bankcards while still having access to their own funds. This must be documented in the client's record and updated annually.

Note: In this situation, service providers are not necessarily considered managers of the client's funds.

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 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-650 **What documentation must service providers keep to protect a client's financial interests?** Service providers must keep certain documentation for the part of funds they manage for clients. This protects clients' financial interests.

(1) Documentation for bank and cash accounts must include monthly reconciliation of bank and cash accounts that are verified and initialed by a second party who did not make or assist in the transaction.

(2) Other documentation that a service provider must keep for client **financial** transactions include:

- (a) Monthly bank statements and reconciliation;
- (b) Checkbook registers and bankbooks;
- (c) Deposit receipts;
- (d) Receipts for purchases over twenty-five dollars (~~or as specified in the financial plan~~);
- (e) Any itemized subsidiary ledgers showing deposits, withdrawals, and interest payments to individual clients; and
- (f) A control journal for trust accounts.

(3) Other documentation that a service provider must keep for client **cash** transactions include:

- (a) A detailed ledger signed by the person who withdrew any of the client's money;
- (b) Monthly reconciliation to the cash amount;
- (c) Detailed accounting of the money received on behalf of the client, such as cash received from writing checks over the purchase amount, and a list of where the money was spent; and
- (d) Receipts for purchases over twenty-five dollars where service provider staff withdrew the money.

(4) Service providers must notify DSHS when the client:

- (a) Receives services under a CAP (community alternative program) waiver; and

(b) Has an account that reaches three hundred dollars less than the maximum amount allowed by federal or state law.

Note: CAP-waiver is defined under WAC 388-825-170.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-690 **What must service providers do to support a client's health?** (1) The service provider must give necessary assistance to the client in:

(a) Accessing health, mental health, and dental services; and

(b) Medication management, administration and assistance.

(2) For clients who receive an average of thirty hours or more of service per month or are placed in the diversion services, the service provider must:

- (a) Maintain health records;
- (b) Assist the client in arranging appointments with health professionals;
- (c) Monitor medical treatment prescribed by health professionals;
- (d) Communicate directly with health professionals when needed; and
- (e) Ensure that the client receives an annual physical and dental examination unless the appropriate medical professional gives a written exception. Crisis diversion service providers are exempt from this requirement.

WSR 03-21-034

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed October 8, 2003, 9:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-15-039.

Title of Rule: WAC 458-20-24001 Sales and use tax deferral—Manufacturing and research/development activities in distressed areas—Applications filed after July 31, 1999, and 458-20-24001A Sales and use tax deferral—Manufacturing and research/development activities in distressed areas—Applications filed prior to August 1, 1999.

Purpose: These rules explain the sales and use tax deferral program for manufacturers and research and development facilities in distressed areas as provided by chapter 82.60 RCW. They provide definitions, guidance on the use of the deferral certificate, and the record-keeping requirements of the distressed area deferral program.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060.

Statute Being Implemented: RCW 82.60.010 - 82.60.-110.

Summary: These rules explain the eligible area criteria, application procedure and review process, hiring requirements, reporting and monitoring procedures, and the repayment of deferred retail sales and use taxes for the sales and use tax deferral program for manufacturers and research/

development facilities located in distressed areas. They also provide definitions, guidance on the use of the deferral certificate, and an explanation of the record-keeping requirements of the deferral program.

Reasons Supporting Proposal: To clarify existing definitions in Rule 24001 and 24001A, add new definitions to Rule 24001, explain the application of interest and penalties in Rule 24001, and correct an inaccurate definition of "person" in Rule 24001A.

Name of Agency Personnel Responsible for Drafting: Cindy Evans, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6134; **Implementation:** Alan R. Lynn, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6125; and **Enforcement:** Russell Brubaker, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6131.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 458-20-24001 and 458-20-24001A implement the distressed area sales and use tax deferral statutes and explain the administrative procedures for the program.

The department anticipates making the following changes to Rule 24001:

- Subsection (2), clarifying existing definitions and adding a new definition for "date of application";
- Subsection (5), clarifying the explanation of the apportionment formula (no change to the formula provided in the rule) for building construction and providing an additional formula to provide flexibility to taxpayers;
- Subsection (7), explaining that the department will consider approving an application only if construction will begin within one year or the applicant can establish that there is a specific and active program to begin construction within two years; and
- Subsection (13), explaining that in the case of a project no longer satisfying required employment positions, while no interest or penalties apply to the deferred sales or use taxes found owing, other penalties and interest that apply to delinquent payments will apply. Subsection (13) currently explains that interest but not penalties apply to taxes found owing.

The department anticipates making the following changes to Rule 24001A:

- Subsections (4), (17), and (30), clarifying the explanation of the apportionment formula for building construction (no change to the formula provided in the rule); and
- Subsection (27), correcting an inaccurate definition of "person."

Proposal Changes the Following Existing Rules: The department is proposing to revise WAC 458-20-24001 and 458-20-24001A as explained above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule does not impose any performance requirement upon any small business that is not already separately imposed by existing laws.

RCW 34.05.328 does not apply to this rule adoption. This is an interpretive rule as defined in RCW 34.05.328.

Hearing Location: Capital Plaza Building, 4th Floor, Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on December 2, 2003, 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) 725-7499.

Submit Written Comments to: Cindy Evans, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail CindyEV@dor.wa.gov, by December 2, 2003.

Date of Intended Adoption: December 9, 2003.

October 7, 2003

Alan R. Lynn

Rules Manager

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 01-12-041, filed 5/30/01, effective 6/30/01)

WAC 458-20-24001 Sales and use tax deferral—Manufacturing and research/development activities in distressed areas—Applications filed after July 31, 1999.

(1) Introduction. Chapter 82.60 RCW establishes a sales and use tax deferral program. The purpose of the program is to promote economic stimulation, create employment opportunities, and reduce poverty in certain areas of the state. The legislature established this program to be effective solely in those areas and under circumstances where the deferral is for investments that result in the creation of a specified minimum number of jobs or investment for a qualifying project.

(a) This deferral program applies to taxes imposed on the construction of qualified buildings or acquisition of qualified machinery and equipment and requires the recipient of the deferral to maintain the manufacturing or research and development activity for an eight-year period. This rule does not address RCW 82.08.02565 and 82.12.02565, which provide a statewide sales and use tax exemption for machinery and equipment used directly in a manufacturing operation. Refer to WAC 458-20-13601 for more information regarding the statewide exemption.

(b) This program was first enacted in 1985. The legislature made major revisions to program criteria in 1993, 1994, 1995, 1996, and 1999, specifically to the definitions of "eligible area," "eligible investment project," and "qualified building." Each revision created additional criteria for prospective applicants. This rule sets forth the requirements for applications made after July 31, 1999. For applications made prior to August 1, 1999, see WAC 458-20-24001A.

(c) The employment security department and the department of community, trade, and economic development administer programs for distressed areas and job training and should be contacted directly for information concerning these programs.

(2) Definitions. The following definitions apply to applications made after July 31, 1999.

(a) "Acquisition of equipment or machinery" means the equipment and machinery is under the dominion and control of the recipient.

(b) "Applicant" means a person applying for a tax deferral under chapter 82.60 RCW.

(c) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(d) "Computer-related services" means ~~((services that are connected or interact directly in the manufacture of computer hardware or software or the))~~ activities such as programming ((of) for the manufactured ((hardware. This includes the manufacture of hardware such as chips, keyboards, monitors, any other hardware, and the components of these items)) product. It includes creating operating systems ~~((and)), software, and other similar goods~~ that will be copied and sold as canned software. "Computer-related services" does not include information services, such as data or information processing. The activities performed by the manufacturer to test, correct, revise, or upgrade software or hardware before they are approved for sale to the consumer are considered computer-related services.

(e) "Date of application" means the date of the U.S. Post Office postmark, fax, or electronic transmittal, or when the application is hand delivered to the department. The statute in effect on the "date of application" will determine the program criteria the applicant must satisfy.

(f) "Department" means the department of revenue.

~~((f))~~ (g) "Eligible area" means:

(i) Rural county. A rural county is a county with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th; or

(ii) Community empowerment zone (CEZ). A "community empowerment zone" means an area meeting the requirements of RCW 43.31C.020 and officially designated as a CEZ by the director of the department of community, trade, and economic development or a county containing a CEZ.

~~((g))~~ (h) "Eligible investment project" means an investment project in an eligible area. "Eligible investment project" does not include an investment project undertaken by a light and power business as defined in RCW 82.16.010, other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part. It also does not include an investment project that has already received a deferral under chapter 82.60 RCW.

~~((h))~~ (i) "Industrial fixture" means an item attached to a building or to land. ~~((Fixtures become part of the real estate to which they are attached and upon attachment are classified as real property, not personal property.))~~ Examples of "industrial fixtures" are fuel oil lines, boilers, cranes, and ~~((ertain))~~ improvements to land such as concrete slabs.

~~((i))~~ (j) "Initiation of construction," in regards to the construction, expansion, or renovation of buildings, means the commencement of on-site construction work. Neither planning nor land clearing prior to excavation of the building site ((does not commence)) constitutes the commencement of on-site construction ((nor does planning commence construction)) work.

~~((j))~~ (k) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, instal-

lation, and construction of the project. When an application for sales and use tax deferral is timely submitted, costs incurred before the application date are allowable, if they otherwise qualify.

~~((k))~~ (l) "Manufacturing" has the meaning given in RCW 82.04.120. Manufacturing also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

~~((l))~~ (m) "Operationally complete" means the project is capable of being used for its intended purpose as described in the application.

~~((m))~~ (n) "Person" has the meaning given in RCW 82.04.030. "Person" does not include the state of Washington or its institutions. "Person" can be either a lessee or a lessor, who can apply separately for individual investment projects at the same site, if they comply with the other requirements of chapter 82.60 RCW. The lessor/owner of the structure is not eligible for deferral unless the underlying ownership of the buildings, machinery, or equipment vests in the lessor/owner, or unless the lessor has by written contract agreed to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

~~((n))~~ (o) "Qualified buildings" means construction of new structures and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity, used for manufacturing and research and development activities.

"Qualified buildings" are limited to structures used for manufacturing and research and development activities. "Qualified buildings" include plant offices and warehouses if such facilities are essential to or an integral part of a factory, mill, plant, or laboratory. "Office" means space used by professional, clerical, or administrative staff. For plant office space to be a qualified building its use must be essential or integral to the manufacturing or research and development operation. Office space that is used by supervisors and their staff, by technicians, by payroll staff, by the safety officer, and by the training staff are examples of qualifying office space. "Warehouse" means buildings or facilities used for the storage of raw materials or finished goods.

~~((o))~~ (p) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The "entire tax year" means the full-time position is filled for a period of twelve consecutive months. Full-time means at least thirty-five hours a week, four hundred fifty-five hours a quarter, or one thousand eight hundred twenty hours a year.

~~((p))~~ (q) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes computers, desks, filing cabinets, photocopiers, printers, software, data processing equipment, laboratory equipment; manufacturing components such as belts, pulleys, shafts and moving parts; molds, tools and dies; operating structures; and all equipment used to control or operate machinery. It also includes machinery and equipment acquired under the terms of a lease by the recipi-

ent. "New" as used in this subsection means either new to the taxing jurisdiction of the state or new to the certificate holder.

~~((q))~~ (r) "Recipient" means a person receiving a tax deferral under this program.

~~((r))~~ (s) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

~~((s))~~ (t) "Resident" means the person who fills the qualified employment position makes his or her home in the CEZ. A mailing address alone is insufficient to establish that a person is a resident.

(3) **Issuance of deferral certificate.** The department will issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW for an eligible investment project. The department will state on the certificate the amount of tax deferral for which the recipient is eligible. Recipients must keep track of how much tax is deferred.

(4) **Eligible investment amount.** There may or may not be a hiring requirement, depending on the location of the project.

(a) **No hiring requirements.** There are no hiring requirements for qualifying projects located in counties with fewer than one hundred persons per square mile. Monitoring and reporting procedures are explained in subsection (12) of this rule. Buildings that will be used partly for manufacturing or research and development and partly for other purposes are eligible for a deferral on a proportionate basis. Subsection (5) of this rule explains the procedure for apportionment.

(b) **Hiring requirements.** There are hiring requirements for qualifying projects located in CEZs or in counties containing CEZs. The applicant applies for a deferral of investment that correlates to the estimated number of persons to be hired based on the following formula:

$$\text{Number of qualified employment positions to be hired} \times \$750,000 = \text{amount of investment eligible for deferral}$$

Applicants must make good faith estimates of anticipated hiring. The recipient must fill the positions by persons who at the time of hire are residents of the CEZ. The department has instituted a geographic information system (GIS) to assist taxpayers in determining taxing jurisdiction boundaries, local tax rates, and a mapping and address lookup system to determine whether a specific address is within a CEZ. The system is available on the department's Internet website at <http://www.dor.wa.gov>. A recipient must fill the qualified employment positions by the end of the calendar year following the year in which the project is certified as operationally complete and retain the position during the entire tax year. If the recipient does not fill the qualified employment positions by the end of the second calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

(5) **Apportionment of costs between qualifying and nonqualifying investments.** The deferral is allowable only in respect to investment in the construction of a new building

or the expansion or renovation of existing buildings used in manufacturing, research and development, ~~((and))~~ or commercial testing laboratories.

(a) Where a building(s) is used partly for manufacturing or research and development and partly for purposes that do not qualify for deferral under this rule, the deferral will be determined by one of the following apportionment (of the total project costs) methods. The first method of apportionment is based on square footage and does not require tracking the costs of materials for the qualifying/nonqualifying areas of a building. The second method of apportionment tracks the costs of materials used in the qualifying/nonqualifying areas and is primarily used by those industries with specialized building requirements.

(i) The applicable tax deferral will be determined by apportionment according to the ratio of the ~~((construction cost per))~~ square ~~((feet))~~ footage of that portion of the building(s) directly used for manufacturing or research and development purposes bears to the ~~((construction cost per))~~ square ~~((feet))~~ footage of the total building(s).

Apportionment formula:

$$\frac{\text{Eligible square feet of building(s)}}{\text{Total square feet of building(s)}} = \text{Percent Eligible}$$

$$\text{Percent Eligible} \times \text{Total Project Costs} = \text{Eligible Costs.}$$

"Total Project Costs" means cost of multipurpose buildings and other improvement costs associated with the deferral project. Machinery and equipment are not included in this calculation. Common areas, such as hallways and bathrooms, are not included in the square feet figure for either the numerator or the denominator. The cost of the common areas is multiplied by the percent eligible to determine the portion of the common area that is eligible for deferral.

$$\text{Eligible Tax Deferred} = \text{Eligible Cost} \times \text{Tax Rate.}$$

(ii) If a building is used partly for manufacturing, research and development, or commercial testing and partly for other purposes, the applicable tax deferral shall be determined as follows:

(A) Tax on the cost of construction of areas devoted solely to manufacturing, research and development, or commercial testing may be deferred.

(B) Tax on the cost of construction of areas not used at all for manufacturing, research and development, or commercial testing may not be deferred.

(C) Tax on the cost of construction of areas used in common for manufacturing, research and development, or commercial testing and for other purposes, such as hallways, bathrooms, and conference rooms, may be deferred by apportioning the costs of construction on a square footage basis. The apportioned costs of construction eligible for deferral are established by using the ratio, expressed as a percentage, of the square feet of the construction, expansion, or renovation devoted to manufacturing, research and development, or commercial testing, excluding areas used in common to the total square feet of the construction, expansion, or renovation, excluding areas used in common. That percentage is applied to the cost of construction of the common areas to

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determine the costs of construction eligible for tax deferral. Expressed as a formula, apportionment of the cost of the common areas is determined by:

Square feet devoted to manufacturing, research and development, or commercial testing, excluding square feet of common areas

= Percentage of total cost of construction of common areas eligible for deferral

Total square feet, excluding square feet of common areas

(b) Qualified machinery and equipment is not subject to apportionment.

(6) **Leased equipment.** The amount of tax deferral allowable for leased equipment is the amount of the consideration paid by the recipient to the lessor over the initial term of the lease, excluding any period of extension or option to renew, up to the last date for repayment of the deferred taxes. After that date the recipient must pay the appropriate sales taxes to the lessor for the remaining term of the lease.

(7) **Application procedure and review process.** An application for sales and use tax deferral under this program must be made prior to the initiation of construction, prior to the acquisition of machinery and equipment, and prior to the filling of qualified employment positions. Persons who apply after construction is initiated or finished or after acquisition of machinery and equipment are not eligible for the program. Applications for persons subject to hiring requirements must include information regarding the estimated total project cost and the qualified employment positions.

(a) Application forms will be supplied to the applicant by the department upon request. The completed application may be sent by fax to ((6))360((3))-586-2163 or mailed to the following address:

State of Washington
Department of Revenue
Special Programs
P.O. Box ((448)) 47477
Olympia, WA 98507-((0448))7477

Applications and reports received by the department under chapter 82.60 RCW are not confidential and are subject to disclosure. (RCW 82.60.100.)

(b) In considering whether to approve or deny an application for a deferral, the department will not approve an application for a project involving construction unless:

(i) The construction will begin within one year from the date of the application; or

(ii) If the construction will not begin within one year of construction, the applicant shows proof that there is a specific and active program to begin construction of the project within two years from the date of application. Proof may include, but is not limited to:

(A) Affirmative action by the board of directors, governing body, or other responsible authority of the applicant toward an active program of construction;

(B) Itemized reasons for the proposed construction;

(C) Clearly established plans for financing the construction; or

(D) Building permits.

Similarly, after an application has been granted, a deferral certificate is no longer valid and should not be used if construction has not begun within one year from the date of application or there is not a specific and active program to begin construction within two years from the date of application. However, the department will grant requests to extend the period for which the certificate is valid if the holder of the certificate can demonstrate that the delay in starting construction is due to circumstances beyond the certificate holder's control such as the acquisition of building permit(s).

(c) The department will verify the information contained in the application and approve or disapprove the application within sixty days. If approved, the department will issue a tax deferral certificate. If disapproved, the department will notify the applicant as to the reason(s) for disapproval. ~~((The U.S. Post Office postmark or fax date will be used as the date of application.~~

~~((e)))~~ (d) The applicant may seek administrative review of the department's disapproval of an application within thirty days from the date of notice of the disallowance pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action.

(8) **Program termination.** No applications for deferral of taxes will be accepted after June 30, 2004.

(9) **Eligible area criteria.** The office of financial management will determine annually the counties with fewer than one hundred persons per square mile. The department will update and distribute the list each year. The list will be effective on July 1 of each year.

If an investment project is located in an area that qualifies under more than one type of eligible area, the department will automatically assign the project to the eligible area that imposes the least burden on the taxpayer and with the greatest benefit to the taxpayer. If the applicant elects to be bound by the requirements of the other potential eligible area, the applicant must make a written statement to that effect. For example, on October 1, 1999, the city of Yakima qualifies as a CEZ, and the entire county of Yakima has fewer than one hundred persons per square mile. The CEZ requirements are more restrictive than counties containing fewer than one hundred persons per square mile. The department will assign the project to the "fewer than one hundred persons per square mile designation" unless the applicant elects to be bound by the CEZ requirements.

(10) **Use of the certificate.** A tax deferral certificate issued under this program is for the use of the recipient for deferral of sales and use taxes due on each eligible investment project. Deferral is limited only to investment in qualified building or qualified machinery and equipment as defined in this rule. Thus, sales and use taxes cannot be deferred on items that do not become part of the qualified buildings, machinery, or equipment. In addition, the deferral is not to be used to defer the taxes of the persons with whom the recipient does business, persons the recipient hires, or employees of the recipient.

PROPOSED

The tax deferral certificate is to be used in a manner similar to that of a resale certificate as set forth in WAC 458-20-102, Resale certificates. The certificate holder must provide a copy of the tax deferral certificate to the seller at the time goods or services are purchased. The seller will be relieved of the responsibility for collection of the sales or use tax upon presentation of the certificate. The seller must retain a copy of the certificate as part of its permanent records for a period of at least five years. A blanket certificate may be provided by the certificate holder and accepted by the seller covering all such purchases relative to the eligible project. The seller is liable for business and occupation tax on all tax deferral sales.

(11) **Project operationally complete.** An applicant must provide the department with the estimated cost of the investment project at the time the application is made. Following approval of the application and issuance of a tax deferral certificate, a certificate holder must notify the department, in writing, when the value of the investment project reaches the estimated cost as stated on the tax deferral certificate.

(a) If a certificate holder has reached its level of estimated costs and the project is not operationally complete, the certificate holder may request an amended certificate stating a revised amount upon which the deferral taxes are requested. Requests must be mailed or faxed to the department.

(b) The certificate holder must notify the department in writing when the construction project is operationally complete. The department will certify the date on which the project is operationally complete. The recipient of the deferral must maintain the manufacturing or research and development activity for eight years from this date.

(12) **Reporting and monitoring procedure.** Requirement to submit annual reports. Each recipient of a tax deferral under chapter 82.60 RCW must submit a report on December 31st of the year in which the investment project is certified by the department as having been operationally completed and on December 31st of each of the seven succeeding calendar years. The report must be made to the department in a form and manner prescribed by the department. If the recipient fails to submit a report or submits an inadequate or falsified report, the department may declare the amount of deferred taxes outstanding to be immediately due and payable. An inadequate or falsified report is one that contains material omissions or contains knowingly false statements and information.

(13) **Repayment of deferred taxes.** Repayment of tax deferred under chapter 82.60 RCW is excused, except as otherwise provided in RCW 82.60.070 and this subsection.

(a) Repayment of tax deferred under chapter 82.60 RCW is not required, and interest and penalties under RCW 82.60.070 will not be imposed, on machinery and equipment that qualifies for exemption under RCW 82.08.02565 or 82.12.02565.

(b) The following subsections describe the various circumstances under which repayment of the deferral may occur. Outstanding taxes are determined by reference to the following table. The table presumes the taxpayer maintained eligibility for the entire year.

Repayment Year	Percentage of Deferred Tax Waived
1 (Year operationally complete)	0%
2	0%
3	0%
4	10%
5	15%
6	20%
7	25%
8	30%

Any action taken by the department to disqualify a recipient for tax deferral or assess interest will be subject to administrative review pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action.

(c) **Failure of investment project to satisfy general conditions.** If, on the basis of the recipient's annual report or other information, including that submitted by the employment security department, the department of revenue finds that an investment project is not eligible for tax deferral for reasons other than failure to create the required number of qualified employment positions, the department will declare the amount of deferred taxes outstanding to be immediately due. An example of a disqualification under this section is a facility not being used for a manufacturing or research and development operation.

(d) **Failure of investment project to satisfy required employment positions conditions.** If, on the basis of the recipient's annual report or other information, the department finds that an investment project has been operationally complete for three years and has failed to create the required number of qualified employment positions, the amount of taxes deferred will be immediately due. ~~((The department will assess interest at the rate and as provided for delinquent excise taxes under RCW 82.32.050 (retroactively to the date the application was filed).))~~ There is no proration of the amount owed under this subsection. No penalties or interest will be assessed on the deferred sales/use tax; however, all other penalties and interest applicable to excise tax assessments may be assessed and imposed.

(14) **Debt not extinguished because of insolvency or sale.** Insolvency or other failure of the recipient does not extinguish the debt for deferred taxes nor will the sale, exchange, or other disposition of the recipient's business extinguish the debt for the deferred taxes. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of chapter 82.60 RCW, for the remaining periods of the deferral. Any person who becomes a successor (see WAC 458-20-216) to such investment project is liable for the full amount of any unpaid, deferred taxes under the same terms and conditions as the original recipient of the deferral.

(15) **Disclosure of information.** Applications and reports received by the department under chapter 82.60 RCW are not confidential and are subject to disclosure. (RCW 82.60.100.)

PROPOSED

AMENDATORY SECTION (Amending WSR 01-12-041, filed 5/30/01, effective 6/30/01)

WAC 458-20-24001A Sales and use tax deferral—Manufacturing and research/development activities in distressed areas—Applications filed prior to August 1, 1999. Introduction. Chapter 82.60 RCW establishes a sales and use tax deferral program. The purpose of the program is to promote economic stimulation, create employment opportunities, and reduce poverty in certain areas of the state. The legislature established this program to be effective solely in those areas and for those circumstances where the deferral is for investments that result in the creation of a specified minimum number of jobs or investment for a qualifying project.

The program applies to sales and use taxes on materials and labor and services rendered in the construction of qualified buildings or acquisition of qualified machinery and equipment and requires the recipient of the deferral to maintain the manufacturing or research and development activity for an eight-year period. This rule does not address RCW 82.08.02565 and 82.12.02565, which provide a statewide sales and use tax exemption for machinery and equipment used directly in a manufacturing operation. Refer to WAC 458-20-13601 for more information regarding the statewide exemption.

This program was enacted in 1985. The legislature made major revisions to program criteria in 1993, 1994, 1995, 1996, and 1999, specifically to the definitions of "eligible area," "eligible investment project," and "qualified building." Each revision created additional criteria for prospective applicants. This rule is written in three parts and covers applications made prior to July 31, 1999. Each part sets forth the requirements on the basis of the period of time in which application is made. Refer to the year during which application was made for information on an individual application. For applications made after July 31, 1999, see WAC 458-20-24001.

The employment security department and the department of community, trade, and economic development administer additional programs for distressed areas and job training and should be contacted directly for information concerning these programs.

PART I

Applications after July 1, 1995, to July 31, 1999

(1) **Definitions.** For the purposes of this part, the following definitions apply for applications made on and after July 1, 1995, and before August 1, 1999:

(a) "Acquisition of equipment or machinery" means the equipment and machinery is under the dominion and control of the recipient.

(b) "Applicant" means a person applying for a tax deferral under chapter 82.60 RCW.

(c) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(d) "Computer-related services" means services that are connected or interact directly in the manufacture of computer hardware or software or the programming of the manufactured hardware. This includes the manufacture of hardware such as chips, keyboards, monitors, any other hardware, and

the components of these items. It includes creating operating systems and software that will be copied and sold as canned software. "Computer-related services" does not include information services. The activities performed by the manufacturer to test, correct, revise, or upgrade software or hardware before they are approved for sale to the consumer are considered computer-related services.

(e) "Department" means the department of revenue.

(f) "Eligible area" means one of the areas designated according to the following classifications:

(i) Unemployment county. A county in which the average level of unemployment for the three calendar years preceding the year in which an application is filed exceeds the average state unemployment for those years by twenty percent. In making this calculation, the department will compare the county's average unemployment rate in the prior three years to one hundred twenty percent of the state's average unemployment rate based on official unemployment figures published by the department of employment security;

(ii) Median income county. On and after June 6, 1996, a county that has a median household income that is less than seventy-five percent of the state median income for the previous three years;

(iii) MSA. A metropolitan statistical area, as defined by the Office of Federal Statistical Policy and Standards, United States Department of Commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under chapter 82.60 RCW exceeds the average state unemployment for such calendar year by twenty percent;

(iv) CEZ and county containing a CEZ. A designated community empowerment zone (CEZ) approved under RCW 43.63A.700 or a county containing such a community empowerment zone;

(v) Timber impact area towns. A town with a population of less than twelve hundred persons that is located in a county that is a timber impact area, as defined in RCW 43.31.601, but that is not an unemployment county as defined in Part I;

(vi) Governor's designation county. A county designated by the governor as an eligible area under RCW 82.60.047; or

(vii) Contiguous county. A county that is contiguous to an unemployment county or a governor's designation county.

(g)(i) "Eligible investment project" means:

(A) An investment project in an unemployment county, a median income county, an MSA, a timber impact area town, or a governor's designation county; or

(B) That portion of an investment project in a CEZ, a county containing a CEZ, or a contiguous county, that is directly utilized to create at least one new full-time qualified employment position for each seven hundred fifty thousand dollars of investment.

(ii) "Eligible investment project" does not include an investment project undertaken by a light and power business as defined in RCW 82.16.010, other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part. It also does not include an investment project that has already received a deferral under chapter 82.60 RCW.

(h) "Industrial fixture" means an item attached to a building or to land. Fixtures become part of the real estate to which they are attached and upon attachment are classified as real property, not personal property. Examples of "industrial fixtures" are fuel oil lines, boilers, craneways, and certain concrete slabs.

(i) "Initiation of construction," in regards to the construction, expansion, or renovation of buildings, means the commencement of on-site construction work. Land clearing prior to excavation of the building site does not commence construction nor does planning commence construction.

(j) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. When an application for sales and use tax deferral is timely submitted, costs incurred before the application date are allowable, if they otherwise qualify.

(k) "Manufacturing" has the meaning given in RCW 82.04.120. Manufacturing, for purposes of the distressed area deferral program, also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(l) "Operationally complete" means the project is capable of being used for its intended purpose as described in the application.

(m) "Person" has the meaning given in RCW 82.04.030. "Person" does not include the state of Washington or its institutions. "Person" can be either a lessee or a lessor, who can apply separately for individual investment projects at the same site, if they comply with the other requirements of chapter 82.60 RCW. The lessor/owner of the structure is not eligible for deferral unless the underlying ownership of the buildings, machinery, or equipment vests exclusively in the lessor/owner, or unless the lessor has by written contract agreed to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(n) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity, used for manufacturing and research and development activities.

"Qualified buildings" are limited to structures used for manufacturing and research and development activities. "Qualified buildings" include plant offices and warehouses if such facilities are essential or an integral part of a factory, mill, plant, or laboratory. "Office" means space used by professional, clerical, or administrative staff. For plant office space to be a qualified building its use must be essential or integral to the manufacturing or research and development operation. Office space that is used by supervisors and their staff, by technicians, by payroll staff, by the safety officer, and by the training staff are examples of qualifying office space. "Warehouse" means facilities used for the storage of raw materials or finished goods.

(o) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The "entire tax year" means the full-time position is filled for a period of twelve consecu-

tive months. "Full time" means at least 35 hours a week, 455 hours a quarter, or 1,820 hours a year.

(p) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes computers, desks, filing cabinets, photocopiers, printers, software, data processing equipment, laboratory equipment; manufacturing components such as belts, pulleys, shafts and moving parts; molds, tools and dies; operating structures; and all equipment used to control or operate machinery. It also includes machinery and equipment acquired under the terms of a lease by the recipient. "New" as used in this subsection means either new to the taxing jurisdiction of the state or new to the certificate holder.

(q) "Recipient" means a person receiving a tax deferral under this program.

(r) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(2) **Issuance of deferral certificate.** The department will issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW for an eligible investment project. The department will state on the certificate the amount of tax deferral for which the recipient is eligible. Recipients must keep track of how much tax is deferred.

(3) **Eligible investment amount.** There may or may not be a hiring requirement, depending on the location of the project.

(a) **No hiring requirements.** There are no hiring requirements for qualifying projects located in distressed counties, MSAs, median income counties, governor-designated counties, or timber impact towns. Monitoring and reporting procedures are explained in subsection (10) of this rule. Buildings that will be used partly for manufacturing or research and development and partly for other purposes are eligible for a deferral on a proportionate basis. Subsection (4) of this rule explains the procedure for apportionment.

(b) **Hiring requirements.** There are hiring requirements for qualifying projects located in CEZs, in counties containing CEZs, or in contiguous counties. Total qualifying project costs, including any part of the project that would qualify under RCW 82.08.02565 and 82.12.02565, must be examined to determine the number of positions associated with the project. An applicant who knows at the time of application that he or she will not fill the required qualified employment positions is not eligible for the deferral. Applicants must make good faith estimates of anticipated hiring. The applicant applies for a deferral of investment that correlates to the estimated number of persons to be hired. The investment must include the ~~((amount))~~ sales price of machinery and equipment eligible for the sales and use tax exemption under RCW 82.08.02565 and 82.12.02565. An applicant can amend the number of persons hired until completion of the project. The qualified employment positions filled by

December 31 of the year of completion are the benchmark to be used during the next seven years in determining hiring compliance.

(i) Total qualifying project costs are divided by seven hundred fifty thousand, the result being the qualified employment positions.

(ii) In addition, the number of qualified employment positions created by an investment project will be reduced by the number of full-time employment positions maintained by the recipient in any other community in this state that are displaced as a result of the investment project. This reduction requires a reexamination of whether the seventy-five percent hiring requirement (as explained below) is met.

(iii) This number, which is the result of (i) and (ii) of this subsection, is the number of positions used as the benchmark over the life of the deferral. For recipients locating in a CEZ or a county containing a CEZ, seventy-five percent of the new positions must be filled by residents of a CEZ located in the county where the project is located. The department has instituted a geographic information system (GIS) to assist taxpayers in determining taxing jurisdiction boundaries, local tax rates, and a mapping and address lookup system to determine whether a specific address is within a CEZ. The system is available on the department's Internet website at <http://www.dor.wa.gov>. For recipients located in a contiguous county, residents of an adjacent unemployment or governor-designated county must fill seventy-five percent of the new positions.

(iv) The qualified employment positions are reviewed each year, beginning December 31st of the year the project is operationally complete and each year for seven years. If the recipient has failed to create the requisite number of positions, the department will issue an assessment as explained under subsection (11) of this rule.

(v) In addition to the hiring requirements for new positions under (b) of this subsection, the recipient of a deferral for an expansion or diversification of an existing facility must ensure that he or she maintains the same percentage of employment positions filled by residents of the contiguous county or the CEZ that existed prior to the application being made. This percentage must be maintained for seven years.

(vi) Qualified employment positions do not include those positions filled by persons hired in excess of the ratio of one employee per required dollar of investment for which a deferral is granted. In the event an employee is either voluntarily or involuntarily separated from employment, the employment position will be considered filled if the employer is either training or actively recruiting a replacement employee, so long as the position is not actually vacant for any period in excess of thirty consecutive days.

(4) **Apportionment of costs between qualifying and nonqualifying investments.** The deferral is allowable only in respect to investment in the construction of a new building or the expansion or renovation of existing buildings used in manufacturing ~~((and))~~, research and development, or commercial testing.

(a) Where a building(s) is used partly for manufacturing ~~((or))~~, research and development, or commercial testing and partly for purposes that do not qualify for deferral under this rule, the deferral will be determined by apportionment of the

total project costs. The applicable tax deferral will be determined by apportionment according to the ratio of the ~~((construction cost per))~~ square ~~((foot))~~ footage of that portion of the building(s) directly used for manufacturing ~~((or))~~, research and development, or commercial testing purposes bears to the ~~((construction cost per))~~ square ~~((foot))~~ footage of the total building(s).

Apportionment formula:

$$\frac{\text{Eligible square feet of building(s)}}{\text{Total square feet of building(s)}} = \text{Percent Eligible}$$

Percent Eligible x Total Project Costs = Eligible Costs.

"Total Project Costs" means cost of multipurpose buildings and other improvement costs associated with the deferral project. Machinery and equipment are not included in this calculation. Common areas, such as hallways and bathrooms, are not included in the square feet figure for either the numerator or the denominator. The cost of the common areas is multiplied by the percent eligible to determine the portion of the common area that is eligible for deferral.

Eligible Tax Deferred = Eligible Cost x Tax Rate.

(b) Qualified machinery and equipment is not subject to apportionment.

(5) **Leased equipment.** The amount of tax deferral allowable for leased equipment is the amount of the consideration paid by the recipient to the lessor over the initial term of the lease, excluding any period of extension or option to renew, up to the last date for repayment of the deferred taxes. After that date the recipient must pay the appropriate sales taxes to the lessor for the remaining term of the lease.

(6) **Application procedure and review process.** An application for sales and use tax deferral under this program must be made prior to the initiation of construction and the acquisition of machinery and equipment. Persons who apply after construction is initiated or after acquisition of machinery and equipment are not eligible for the program. Applications for persons subject to hiring requirements must include information regarding the estimated total project cost and the qualified employment positions.

(a) Application forms will be supplied to the applicant by the department upon request. The completed application may be sent by fax to ~~((6))360((9))~~-586-2163 or mailed to the following address:

State of Washington
Department of Revenue
Special Programs
P.O. Box ~~((448))~~ 47477
Olympia, WA 98507-~~((0448))~~7477

(b) The department will verify the information contained in the application and approve or disapprove the application within sixty days. If approved, the department will issue a tax deferral certificate. If disapproved, the department will notify the applicant as to the reason(s) for disapproval. The U.S. Post Office postmark or fax date will be used as the date of application.

(c) The applicant may seek administrative review of the department's disapproval of an application within thirty days from the date of notice of disallowance pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action.

(7) **Eligible area criteria.** The statewide and county unemployment statistics last published by the department will be used to determine eligible areas based on unemployment. Median income county designation is based on data produced by the office of financial management and made available to the department on November 1 of each year. The timber impact town designation is based on information provided by the department of employment security.

If an investment project is located in an area that qualifies under more than one type of eligible area, the department will automatically assign the project to the eligible area that imposes the least burden on the taxpayer and with the greatest benefit to the taxpayer. If the applicant elects to be bound by the requirements of the other potential eligible area, the applicant must make a written statement to that effect. For example, on May 1, 1998, the city of Yakima qualifies as a CEZ, and the entire county of Yakima qualifies as an unemployment county. The CEZ requirements are more restrictive than the unemployment county requirements. The department will assign the project to the distressed area eligible area unless the applicant elected to be bound by the CEZ requirements.

(8) **Use of the certificate.** A tax deferral certificate issued under this program is for the use of the recipient for deferral of sales and use taxes due on each eligible investment project. Deferral is limited only to investment in qualified building or qualified machinery and equipment as defined in this Part I. Thus, sales and use taxes cannot be deferred on items that do not become part of the qualified buildings, machinery, or equipment. In addition, the deferral is not to be used to defer the taxes of the persons with whom the recipient does business, persons the recipient hires, or employees of the recipient.

The tax deferral certificate is used in a manner similar to that of a resale certificate as set forth in WAC 458-20-102, Resale certificates. The certificate holder must provide a copy of the tax deferral certificate to the seller at the time goods or services are purchased. The seller is relieved of the responsibility for collection of the sales or use tax upon presentation of the certificate. The seller must retain a copy of the certificate as part of its permanent records for a period of at least five years. A blanket certificate may be provided by the certificate holder and accepted by the seller covering all such purchases relative to the eligible project. The seller is liable for business and occupation tax on all tax deferral sales.

(9) **Project operationally complete.** An applicant must provide the department with the estimated cost of the investment project at the time the application is made. Following approval of the application and issuance of a deferral certificate, a certificate holder must notify the department, in writing, when the value of the investment project reaches the estimated cost as stated on the tax deferral certificate.

(a) If a certificate holder has reached its level of estimated costs and the project is not operationally complete, the

certificate holder may request an amended certificate stating a revised amount upon which the deferral is requested. Requests must be mailed or faxed to the department.

(b) The certificate holder must notify the department in writing when the construction project is operationally complete. The department will certify the date on which the project was operationally complete. The recipient of the deferral must maintain the manufacturing or research and development activity for eight years from this date.

(10) **Reporting and monitoring procedure.** Requirement to submit annual reports. Each recipient of a deferral granted after July 1, 1995, must submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report must be made to the department in a form and manner prescribed by the department. The report must contain information regarding the actual employment related to the project and any other information required by the department. If the recipient fails to submit a report or submits an inadequate or falsified report, the department may declare the amount of deferred taxes outstanding to be immediately due and payable. An inadequate or falsified report is one that contains material omissions or contains knowingly false statements and information.

(11) **Repayment of deferred taxes.** Repayment of tax deferred under chapter 82.60 RCW is excused, except as otherwise provided in RCW 82.60.070 and this subsection, on an investment project for which a deferral has been granted under chapter 82.60 RCW after June 30, 1994.

(a) Taxes deferred under this chapter need not be repaid on machinery and equipment for lumber and wood product industries, and sales of or charges made for labor and services, of the type which qualified for exemption under RCW 82.08.02565 or 82.12.02565.

(b) The following describes the various circumstances under which repayment of the deferral may be required. Outstanding taxes are determined by reference to the following table. The table presumes the taxpayer maintained eligibility for the entire year.

Repayment Year	Percentage of Deferred Tax Waived
1 (Year operationally complete)	0%
2	0%
3	0%
4	10%
5	15%
6	20%
7	25%
8	30%

Any action taken by the department to disqualify a recipient for tax deferral or require payment of all or part of deferred taxes is subject to administrative review pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action. See sub-

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section (11)(d) of this rule for repayment and waiver for deferrals with hiring requirements.

(c) **Failure of investment project to satisfy general conditions.** If, on the basis of the recipient's annual report or other information, including that submitted by the department of employment security, the department finds that an investment project is not eligible for tax deferral for reasons other than failure to create the required number of qualified employment positions, the department will declare the amount of deferred taxes outstanding to be immediately due. For example, a reason for disqualification would be that the facilities are not used for a manufacturing or research and development operation.

(d) **Failure of investment project to satisfy required employment positions conditions.** If, on the basis of the recipient's annual report or other information, the department finds that an investment project has been operationally complete for three years and has failed to create the required number of qualified employment positions, the amount of taxes deferred will be immediately due. The department will assess interest at the rate and as provided for delinquent excise taxes under RCW 82.32.050 (retroactively to the date the application was filed). There is no proration of the amount owed under this subsection. No penalties will be assessed.

(e) **Failure of investment project to satisfy employee residency requirements.** If, on the basis of the recipient's annual report or other information, the department finds that an investment project under RCW 82.60.040 (1)(b) or (c) has failed to comply with any requirement of RCW 82.60.045 for any calendar year for which reports are required under this subsection, twelve and one-half percent of the amount of deferred taxes will be immediately due. For each year a deferral's requirements are met twelve and one-half percent of the amount of deferred taxes will be waived. The department will assess interest at the rate provided for delinquent excise taxes under RCW 82.32.050, retroactively to the date the application was filed. Each year the employment requirement is met, twelve and one-half percent of the deferred tax will be waived, if all other program requirements are met. No penalties will be assessed.

(f) The department of employment security makes and certifies to the department all determinations of employment and wages required under this subsection.

(12) **Debt not extinguished because of insolvency or sale.** Insolvency or other failure of the recipient does not extinguish the debt for deferred taxes nor will the sale, exchange, or other disposition of the recipient's business extinguish the debt for the deferred taxes. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral. Any person who becomes a successor (see WAC 458-20-216) to such investment project is liable for the full amount of any unpaid, deferred taxes under the same terms and conditions as the original recipient.

(13) **Disclosure of information.** Applications and reports received by the department under chapter 82.60 RCW are not confidential and are subject to disclosure. (RCW 82.60.100.)

PART II

Applications from July 1, 1994, to June 30, 1995

(14) **Definitions.** For the purposes of this part, the following definitions apply for applications made on and after July 1, 1994 and before July 1, 1995.

(a) "Acquisition of equipment or machinery" means the date the equipment and machinery is under the dominion and control of the recipient.

(b) "Applicant" means a person applying for a tax deferral under chapter 82.60 RCW.

(c) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(d) "Computer-related services" means services that are connected or interact directly in the manufacture of computer hardware or software or the programming of the manufactured hardware. This includes the manufacture of hardware such as chips, keyboards, monitors, any other hardware, and the components of these items. It includes creating operating systems and software that will be copied and sold as canned software. "Computer-related services" does not include information services. The activities performed by the manufacturer to test, correct, revise, and upgrade software or hardware before they are approved for sale to the consumer are considered computer-related services in this instance.

(e) "Department" means the department of revenue.

(f) "Eligible area" means:

(i) Unemployment county. A county in which the average level of unemployment for the three calendar years preceding the year in which an application is filed exceeds the average state unemployment for those years by twenty percent. The department may compare the county's average unemployment rate in the prior three years to one hundred twenty percent of the state's average unemployment rate based on official unemployment figures published by the department of employment security;

(ii) MSA. A metropolitan statistical area, as defined by the Office of Federal Statistical Policy and Standards, United States Department of Commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under chapter 82.60 RCW exceeds the average state unemployment for such calendar year by twenty percent;

(iii) CEZ. A designated community empowerment zone approved under RCW 43.63A.700;

(iv) Timber impact area towns. A town with a population of less than twelve hundred persons that is located in a county that is a timber impact area, as defined in RCW 43.31.601, but that is not an unemployment county as defined in this subsection;

(v) Contiguous county. A county that is contiguous to an unemployment county or a governor's designation county; or

(vi) Governor's designation county. A county designated by the governor as an eligible area under RCW 82.60.047.

(g)(i) "Eligible investment project" means that portion of an investment project which:

(A) Is directly utilized to create at least one new full-time qualified employment position for each seven hundred fifty thousand dollars of investment on which a deferral is requested; and

(B) Either initiates a new operation, or expands or diversifies a current operation by expanding, equipping, or renovating an existing facility with costs in excess of twenty-five percent of the true and fair value of the facility prior to improvement. "Improvement" means the physical alteration by significant expansion, modernization, or renovation of an existing facility, excluding land, where the cost of such expansion, etc., exceeds twenty-five percent of the true and fair value of the existing facility prior to the initiation of the expansion or renovation. The term "improvement" is further defined to include those portions of an existing facility which do not increase the usable floor space, but is limited to the renovation, modernization, or any other form of alteration or addition and the equipment and machinery installed therein during the course of construction. The twenty-five percent test may be satisfied by considering the value of both the building and machinery and equipment; however, at least forty percent of the total renovation costs must be attributable to the physical renovation of the building structure alone. "True and fair value" means the value listed on the assessment rolls as determined by the county assessor for the buildings or equipment for ad valorem property tax purposes at the time of application.

(ii) "Eligible investment project" does not include either an investment project undertaken by a light and power business as defined in RCW 82.16.010, other than cogeneration projects that are both an integral part of a manufacturing facility and owned at least fifty percent by the manufacturer, or investment projects that have already received deferrals under chapter 82.60 RCW.

(h) "Industrial fixture" means an item attached to a building or to land. Fixtures become part of the real estate to which they are attached and upon attachment are classified as real property, not personal property. Examples of "industrial fixtures" are fuel oil lines, boilers, craneways, and certain concrete slabs.

(i) "Initiation of construction," in regards to the construction of new buildings, means the commencement of on-site construction work.

(j) "Initiation of construction," in regards to the construction of expanding or renovating existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development, means the commencement of the new construction by renovation, modernization, or expansion, by physical alteration.

(k) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. A person who does not build or remodel his or her own building, but leases from a third party, is eligible for sales and use tax deferral on the machinery and equipment provided that an investment in qualified machinery and equipment is made by such person and a new structure used to house the manufacturing activities is constructed.

(l) "Manufacturing" has the meaning given in RCW 82.04.120. Manufacturing, for purposes of the distressed area deferral program, also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and

development laboratories and commercial testing laboratories.

(m) "Operationally complete" means the project is capable of being used for its intended purpose as described in the application.

(n) "Person" has the meaning given in RCW 82.04.030. "Person" does not include the state of Washington or its institutions. "Person" can be either a lessee or a lessor, who can apply separately for individual investment projects at the same site, if they comply with the other requirements of chapter 82.60 RCW. The lessor/owner of the structure is not eligible for deferral unless the underlying ownership of the buildings, machinery, or equipment vests exclusively in the lessor/owner, or unless the lessor has by written contract agreed to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(o) "Qualified buildings" are limited to structures used for manufacturing and research and development activities. "Qualified buildings" include plant offices and warehouses if such facilities are essential or an integral part of a factory, mill, plant, or laboratory. "Office" means space used by professional, clerical, or administrative staff. For plant office space to be a qualified building its use must be essential or integral to the manufacturing or research and development operation. Office space that is used by supervisors and their staff, by technicians, by payroll staff, by the safety officer, and by the training staff are examples of qualifying office space. "Warehouse" means facilities used for the storage of raw materials or finished goods.

(p) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The "entire tax year" means the full-time position is filled for a period of twelve consecutive months. "Full time" means at least 35 hours per week, 455 hours a quarter, or 1,820 hours a year.

(q) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing operation or research and development operation. "Qualified machinery and equipment" includes: Computers, software, data processing equipment, laboratory equipment; manufacturing components such as belts, pulleys, shafts and moving parts; molds, tools and dies; operating structures; and all equipment used to control or operate machinery. It also includes machinery and equipment acquired under the terms of a lease by the recipient. "New" as used in this subsection means either new to the taxing jurisdiction of the state or new to the certificate holder.

(r) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(s) "Recipient" means a person receiving a tax deferral under this program.

(15) **Issuance of deferral certificate.** The department will issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and

82.14 RCW for an eligible investment project. The department will state on the certificate the amount of tax deferral for which the recipient is eligible. Recipients must keep track of how much tax is deferred.

(16) Eligible investment amount.

(a) Projects located in unemployment counties, MSAs, governor-designated counties, or timber impact towns are eligible for a deferral on the portion of the investment project that represents one new qualified employment position for each seven hundred fifty thousand dollars of investment. The eligible amount is computed by dividing the total qualifying project costs by seven hundred fifty thousand, the result being the qualified employment positions. In addition, the number of qualified employment positions created by an investment project will be reduced by the number of full-time employment positions maintained by the recipient in any other community in this state that are displaced as a result of the investment project. This is the number of positions used as the hiring benchmark. The qualified employment positions must be filled by the end of year three. Monitoring and reporting procedures are set forth in subsection (23) of this rule. In addition, buildings that will be used partly for manufacturing or research and development and partly for other purposes are eligible for a deferral on a proportionate basis. Subsection (17) of this rule explains the procedure for apportionment.

(b) Projects located in CEZs, counties containing CEZs, or counties contiguous to an eligible county, are eligible for a deferral if the project meets specific hiring requirements. The recipient is eligible for a deferral on the portion of the investment project that represents one new qualified employment position for each seven hundred fifty thousand dollars of investment. The eligible amount is computed by dividing the total qualifying project costs by seven hundred fifty thousand, the result being the qualified employment positions. This is the number of positions used as the hiring benchmark over the life of the deferral. The qualified employment positions are reviewed each year, beginning December 31st of the year the project is operationally complete and each year for seven years. Monitoring and reporting procedures are set forth in subsection (23) of this rule. In addition, buildings that will be used partly for manufacturing or research and development and partly for other purposes are eligible for a deferral on a proportionate basis. Subsection (17) of this rule explains the procedure for apportionment.

(c) In addition to the hiring requirements for new positions under (b) of this subsection, the recipient of a deferral for an expansion or diversification of an existing facility must ensure that he or she maintains the same percentage of employment positions filled by residents of the contiguous county or the CEZ that existed prior to the application being made. This percentage must be maintained for seven years. The department has instituted a geographic information system (GIS) to assist taxpayers in determining taxing jurisdiction boundaries, local tax rates, and a mapping and address lookup system to determine whether a specific address is within a CEZ. The system is available on the department's Internet website at <http://www.dor.wa.gov>. ~~((This percentage must be maintained for seven years.))~~

(d) Qualified employment positions does not include those persons hired in excess of the ratio of one employee per required dollar of investment for which a deferral is granted. In the event an employee is either voluntarily or involuntarily separated from employment, the employment position will be considered filled if the employer is either training or actively recruiting a replacement employee so long as the position is not actually vacant for any period in excess of thirty consecutive days.

(17) Apportionment of costs between qualifying and nonqualifying investments. The deferral is allowable only in respect to investment in the construction of a new building or the expansion or renovation of existing buildings used in manufacturing, research and development.

(a) Where a building(s) is used partly for manufacturing or research and development and partly for purposes which do not qualify for deferral under this rule, the deferral will be determined by apportionment of the total project costs. The applicable tax deferral will be determined by apportionment according to the ratio of the ~~((construction cost per))~~ square ~~((foot))~~ footage of that portion of the building(s) directly used for manufacturing or research and development purposes bears to the ~~((construction cost per))~~ square ~~((foot))~~ footage of the total building(s).

Apportionment formula:

$$\frac{\text{Eligible square feet of building(s)}}{\text{Total square feet of building(s)}} = \text{Percent Eligible}$$

$$\text{Percent Eligible} \times \text{Total Project Costs} = \text{Eligible Costs.}$$

"Total Project Costs" means cost of multipurpose buildings and other improvement costs associated with the deferral project. Machinery and equipment are not included in this calculation. Common areas, such as hallways and bathrooms, are not included in the square feet figure for either the numerator or the denominator. The cost of the common areas is multiplied by the percent eligible to determine the portion of the common area that is eligible for deferral.

$$\text{Eligible Tax Deferred} = \text{Eligible Cost} \times \text{Tax Rate.}$$

(b) Qualified machinery and equipment is not subject to apportionment.

(18) Leased equipment. The amount of tax deferral allowable for leased equipment is the amount of the consideration paid by the recipient to the lessor over the initial term of the lease, excluding any period of extension or option to renew, up to the last date for repayment of the deferred taxes. After that date the recipient must pay the appropriate sales taxes to the lessor for the remaining term of the lease.

(19) Application procedure and review process. An application for sales and use tax deferral under this program must be made prior to the initiation of construction and the acquisition of machinery and equipment. Persons who apply after construction is initiated or after acquisition of machinery and equipment are not eligible for the program.

(a) Application forms will be supplied to the applicant by the department upon request. The completed application may be sent by fax to ~~((6))~~360~~((3))~~-586-2163 or mailed to the following address:

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State of Washington
Department of Revenue
Special Programs
P.O. Box ((448)) 47477
Olympia, WA 98507-((0448))7477

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(b) The department will verify the information contained in the application and approve or disapprove the application within sixty days. If approved, the department will issue a tax deferral certificate. If disapproved, the department will notify the applicant as to the reason(s) for disapproval. The U.S. Post Office postmark or fax date will be used as the date of application.

(c) The applicant may seek administrative review of the department's disapproval of an application within thirty days from the date of notice of disallowance pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action.

(20) **Eligible area criteria.** The department will use the statewide and county unemployment statistics as last published by the department. Timber impact town designation is based on information provided by the department of employment security. The department will update the list of eligible areas by county, annually.

(21) **Use of the certificate.** A tax deferral certificate issued under this program will be for the use of the recipient for deferral of sales and use taxes due on each eligible investment project. Deferral is limited only to investment in qualified buildings or qualified machinery and equipment as defined in this Part II. Thus, sales and use taxes cannot be deferred on items that do not become part of the qualified buildings, machinery, or equipment. In addition, the deferral is not to be used to defer the taxes of the persons with whom the recipient does business, persons the recipient hires, or employees of the recipient. The tax deferral certificate is used in a manner similar to that of a resale certificate as set forth in WAC 458-20-102, Resale certificates. The certificate holder must provide a copy of the tax deferral certificate to the seller at the time goods or services are purchased. The seller will be relieved of the responsibility for collection of the sales or use tax upon presentation of the certificate. The seller must retain a copy of the certificate as part of its permanent records for a period of at least five years. A blanket certificate may be provided by the certificate holder and accepted by the seller covering all such purchases relative to the eligible project. The seller is liable for business and occupation tax on all tax deferral sales.

(22) **Project operationally complete.** An applicant must provide the department with the estimated cost of the investment project at the time the application is made. Following approval of the application and issuance of a tax deferral certificate, a certificate holder must notify the department, in writing, when the value of the investment project reaches the estimated cost as stated on the tax deferral certificate.

(a) If a certificate holder has reached its level of estimated costs and the project is not operationally complete, the certificate holder may request an amended certificate stating a revised amount upon which the deferral of sales and use

taxes is requested. Requests must be mailed or faxed to the department.

(b) The certificate holder must notify the department in writing when the construction project is operationally complete. The department will certify the date on which the project was operationally complete. The recipient of the deferral must maintain the manufacturing or research and development activity for eight years from this date.

(c) The recipient will be notified in writing of the total amount of deferred taxes, the date(s) upon which the deferred taxes must be paid, and any reports required to be submitted in the subsequent years. If the department disallows any portion of the amount of sales and use taxes requested for deferral, the recipient may seek administrative review of the department's action within thirty days from the date of the notice of disallowance pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action.

(23) **Reporting and monitoring procedure.** Requirement to submit annual reports: Each recipient of a sales and use tax deferral must submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report must be made to the department in a form and manner prescribed by the department. The report must contain information regarding the actual employment related to the project and any other information required by the department. If the recipient fails to submit a report or submits an inadequate or falsified report, the department may declare the amount of deferred taxes outstanding to be immediately due and payable. An inadequate or falsified report is one that contains material omissions or contains knowingly false statements and information.

(24) **Repayment of deferred taxes.** Repayment of tax deferred under chapter 82.60 RCW is excused, except as otherwise provided in RCW 82.60.070 and this subsection on an investment project for which a deferral has been granted under chapter 82.60 RCW after June 30, 1994.

(a) The following describes the various circumstances under which repayment of the deferral may be required. Outstanding taxes are determined by reference to the following table. The table presumes the taxpayer maintained eligibility for the entire year. See subsection (c) for repayment and waiver for deferrals with hiring requirements.

Repayment Year	Percentage of Deferred Tax Waived
1 (Year operationally complete)	0%
2	0%
3	0%
4	10%
5	15%
6	20%
7	25%
8	30%

Any action taken by the department to disqualify a recipient for tax deferral or require payment of all or part of deferred taxes is subject to administrative review pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action.

(b) **Failure of investment project to satisfy general conditions.** If, on the basis of the recipient's annual report or other information, including that submitted by the department of employment security, the department finds that an investment project is not eligible for tax deferral, other than failure to create the required number of positions, the department will declare the amount of deferred taxes outstanding to be immediately due. For example, a reason for disqualification would be that the facility is not used for manufacturing or research and development operations.

(c) **Failure of investment project to satisfy employment positions conditions.** If, on the basis of the recipient's annual report or other information, the department finds that an investment project has been operationally complete for three years and has failed to create the required number of qualified employment positions, the amount of taxes deferred will be immediately due. The department will assess interest at the rate and as provided for delinquent excise taxes under RCW 82.32.050 (retroactively to the date of deferral). No penalties will be assessed.

(d) **Failure of investment project to satisfy employee residency requirements.** If, on the basis of the recipient's annual report or other information, the department finds that an investment project under RCW 82.60.040 (1)(b) or (c) has failed to comply with the special hiring requirements of RCW 82.60.045 for any calendar year for which reports are required under this subsection, twelve and one-half percent of the amount of deferred taxes will be immediately due. For each year a deferral's requirements are met twelve and one-half percent of the amount of deferred taxes will be waived. The department will assess interest at the rate provided for delinquent excise taxes under RCW 82.32.050, retroactively to the date of deferral. No penalties will be assessed.

(e) The department of employment security makes and certifies to the department all determinations of employment and wages required under this subsection, per request.

(25) **Debt not extinguished because of insolvency or sale.** Insolvency or other failure of the recipient does not extinguish the debt for deferred taxes nor will the sale, exchange, or other disposition of the recipient's business extinguish the debt for the deferred taxes. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral. Any person who becomes a successor (see WAC 458-20-216) to such investment project is liable for the full amount of any unpaid, deferred taxes under the same terms and conditions as the original recipient.

(26) **Disclosure of information.** Applications and reports received by the department under chapter 82.60 RCW are not confidential and are subject to disclosure. (RCW 82.60.100.)

PART III

Applications from July 1, 1992, to June 30, 1994

(27) **Definitions.** For the purposes of this part, the following definitions apply for applications made after July 1, 1992, but before July 1, 1994:

(a) "Acquisition of equipment or machinery" means the equipment and machinery is under the dominion and control of the recipient.

(b) "Applicant" means a person applying for a tax deferral under chapter 82.60 RCW.

(c) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(d) "Computer-related services" means services that are connected or interact directly in the manufacture of computer hardware or software or the programming of the manufactured hardware. This includes the manufacture of hardware such as chips, keyboards, monitors, any other hardware, and the components of these items. It includes creating operating systems and software that will be copied and sold as canned software. "Computer-related services" does not include information services. The activities performed by the manufacturer to test, correct, revise, and upgrade software or hardware before they are approved for sale to the consumer are considered computer-related services in this instance.

(e) "Department" means the department of revenue.

(f) "Eligible area" means:

(i) Unemployment county. A county in which the average level of unemployment for the three calendar years preceding the year in which an application is filed exceeds the average state unemployment for those years by twenty percent. The department may compare the county's average unemployment rate in the prior three years to one hundred twenty percent of the state's average unemployment rate based on official unemployment figures published by the department of employment security;

(ii) MSA. A metropolitan statistical area, as defined by the Office of Federal Statistical Policy and Standards, United States Department of Commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under chapter 82.60 RCW exceeds the average state unemployment for such calendar year by twenty percent; or

(iii) CEZ. Beginning July 1, 1993, a designated community empowerment zone approved under RCW 43.63A.700.

(g)(i) "Eligible investment project" means that portion of an investment project which:

(A) Is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested; and

(B) Either initiates a new operation, or expands or diversifies a current operation by expanding, or renovating an existing building with costs in excess of twenty-five percent of the true and fair value of the plant complex prior to improvement. "Improvement" means the physical alteration by significant expansion, modernization, or renovation of an existing plant complex, excluding land, where the cost of such expansion, etc., exceeds twenty-five percent of the true and fair value of the existing plant complex prior to the initi-

ation of the expansion or renovation. The term "improvement" is further defined to include those portions of an existing building which do not increase the usable floor space, but is limited to the renovation, modernization, or any other form of alteration or addition and the equipment and machinery installed therein during the course of construction. The twenty-five percent test may be satisfied by considering the value of both the building and machinery and equipment; however, at least forty percent of the total renovation costs must be attributable to the physical renovation of the building structure alone. "True and fair value" means the value listed on the assessment (~~roles~~) rolls as determined by the county assessor for the land, buildings, or equipment for ad valorem property tax purposes at the time of application; or

(C) Acquires machinery and equipment to be used for either manufacturing or research and development. The lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person.

(ii) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010 or investment projects that have already received deferrals under chapter 82.60 RCW.

(h) "Industrial fixture" means an item attached to a building or to land. Fixtures become part of the real estate to which they are attached and upon attachment are classified as real property, not personal property. Examples of "industrial fixtures" are fuel oil lines, boilers, craneways, and certain concrete slabs.

(i) "Initiation of construction," in regards to the construction of new buildings, means the commencement of on-site construction work.

(j) "Initiation of construction," in regards to the construction of expanding or renovating existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development, means the commencement of new construction by renovation, modernization, or expansion, by physical alteration.

(k) "Investment project" means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(l) "Manufacturing" has the meaning given in RCW 82.04.120. Manufacturing, for purposes of the distressed area deferral program, also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(m) "Operationally complete" means the project is capable of being used for its intended purpose as described in the application.

(n) "Person" has the meaning given in RCW 82.04.030. "Person" does not include the state of Washington or its institutions. "Person" can be either a lessee or a lessor, who can apply separately for individual investment projects at the same site, if they comply with the other requirements of this chapter. The lessor/owner of the structure is not eligible for deferral unless the underlying ownership of the buildings,

machinery, or equipment vests in the lessor/owner (~~or unless the lessor has by written contract agreed to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments~~).

(o) "Qualified buildings" are limited to structures used for manufacturing and research and development activities. "Qualified buildings" include plant offices and warehouses if such facilities are essential or an integral part of a factory, mill, plant, or laboratory. "Office" means space used by professional, clerical, or administrative staff. For plant office space to be a qualified building, its use must be essential or integral to the manufacturing or research and development operation. Office space that is used by supervisors and their staff, by technicians, by payroll staff, by the safety officer, and by the training staff are examples of qualifying office space. "Warehouse" means facilities used for the storage of raw materials or finished goods.

(p) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The "entire tax year" means the full-time position is filled for a period of twelve consecutive months. "Full time" means at least 35 hours a week, 455 hours a quarter, or 1,820 hours a year.

(q) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing operation or research and development operation. "Qualified machinery and equipment" includes: Computers, software, data processing equipment, laboratory equipment; manufacturing components such as belts, pulleys, shafts and moving parts; molds, tools and dies; operating structures; and all equipment used to control or operate machinery. It also includes machinery and equipment acquired under the terms of a long- or short-term lease by the recipient. "New" as used in this subsection means either new to the taxing jurisdiction of the state or new to the certificate holder.

(r) "Recipient" means a person receiving a tax deferral under this program.

(s) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(28) **Issuance of deferral certificate.** The department will issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW for an eligible investment project. The department will state on the certificate the amount of tax deferral for which the recipient is eligible. Recipients must keep track of how much deferral is taken.

(29) **Eligible investment amount.** Recipients are eligible for a deferral on investment used to create employment positions.

(a) Total qualifying project costs must be examined to determine the number of positions associated with the project. Total qualifying project costs are divided by three hundred thousand, the result being the qualified employment positions. This is the number of positions used as the hiring

benchmark at the end of year three. The qualified employment positions are reviewed in the third year, following December 31st of the year the project is operationally complete. If the recipient has failed to create the requisite number of positions, the department will issue an assessment under subsection (37) of this rule. Buildings that will be used partly for manufacturing or research and development and partly for other purposes are eligible for a deferral on a proportionate basis. Subsection (30) of this rule explains the procedure for apportionment.

(b) Qualified employment positions does not include those persons hired in excess of the ratio of one employee per required dollar of investment for which a deferral is granted. In the event an employee is either voluntarily or involuntarily separated from employment, the employment position will be considered filled if the employer is either training or actively recruiting a replacement employee so long as the position is not actually vacant for any period in excess of thirty consecutive days.

(30) **Apportionment of costs between qualifying and nonqualifying investments.** The deferral is allowable only in respect to investment in the construction of a new building or the expansion or renovation of existing buildings directly used in manufacturing (~~(activities, and directly used in the activities performed by)~~), research and development, or commercial testing laboratories.

(a) Where a building(s) is used partly for manufacturing or research and development, or commercial testing and partly for purposes, which do not qualify for deferral under this rule, the deferral will be determined by apportionment of the total project costs. The applicable tax deferral will be determined by apportionment according to the ratio of the ~~((construction cost per))~~ square ~~((feet))~~ footage of that portion of the building(s) directly used for manufacturing or research and development purposes bears to the ~~((construction cost per))~~ square ~~((feet))~~ footage of the total building(s).

Apportionment formula:

$$\frac{\text{Eligible square feet of building(s)}}{\text{Total square feet of building(s)}} = \text{Percent Eligible}$$

Percent Eligible x Total Project Costs = Eligible Costs.

"Total Project Costs" means cost of multipurpose buildings and other improvement costs associated with the deferral project. Machinery and equipment are not included in this calculation. Common areas, such as hallways and bathrooms, are not included in the square feet figure for either the numerator or the denominator. The cost of the common areas is multiplied by the percent eligible to determine the portion of the common area that is eligible for deferral.

Eligible Tax Deferred = Eligible Cost x Tax Rate.

(b) Qualified machinery and equipment is not subject to apportionment.

(31) **Leased equipment.** The amount of tax deferral allowable for leased equipment is the amount of the consideration paid by the recipient to the lessor over the initial term of the lease, excluding any period of extension or option to renew, up to the last date for repayment of the deferred taxes.

After that date the recipient must pay the appropriate sales taxes to the lessor for the remaining term of the lease.

(32) **Application procedure and review process.** An application for sales and use tax deferral under this program must be made prior to the initiation of construction and the acquisition of equipment or machinery. Persons who apply after construction is initiated or finished or after acquisition of machinery and equipment are not eligible for the program.

(a) Application forms will be supplied to the applicant by the department upon request. The completed application may be sent by fax to ~~((636))~~360~~((360))~~-586-2163 or mailed to the following address:

State of Washington
 Department of Revenue
 Special Programs
 P.O. Box ~~((448))~~ 47477
 Olympia, WA 98507-~~((0448))~~7477

(b) The department will verify the information contained in the application and either approve or disapprove the application within sixty days. If approved, the department will issue a tax deferral certificate. If disapproved, the department will notify the applicant as to the reason(s) for disapproval. The U.S. Post Office postmark or fax date will be used as the date of application.

(c) The applicant may seek administrative review of the department's refusal to issue a certificate pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements, within thirty days from the date of notice of the department's refusal, or within any extension of such time granted by the department. The filing of a petition for review with the department starts a review of departmental action.

(33) **Unemployment criteria.** For purposes of making application for tax deferral and of approving such applications, the statewide and county unemployment statistics last published by the department will be used to determine eligible areas. The department will update the list of eligible areas by county, on an annual basis.

(34) **Use of the certificate.** A tax deferral certificate issued under this program is for the use of the recipient for deferral of sales and use taxes due on each eligible investment project. Deferral is limited only to investment in qualified buildings or qualified machinery and equipment as defined in this Part III. Thus, sales and use taxes cannot be deferred on items that do not become part of the qualified buildings, machinery, or equipment.

The tax deferral certificate is to be used in a manner similar to that of a resale certificate as set forth in WAC 458-20-102, Resale certificates. The certificate holder must provide a copy of the tax deferral certificate to the seller at the time goods or services are purchased. The seller will be relieved of the responsibility for collection of the sales or use tax upon presentation of the certificate. The seller must retain a copy of the certificate as part of its permanent records for a period of at least five years. A blanket certificate may be provided by the certificate holder and accepted by the seller covering all such purchases relative to the eligible project. The seller is liable for business and occupation tax on all tax deferral sales. The deferral certificate is to defer the taxes of the recipient. For example, the deferral is not to be used to defer the

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taxes of the persons with whom the recipient does business, persons the recipient hires, or employees of the recipient.

(35) **Project operationally complete.** An applicant must provide the department with the estimated cost of the investment project at the time the application is made. Following approval of the application and issuance of a tax deferral certificate, a certificate holder must notify the department, in writing, when the value of the investment project reaches the estimated cost as stated on the tax deferral certificate.

(a) If a certificate holder has reached its level of estimated costs and the project is not operationally complete, the certificate holder may request an amended certificate stating a revised amount upon which the deferral of sales and use taxes is requested. Requests must be mailed or faxed to the department.

(b) The certificate holder must notify the department in writing when the construction project is operationally complete. The department will certify the date on which the project was operationally complete. The recipient of the deferral must maintain the manufacturing or research and development activity for eight years from this date.

(c) The recipient will be notified in writing of the total amount of deferred taxes, the date(s) upon which the deferred taxes must be paid, and any reports required to be submitted in the subsequent years. If the department disallows all or any portion of the amount of sales and use taxes requested for deferral, the recipient may seek administrative review of the department's action pursuant to the provisions of WAC 458-20-100, within thirty days from the date of the notice of disallowance.

(36) **Reporting and monitoring procedure.** Requirement to submit annual reports. Each recipient of a sales and use tax deferral must submit a report to the department on December 31st of each year during the repayment period until the tax deferral is repaid. The report must be made to the department in a form and manner prescribed by the department. The report must contain information regarding the actual employment related to the project and any other information required by the department. If the recipient fails to submit a report or submits an inadequate or falsified report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable. An inadequate or falsified report is one that contains material omissions or contains knowingly false statements and information.

(37) **Repayment of deferred taxes.** The recipient must begin paying the deferred taxes in the third year after the date certified by the department as the date on which the construction project has been operationally completed.

(a) The first payment will be due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years, with amounts of payment scheduled as follows:

Repayment Year	Percentage of Deferred Tax Repaid
1 (Year certified operationally complete)	0%
2	0%

Repayment Year	Percentage of Deferred Tax Repaid
3	0%
4	10%
5	15%
6	20%
7	25%
8	30%

(b) The department may authorize an accelerated repayment schedule upon request of the recipient. Interest will not be charged on any taxes deferred under this part during the period of deferral, although other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for any delinquent payments during the repayment period pursuant to chapter 82.32 RCW.

(c) Taxes deferred on the sale or use of labor directly applied in the construction of an investment project for which deferral has been granted need not be repaid, provided eligibility for the granted tax deferral has been perfected by meeting all of the eligibility requirements, based upon the recipient's annual December 31 reports and any other information available to the department. The recipient must establish, by clear and convincing evidence, the value of all construction and installation labor for which repayment of sales tax is sought to be excused. Such evidence must include, but is not limited to: A written, signed, and dated itemized billing from construction/installation contractors or independent third party labor providers which states the value of labor charged separately from the value of materials. This information must be maintained in the recipient's permanent records for the department's review and verification. In the absence of such itemized billings in its permanent records, no recipient may be excused from repayment of sales tax on the value of labor in an amount exceeding thirty percent of its gross construction or installation contract charges. The value of labor for which an excuse from repayment of sales or use tax may be received will not exceed the value which is subject to such taxes under the general provisions of chapters 82.08 and 82.12 RCW.

(d) **Failure of investment project to satisfy general conditions.** If, on the basis of the recipient's annual report or other information, including that submitted by the department of employment security, the department finds that an investment project is not eligible for tax deferral for reasons other than failure to create the required number of qualified employment positions, the department will declare the amount of deferred taxes outstanding to be immediately due. For example, a reason for disqualification would be the facility is not used for a manufacturing or research and development operation.

(e) **Failure of investment project to satisfy required employment positions.** If, on the basis of the recipient's annual report or other information, the department finds that an investment project has been operationally complete for three years and has failed to create the required number of qualified employment positions, the department will assess interest but not penalties, on the deferred taxes for the project. The department will assess interest at the rate provided for

delinquent excise taxes under RCW 82.32.050, retroactively to the date of the date of deferral. No penalties will be assessed.

(f) The department of employment security makes and certifies to the department all determinations of employment and wages required under this subsection, per request.

(g) Any action taken by the department to assess interest or disqualify a recipient for tax deferral will be subject to administrative review pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action.

(38) **Debt not extinguished because of insolvency or sale.** Insolvency or other failure of the recipient does not extinguish the debt for deferred taxes nor will the sale, exchange, or other disposition of the recipient's business extinguish the debt for the deferred taxes. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral. Any person who becomes a successor (see WAC 458-20-216) to such investment project will be liable for the full amount of any unpaid, deferred taxes under the same terms and conditions as the original recipient.

(39) **Disclosure of information.** Applications and reports received by the department under chapter 82.60 RCW are not confidential and are subject to disclosure. (RCW 82.60.100.)

WSR 03-21-035

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed October 8, 2003, 9:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-11-148.

Title of Rule: WAC 458-20-135 Extracting natural products.

Purpose: This rule discusses the tax-reporting responsibilities of persons extracting natural products.

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

Statute Being Implemented: RCW 82.04.100, 82.04.-230, and other statutes in chapters 82.04, 82.08, and 82.12 RCW as they apply to extracting activities.

Summary: This rule explains the business and occupation (B&O), retail sales, and use tax reporting responsibilities of extractors and extractors for hire. Persons extracting natural products often use the same extracted products in a manufacturing process, and the rule provides guidance for determining when an extracting activity ends and the manufacturing activity begins. This rule does not discuss the taxability of persons engaging in activities associated with timber harvest operations, which are addressed in WAC 458-20-13501 Timber harvest operations.

Reasons Supporting Proposal: To incorporate provisions of chapter 118, Laws of 2001, which in part changed

the definition of "extractor" to specifically recognize and exclude "farmers" as defined in RCW 82.04.213.

Name of Agency Personnel Responsible for Drafting: Pat Moses, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 902-7111; Implementation: Alan R. Lynn, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6125; and Enforcement: Russell Brubaker, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6131.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule explains the application of the business and occupation (B&O), retail sales, and use taxes to persons extracting natural products. Extracting and manufacturing activities are often closely associated and persons who extract often perform manufacturing on products that they have extracted. This rule provides guidance and examples so that persons who extract or both extract and manufacture products can correctly report their tax liabilities. The rule is also used by agency personnel in assisting taxpayers and to promote consistent application of the associated statutes.

The department proposes revising this rule to incorporate provisions of chapter 118, Laws of 2001, which in part changed the definition of "extractor" to specifically recognize and exclude "farmers" as defined in RCW 82.04.213. The department also proposes to restructure the information provided in subsection (2)(b)(ii), which provides guidance regarding when an extracting activity ends and manufacturing begins for commercial fishing. This restructuring does not result in any change to the reporting instructions provided in the current rule, but is being made to provide the information in a more useful manner. Subsection (3)(a) has been expanded to clarify how a person who extracts products and then uses the extracted products in a manufacturing process computes the multiple activities tax credit.

Proposal Changes the Following Existing Rules: This proposal amends WAC 458-20-135 as noted above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not impose any performance requirement or duty upon any business that results in additional business costs that is not already imposed by statute.

RCW 34.05.328 does not apply to this rule adoption. This is an interpretive rule as defined in RCW 34.05.328.

Hearing Location: Capital Plaza Building, 4th Floor, Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on December 3, 2003, 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) 725-7499.

Submit Written Comments to: Pat Moses, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail PatM@dor.wa.gov, by December 3, 2003.

Date of Intended Adoption: December 10, 2003.

October 7, 2003

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 00-11-096, filed 5/17/00, effective 6/17/00)

WAC 458-20-135 Extracting natural products. (1)

Introduction. This rule explains the application of the business and occupation (B&O), retail sales, and use taxes to persons extracting natural products. Persons extracting natural products often use the same extracted products in a manufacturing process. The rule provides guidance for determining when an extracting activity ends and the manufacturing activity begins. In addition to all other taxes, commercial fishermen may be subject to the enhanced food fish excise tax levied by chapter 82.27 RCW (Tax on enhanced food fish).

Persons engaging in activities associated with timber harvest operations should refer to WAC 458-20-13501 (Timber harvest operations). Persons engaged in a manufacturing activity should also refer to WAC 458-20-136 (Manufacturing, processing for hire, fabricating) and 458-20-13601 (Manufacturers and processors for hire—Sales and use tax exemptions for machinery and equipment).

~~(In addition to all other taxes, commercial fishermen may be subject to the enhanced fish excise tax levied by chapter 82.27 RCW (Tax on enhanced food fish).)~~

(2) ~~(Extracting activities.)~~ **Who is an "extractor"?** RCW 82.04.100 defines the term "extractor" to mean every person who, from the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral, or other natural resource product. The term includes a person who fells, cuts, or takes timber, Christmas trees other than plantation Christmas trees, or other natural products. It also includes any person who takes fish, shellfish, or other sea or inland water foods or products.

(a) **Persons excluded from the definition of "extractor."** The term "extractor" does not include:

(i) Persons performing under contract the necessary labor or mechanical services for others (these persons are extractors for hire, see subsection (4) below); or

~~(ii) (Persons cultivating or raising fish entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession;~~

~~(iii) Persons who fell, cut, or take plantation Christmas trees from the person's own land or from land in which the person has a present right of possession; or~~

~~(iv) Persons cultivating or raising shellfish or any other cultural aquatic product as defined in RCW 15.85.020 on the person's own land or on land in which the person has a present right of possession. This exclusion from the definition of "extractor" is because these persons qualify as farmers under RCW 82.04.213. (Persons identified under subsection (2)(a)(ii) and (iii) are also considered farmers.))~~ Persons who

are farmers as defined in RCW 82.04.213. Refer to WAC 458-20-209 and 458-20-210 for tax-reporting information for farmers and persons selling property to or performing horticultural services for farmers.

(b) **When an extractor is also a manufacturer.** An extractor may subsequently take an extracted product and use it as a raw material in a manufacturing process. The following examples explain when an extracting process ends and a manufacturing process begins for various situations. These examples should be used only as a general guide. ~~(Similar determinations))~~ A determination of when extracting ends and manufacturing begins for other situations can be made only after a review of all of the facts and circumstances.

(i) **Mining and quarrying.** Mining and quarrying operations are extracting activities, and generally include the screening, sorting, and piling of rock, sand, stone, gravel, or ore. For example, an operation that extracts rock, then screens, sorts, and with no further processing places the rock into piles for sale, is an extracting operation.

(A) The crushing and/or blending of rock, sand, stone, gravel, or ore are manufacturing activities. These are manufacturing activities whether or not the materials were previously screened or sorted.

(B) Screening, sorting, piling, or washing of the material, when the activity takes place in conjunction with crushing or blending at the site where the materials are taken or produced, is considered a part of the manufacturing ~~(activity)~~ operation if it takes place after the first screen. If there is no separate first screen, only those activities subsequent to the materials being deposited into the screen are considered a part of the manufacturing (activities) operation.

(ii) **Commercial fishing.** Commercial fishing operations, including the taking of any fish in Washington waters (within the statutory limits of the state of Washington) and the taking of shellfish or other sea or inland water foods or products, are extracting activities. These activities often include the removal of meat from the shell and the icing of fish or sea products (by the person catching or taking them are extracting activities. As explained in subsection (2)(a), a person taking fish, shellfish, or other sea or inland water food or product cultivated or raised)).

(A) A person growing, raising, or producing a product of aquaculture as defined in RCW 15.85.020 on the person's own land or on land in which the person has a present right of possession is considered a farmer. RCW 82.04.213.

~~(The filleting, steaking, or)~~ (B) Cleaning (removal of the head, fins, or viscera) (of), filleting, and/or steaking fish are manufacturing activities. The cooking of fish or seafood is also a manufacturing activity. Refer to RCW 82.04.260 and WAC 458-20-136 for information regarding the special B&O tax rate/classification that applies to the manufacturing of seafood products that remain in a raw, raw frozen, or raw salted state.

(C) The removal of meat from the shell or the icing of fish or sea products, when the activity is performed in conjunction with and at the site where manufacturing takes place (e.g., cooking the fish or seafood), is considered a part of the manufacturing operation.

(3) **Tax-reporting responsibilities for income received by extractors.** ~~(Persons who extract natural products in this~~

state)) Extractors are subject to the extracting B&O tax upon the value of the extracted products. (See WAC 458-20-112 regarding "value of products.") Extractors who sell the products at retail or wholesale in this state are subject to either the retailing or wholesaling B&O tax, as the case may be. In such cases, the extractor must report under both the "production" (extracting) and "selling" (wholesaling or retailing) classifications of the B&O tax, and claim a tax credit under the multiple activities tax credit (MATC). See also WAC 458-20-19301 (Multiple activities tax credits) for a more detailed explanation of the MATC reporting requirements.

For example, Corporation quarries rock without further processing. Corporation sells and delivers the rock to Landscaper, who is located in Washington. Landscaper provides Corporation with a resale certificate. Corporation should report under both the extracting and wholesaling B&O tax classifications, and claim a MATC per WAC 458-20-19301. Had Corporation delivered the quarried rock to an out-of-state location, Corporation would have incurred only an extracting B&O tax liability.

(a) **When extractors use their products in a manufacturing process.** Persons who extract products, use these extracted products in a manufacturing process, and then sell the products all within Washington are subject to both "production" taxes (extracting and manufacturing) and the "selling" tax (wholesaling or retailing), and may claim the appropriate credits under the MATC. (See also WAC 458-20-136 on manufacturing.)

For example, Company quarries rock (an extracting activity), crushes and blends the rock (a manufacturing activity), and sells the resulting product at ((wholesale)) retail. The taxable value of the extracted rock is \$50,000 (the amount subject to the extracting B&O tax). The taxable value of the crushed and blended rock is \$140,000 (the amount subject to the manufacturing B&O tax). The crushed and blended rock is sold for \$140,000 (the amount subject to the ((wholesaling)) retailing B&O tax). ((Under the MATC, Company should report \$50,000 subject to the extracting B&O tax, \$140,000 subject to the manufacturing B&O tax, and \$140,000 subject to the wholesaling B&O tax. Company should then claim the appropriate MATC per WAC 458-20-19301.)) Assume the tax rates for the extracting and manufacturing B&O taxes are .00484, and the tax rate for the retailing B&O tax is .00471. Company should compute its tax liability as follows:

(i) Reporting B&O tax on the combined excise tax return:

(A) Extracting B&O tax liability of \$242 (\$50,000 x .00484);

(B) Manufacturing B&O tax liability of \$678 (\$140,000 x .00484); and

(C) Retailing B&O tax liability of \$659 (\$140,000 x .00471).

(ii) Completing the multiple activities tax credit (Part II of Schedule C):

Activity which results in a tax credit	Taxable Amount	Business and Occupation Tax Reported					
		Extracting	Manufacturing	Wholesaling	Retailing	Total Credit	
Washington extracted products manufactured in Washington	50,000	242	242			242	
Washington extracted products sold in Washington							
Washington manufactured products sold in Washington	140,000		678		659	659	
					Multiple Activities Tax Credit Subtotal of taxes paid to Washington state		901
					Credit ID 800		901

Schedule C helps taxpayers calculate and claim the multiple activities tax credit provided by RCW 82.04.440. In the Schedule C example above, materials that a person extracts and then uses in a manufacturing process in Washington are entered at their value when extracting ceases and manufacturing begins (\$50,000 shown on the "Washington extracted products manufactured in Washington" line of the Schedule C). The taxable amount reported on the "Washington manufactured products sold in Washington" line of the Schedule C is the value of products at the point that manufacturing ceases (\$140,000), not simply the value added by the manufacturing

activity. For more information and examples that are helpful in determining the value of products, refer to WAC 458-20-112 (Value of products).

(b) **When extractors sell their products at retail or wholesale.** An extractor making retail sales must collect and remit retail sales tax on all sales to consumers, unless the sale is exempt by law (e.g., see WAC 458-20-244 regarding sales of certain food products). Extractors making wholesale sales must obtain resale certificates from their customers to document the wholesale nature of any transaction. (Refer to WAC 458-20-102 on resale certificates.)

PROPOSED

(4) **Tax-reporting responsibilities for income received by extractors for hire.** Persons performing extracting activities for extractors are subject to the extracting for hire B&O tax upon their gross income from those services.

For example, a person removing ore, waste, or overburden at a mining pit for the operator of the mining operation is an extractor for hire. Likewise, a person drilling to locate or provide access to a satisfactory grade of ore at the mining pit for the operator is also an extractor for hire. The gross income derived from these activities is subject to the extracting for hire B&O tax classification.

(5) **Mining or mineral rights.** Royalties or charges in the nature of royalties for granting another the privilege or right to remove minerals, rock, sand, or other natural resource product are subject to the service and other activities B&O tax. The special B&O tax rate provided by RCW 82.04.2907 does not apply because this statute specifically excludes compensation received for any natural (~~product~~) resource. Refer also to RCW 82.45.035 and WAC 458-61-520 (Mineral rights and mining claims) for more information regarding the sale of mineral rights and the real estate excise tax.

Income derived from the sale or rental of real property, whether designated as royalties or another term, is exempt of the B&O tax.

(6) **Tax liability with respect to purchases of equipment or supplies and property extracted and/or manufactured for commercial or industrial use.** The retail sales tax applies to all purchases of equipment, component parts of equipment, and supplies by persons engaging in extracting or extracting for hire activities unless a specific exemption applies. If the seller fails to collect the appropriate retail sales tax, the buyer is required to remit the retail sales tax (commonly referred to as "deferred retail sales tax") or use tax directly to the department.

(a) **Exemption available for certain manufacturing equipment.** RCW 82.08.02565 and 82.12.02565 provide retail sales and use tax exemptions for certain machinery and equipment used by manufacturers and processors for hire. While this exemption does not extend to extractors or extractors for hire, persons engaged in both extracting and manufacturing activities should refer to WAC 458-20-13601 for an explanation of how these exemptions may apply to them.

(b) **Property manufactured for commercial or industrial use.** Persons manufacturing tangible personal property for commercial or industrial use are subject to both the manufacturing B&O and use taxes upon the value of the property manufactured, unless a specific exemption applies. (See also WAC 458-20-134 on commercial or industrial use.)

If the person also extracts materials used in the manufacturing process, the extracting B&O tax is due on the value of the extracted materials and a MATC may be taken. For example, Quarry extracts rock, crushes the rock into desired size, and then uses the crushed rock in its parking lot. The use of the crushed rock by Quarry in its parking lot is a commercial or industrial use. Quarry is subject to the extracting and manufacturing B&O taxes and may claim a MATC. Quarry is also responsible for remitting use tax on the value of the crushed rock applied to the parking lot.

WSR 03-21-041
PROPOSED RULES
MILITARY DEPARTMENT
[Filed October 9, 2003, 11:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-19-001.

Title of Rule: Adds new chapter 118-67 WAC, Wireless enhanced 9-1-1 calls from radio communications service companies—Technical and operational standards.

Purpose: The purpose of this rule is to incorporate changes made to the RCW by HB 2595 (chapter 341) on enhanced 911 service.

Statutory Authority for Adoption: RCW 38.52.540.

Statute Being Implemented: HB 2595, chapter 341, Laws of 2002.

Summary: The purpose of new chapter 118-67 WAC is to specify technical and operational standards for enhanced 911 service from radio communications service as enacted by the 2002 legislature, chapter 341, Laws of 2002.

Reasons Supporting Proposal: This rule making creates a new section to implement RCW 38.52.561 as enacted and signed during the 2002 legislative session.

Name of Agency Personnel Responsible for Drafting: David Griffith, Camp Murray, Building 20, (253) 512-7015; Implementation and Enforcement: Bob Oenning, Camp Murray, Building 20, (253) 512-7011.

Name of Proponent: State Enhanced 911 Coordinator, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: HB 2595 added a statewide excise tax to be collected from wireless telephone users and to be used to fund implementation and operation of wireless enhanced 911 service and authorized the state enhanced 9-1-1 coordinator to set technical and operational standards for wireless enhanced 9-1-1 service. New chapter 118-67 WAC defines technical and operational standards for radio communications service providers and public safety answering points (PSAPs) that provide wireless enhanced 911 service.

Proposal Changes the Following Existing Rules: These changes reflect the addition of new sections RCW 38.52.501 and 38.52.561.

Addition of chapter 118-67 WAC, Wireless enhanced 9-1-1 calls from radio communications service companies—Technical and operational standards, to include:

- WAC 118-67-010 defines the authority for chapter 118-67 WAC.
- WAC 118-67-020 defines the purpose of chapter 118-67 WAC.
- WAC 118-67-030 provides definitions for terms used in the chapter.
- WAC 118-67-040 introduces use of FCC rules for setting technical and operational standards for wireless enhanced 9-1-1 service.
- WAC 118-67-050 sets wireless Phase II accuracy standards.
- WAC 118-67-060 sets wireless Phase I schedules and requirements.

- WAC 118-67-070 sets wireless Phase II schedules and requirements.
- WAC 118-67-080 sets schedules for use of network based location technologies.
- WAC 118-67-090 sets schedules for use of handset based location technologies.
- WAC 118-67-100 sets requirements for PSAPs.
- WAC 118-67-110 sets requirements for TTY devices.
- WAC 118-67-120 addresses RCSCs' responsibilities for nonservice initialized handsets.
- WAC 118-67-130 addresses manufacturers' responsibilities for nonservice initialized handsets.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not impact small businesses.

RCW 34.05.328 does not apply to this rule adoption. Chapter 118-67 WAC applies to the enforcement of RCW 38.52.561.

Hearing Location: Radisson Hotel Seattle Airport, 17001 Pacific Highway South, Seattle, WA 98188 (for directions contact Teresa Lewis at (253) 512-7012), on December 11, 2003, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Teresa Lewis by December 8, 2003, (253) 512-7012.

Submit Written Comments to: David Griffith, Wireless WAC Rule-making Coordinator, Enhanced 911 Program, Emergency Management Division, Building 20, TA-20, Camp Murray, WA 98430-5122, fax (253) 512-7202, by December 8, 2003.

Date of Intended Adoption: December 11, 2003.

October 8, 2003

Robert G. Oenning
E911 Coordinator

Chapter 118-67 WAC

WIRELESS ENHANCED 9-1-1 CALLS FROM RADIO COMMUNICATIONS SERVICE COMPANIES - TECHNICAL AND OPERATIONAL STANDARDS

NEW SECTION

WAC 118-67-010 Authority. This chapter is promulgated pursuant to the authority granted in RCW 38.52.561.

NEW SECTION

WAC 118-67-020 Purpose. (1) RCW 38.52.561 authorizes the state enhanced 9-1-1 coordinator, with the advice and assistance of the enhanced 9-1-1 advisory committee, to set nondiscriminatory, uniform technical and operational standards consistent with the rules of the Federal Communication Commission (FCC) for the transmission of 9-1-1 calls from radio communications service companies to enhanced 9-1-1 emergency communications systems. These standards must not exceed the requirements set by the FCC.

(2) The FCC, in its orders may refer to or approve standards adopted by the following standards bodies:

(a) Alliance for Telecommunications Industry Solutions (ATIS);

- (b) Emergency Services Interconnection Forum (ESIF);
(c) National Emergency Number Association (NENA).
(3) This chapter is based upon and does not exceed FCC requirements contained in 47 CFR § 20.18.

NEW SECTION

WAC 118-67-030 Definitions. (1) "Alliance for Telecommunications Industry Solutions (ATIS)" shall mean the membership organization that provides the tools necessary for the industry to identify standards, guidelines and operating procedures that make the interoperability of existing and emerging telecommunications products and services possible.

(2) "Emergency Services Interconnection Forum (ESIF)" shall mean the working group of ATIS that provides a venue for the telecommunications industry, public safety and other stakeholders to develop and refine technical and operational interconnection issues that will ensure E9-1-1 service will be available for everyone.

(3) "Federal Communications Commission (FCC)" shall mean the agency of the federal government established under the Communications Act of 1934, as revised, for the purpose of regulating interstate communication by wire and radio.

(4) "National Emergency Number Association (NENA)" shall mean the group established to foster the technological advancement, availability, and implementation of a universal emergency telephone number system.

(5) "Non-Service Initialized Handsets" shall mean a handset for which there is no valid service contract with an RCSC.

(6) "Phase I Enhanced 9-1-1 Service" shall mean wireless 9-1-1 service where the RCSC is required to provide the telephone number of the originator of a 9-1-1 call and the location of the cell site or base station receiving a 9-1-1 call from any mobile handset accessing their systems to the designated PSAP through the use of ANI and Pseudo-ANI (see WAC 118-66-030).

(7) "Phase II Enhanced 9-1-1 Service" shall mean wireless 9-1-1 service where the RCSC is required to provide the telephone number of the originator of a 9-1-1 call and the location by latitude and longitude to the designated PSAP.

(8) "Radio Communications Service Company (RCSC)" shall mean every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court, and every city or town making available facilities to provide commercial mobile radio communications services, or cellular communications service for hire, sale, and both facilities-based and nonfacilities-based resellers, and does not include radio-paging providers.

(9) "9-1-1 Only Handsets" shall mean a non-service-initialized handset that is manufactured with the capability of dialing 9-1-1 only and that cannot receive incoming calls.

NEW SECTION

WAC 118-67-040 Introduction. (1) Radio communications service companies (RCSCs) shall comply with the technical and operational standards established by the Fed-

eral Communications Commission for the transmission of 9-1-1 calls in section 47 CFR Chapter I, § 20.18 of the FCC Rules.

(2) The authority given to the state enhanced 9-1-1 coordinator by RCW 38.52.561 is limited to setting standards as set forth in that section and does not constitute authority to regulate radio communications service companies.

NEW SECTION

WAC 118-67-050 Phase II accuracy. (1) RCSCs shall meet or exceed the location accuracy standards for Phase II enhanced 9-1-1:

(a) For network-based technologies: 100 meters for 67 percent of calls, 300 meters for 95 percent of calls;

(b) For handset-based technologies: 50 meters for 67 percent of calls, 150 meters for 95 percent of calls.

(c) For the remaining 5 percent of calls, location attempts must be made and a location estimate for each call must be provided to the appropriate PSAP.

(2) Adhere to schedules for implementation of Phase I and Phase II enhanced 9-1-1 service (see paragraphs 20.18 (d) thru (g) of the FCC Rules and subsequent modifications of the FCC's Richardson Order and Phase II Compliance Deadlines in CC Docket 94-102):

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 118-67-060 Phase I enhanced 9-1-1 service (1) Within six months of a request by the designated Public Safety Answering Point as set forth in WAC 118-67-100, RCSCs must provide the telephone number of the originator of a 9-1-1 call and the location of the cell site or base station receiving a 9-1-1 call from any mobile handset accessing their systems to the designated Public Safety Answering Point through the use of ANI and Pseudo-ANI.

(2) When the directory number of the handset used to originate a 9-1-1 call is not available to the serving carrier, such carrier's obligations under paragraph (1) of this section extend only to delivering 9-1-1 calls and available call party information, including that prescribed in WAC 118-67-120 to the designated Public Safety Answering Point.

(3) With respect to 9-1-1 calls accessing their systems through the use of TTYs, RCSCs must comply with the requirements in paragraphs (1) and ((2) of this section, as to calls made using a digital wireless system.

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 118-67-070 Phase II enhanced 9-1-1 service. RCSCs must provide to the designated Public Safety Answering Point, Phase II enhanced 9-1-1 service, i.e., the location of all 9-1-1 calls by longitude and latitude in conformance with Phase II accuracy requirements of WAC 118-67-050.

NEW SECTION

WAC 118-67-080 Network-based location technologies. RCSCs that employ a network-based location technology shall provide Phase II enhanced 9-1-1 service to at least 50 percent of their coverage area or 50 percent of their population beginning within 6 months of a PSAP request, and to 100 percent of their coverage area or 100 percent of their population within 18 months of such a request.

NEW SECTION

WAC 118-67-090 Handset-based location technologies. RCSCs that employ a handset-based location technology may phase in deployment of Phase II enhanced 9-1-1 service, subject to the following requirements:

(1) Without respect to any PSAP request for deployment of Phase II 9-1-1 enhanced service, the RCSC shall:

(a) Ensure that 100 percent of all new digital handsets activated are location-capable.

(b) By December 31, 2005, achieve 95 percent penetration of location-capable handsets among its subscribers.

(2) Once a PSAP request is received, the RCSC shall, in the area served by the PSAP, within six months:

(a) Install any hardware and/or software in the CMRS network and/or other fixed infrastructure, as needed, to enable the provision of Phase II enhanced 9-1-1 service; and

(b) Begin delivering Phase II enhanced 9-1-1 service to the PSAP.

(3) For all 9-1-1 calls from portable or mobile phones that do not contain the hardware and/or software needed to enable the RCSC to provide Phase II enhanced 9-1-1 service, the RCSC shall, after a PSAP request is received, support, in the area served by the PSAP, Phase I location for 9-1-1 calls or other available best practice method of providing the location of the portable or mobile phone to the PSAP.

(4) RCSCs employing handset-based location technologies shall ensure that location-capable portable or mobile phones shall conform to industry interoperability standards designed to enable the location of such phones by multiple RCSCs.

NEW SECTION

WAC 118-67-100 Requirements for PSAPs. PSAPs shall request Phase I or Phase II enhanced service from RCSCs providing wireless service in their areas based on the following requirements:

(1) The requirements set forth in WAC 118-67-050, 060, 070, 080, and 090, shall be applicable only if the administrator of the designated Public Safety Answering Point has requested the services required under those paragraphs and is capable of receiving and utilizing the data elements associated with the service, and a mechanism for recovering the Public Safety Answering Point's costs of the enhanced 9-1-1 service is in place.

(2) A Public Safety Answering Point will be deemed capable of receiving and utilizing the data elements associated with the service requested if it can demonstrate that it has ordered the necessary equipment and has commitments from suppliers to have it installed and operational within the

six-month period specified in WAC 118-67-060, 080, or 090, as applicable, and can demonstrate that it has made a timely request to the appropriate LEC for the necessary trunking and other facilities.

(3) In the alternative, a Public Safety Answering Point will be deemed capable of receiving and utilizing the data elements associated with Phase II service if it is Phase I-capable using an NCAS methodology, and if it can demonstrate that it has made a timely request to the appropriate LEC for the ALI database upgrade necessary to receive the Phase II information.

NEW SECTION

WAC 118-67-110 TTY access to 9-1-1 services. RCSCs subject to this section must be capable of transmitting 9-1-1 calls from individuals with speech or hearing disabilities through means other than mobile radio handsets, e.g., through the use of Text Telephone Devices (TTY). Operators of digital wireless systems must begin complying with the provisions of this paragraph.

Reviser's note: The unnecessary strikethrough 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 118-67-120 Non-service-initialized handsets. RCSCs that donate a non-service-initialized handset for purposes of providing access to 9-1-1 services are required to:

(1) Program 9-1-1 followed by the last seven digits of the serial number as the telephone number/mobile identification number into each handset;

(2) Affix to each handset a label that is designed to withstand the length of service expected for a non-service-initialized phone, and that notifies the user that the handset can only be used to dial 9-1-1, that the 9-1-1 operator will not be able to call the user back, and that the user should convey the exact location of the emergency as soon as possible; and

(3) Institute a public education program to provide the users of such handsets with information regarding the limitations of non-service-initialized handsets.

NEW SECTION

WAC 118-67-130 Manufacturer of 9-1-1-only handsets. Manufacturers of 9-1-1-only handsets are required to:

(1) Program each handset with 9-1-1 followed by the last seven digits of the serial number as its telephone number/mobile identification number;

(2) Affix to each handset a label that is designed to withstand the length of service expected for a non-service-initialized phone, and which notifies the user that the handset can only be used to dial 9-1-1, that the 9-1-1 operator will not be able to call the user back, and that the user should convey the exact location of the emergency as soon as possible; and

(3) Institute a public education program to provide the users of such handsets with information regarding the limitations of 9-1-1-only handsets.

WSR 03-21-070
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed October 14, 2003, 9:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-15-113.

Title of Rule: Impairment rating examinations by attending doctors and consultants and independent medical examinations: WAC 296-20-200 General information (impairment ratings), 296-20-210 General rules (impairment ratings) and 296-23-255 through 296-23-270, Independent medical examinations.

Purpose: The department is implementing a number of changes to improve the quality and timeliness of independent medical examinations. The purpose of the proposed rules is to ensure providers know the department's requirements to be an independent medical examiner, the expectations of providers in the treatment of injured workers during an examination and other standards providers are expected to meet as approved examiners. In addition, the rules clarify requirements of attending physicians or consultants when doing impairment rating examinations.

Statutory Authority for Adoption: RCW 51.32.055, 51.32.112, 51.32.114, 51.36.060, and 51.36.070.

Statute Being Implemented: Chapters 51.32 and 51.36 RCW.

Summary: AMENDATORY SECTION: WAC 296-20-200 General information for impairment rating examinations by attending doctors, consultants or independent medical examination (IME) providers, this section was changed to accurately reflect the title of the subject addressed in this WAC, and to change some of the terminology to reflect current language used.

NEW SECTIONS: WAC 296-20-2010 General rules for impairment rating examinations by attending doctors and consultants, 296-20-2015 What rating systems are used for determining an impairment rating conducted by the attending doctor or a consultant?, 296-20-2020 When may attending doctors perform impairment rating examinations or refer to a consultant?, 296-20-2025 May a worker bring someone with them to an impairment rating examination conducted by the attending doctor or a consultant?, 296-20-2030 May the worker video or audio tape the impairment rating examination conducted by the attending doctor or a consultant?, 296-23-302 Definitions, 296-23-307 Why are independent medical examinations requested?, 296-23-312 Can a provider conduct independent medical examinations (IME) for the department or self-insurer without an active IME provider number from the department?, 296-23-317 What qualifications must a provider meet to receive an independent medical examination (IME) provider number?, 296-23-322 What boards are recognized by the department for independent medical examiner (IME) provider approval?, 296-23-327 What other factors may the department's medical director consider in approving or disapproving an application for an independent medical examiner (IME) provider number?, 296-23-332 What are the requirements for notifying the department if an independent medical examination (IME) provider has a

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change in status?, 296-23-337 What factors does the department consider in suspending or terminating an independent medical examiner (IME) provider number?, 296-23-342 Are providers entitled to referrals from the department?, 296-23-347 What are the independent medical examiner (IME) provider's responsibilities in an examination?, 296-23-352 Must the independent medical examination (IME) provider address job analyses (JAs) at the request of the department or self-insurer?, 296-23-357 May an independent medical examiner (IME) provider offer to provide ongoing treatment to the worker?, 296-23-362 May a worker bring someone with them to an independent medical examination (IME)?, 296-23-367 May the worker video or audio tape the independent medical examination?, 296-23-372 Can a worker file a complaint about a provider's conduct during an independent medical examination?, 296-23-377 If an independent medical examiner (IME) provider is asked to do an impairment rating examination only, what information must be included in the report?, 296-23-382 What information must be included in an independent medical examination (IME) report?, 296-23-387 What are the responsibilities of an independent medical examiner (IME) provider regarding testimony?, and 296-23-392 Is there a fee schedule for independent medical examinations?

REPEALED SECTIONS: WAC 296-20-210 General rules, moved requirements from this section to WAC 296-20-2010; WAC 296-23-255 Independent medical examinations, moved requirements from this section to WAC 296-23-307; WAC 296-23-260 Examination reports, moved requirements from this section to WAC 296-23-387; WAC 296-23-265 Who may perform independent medical examinations?, moved requirements from this section to WAC 296-23-317; WAC 296-23-26501 How do doctors become approved examiners?, moved requirements from this section to WAC 296-23-312, 296-23-317, 296-23-322, 296-23-327, 296-23-332; WAC 296-23-26502 Where can doctors get an application to become an approved examiner and other information about independent medical examinations?, moved requirements from this section to WAC 296-23-312, 296-23-317, 296-23-322; WAC 296-23-26503 What factors does the medical director consider in approving, suspending or removing doctors from the approved examiners list?, moved requirements from this section to WAC 296-23-337; WAC 296-23-26504 What happens if an examiner is suspended or removed from the approved examiner list by the medical director?, moved requirements from this section to WAC 296-23-327; WAC 296-23-26505 Is there a fee schedule for independent medical examinations?, moved requirements from this section to WAC 296-23-392; WAC 296-23-26506 Can a worker file a complaint about an independent medical examiner's conduct?, moved requirements from this section to WAC 296-23-372; WAC 296-23-267 When may attending doctors perform impairment rating examinations?, moved requirements from this section to WAC 296-20-2020; and WAC 296-23-270 Independent medical examinations two or more examiners, this section is no longer applicable because each individual provider will be receiving a provider number.

Name of Agency Personnel Responsible for Drafting: Paulette Golden, Tumwater, (360) 902-6299; Implementa-

tion and Enforcement: Nancy Peterson, Tumwater, (360) 902-6823.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules contain the department's requirements for providers wishing to perform independent medical examinations for injured workers, the expectations of providers in the treatment of injured workers during an examination and other standards providers are expected to meet as approved examiners. In addition, the rules clarify requirements of attending physicians or consultants when doing impairment rating examinations. The anticipated effect is improved quality and timeliness of independent medical examinations.

Proposal Changes the Following Existing Rules: WAC 296-20-200 was changed to clarify the general information applies to attending doctors, consultants or IME providers conducting impairment rating examinations.

WAC 296-20-210 repealed and moved to new section that clarifies this rule applies to attending physicians and consultants conducting impairment rating examinations. The remainder of the changes in chapter 296-20 WAC bring current department policy into rule.

Repeated current rules regarding independent medical examinations and replaced with a new section. The new rules add definitions of terms, bring current department policy into rule and add new requirements:

- Require a provider number for anyone conducting IMEs;
- Establish business requirements for anyone conducting IMEs;
- Notification of the department of a provider's change in status;
- Define IME provider responsibilities in conducting an examination;
- Establish conditions regarding who may attend an IME with a worker;
- Set requirements for IME providers completing job analysis; and
- Establish reporting requirements including 14 days to submit IME report.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has considered whether these proposed rules are subject to the Regulatory Fairness Act and has determined that they do not require a small business economic impact statement because the costs associated with the proposed rules will not place a more than minor impact on any business or contractor and/or they are exempted by law (see RCW 19.85.025 referencing RCW 34.05.310 (4)) from the small business economic impact requirements.

RCW 34.05.328 applies to this rule adoption. Significant rule-making criteria does not apply to these rule changes because the exempt criteria outlined in RCW 34.05.028(5) [34.05.328(5)] was not met.

Hearing Location: Red Lion Hotel Seattle Airport, Seattle Room, 18220 International Boulevard, Seattle, WA

98188, on December 2, 2003, at 1:00 p.m.; and at the Hampton Inn, Sunset C Room, 2010 South Assembly Road, Spokane, WA 99224, on December 3, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Paulette Golden by November 15, 2003, at (360) 902-6299.

Submit Written Comments to: Paulette Golden, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, fax (360) 902-4249, by December 10, 2003.

Date of Intended Adoption: January 13, 2004.

October 14, 2003

Paul Trause

Director

AMENDATORY SECTION (Amending WSR 97-09-036, filed 4/14/97, effective 5/15/97)

WAC 296-20-200 General information for impairment rating examinations by attending doctors, consultants or independent medical examination (IME) providers.

(1) The department of labor and industries has promulgated the following rules and categories to provide a comprehensive system of classifying unspecified permanent partial disabilities in the proportion they reasonably bear to total bodily impairment. The department's objectives are to reduce litigation and establish more certainty and uniformity in the rating of unspecified permanent partial disabilities pursuant to RCW 51.32.080(2).

(2) The following system of rules and categories directs the ~~((examiner's))~~ provider's attention to the actual conditions found and establishes a uniform system for conducting rating examinations and reporting findings and conclusions in accord with broadly accepted medical principles.

The evaluation of bodily impairment must be made by experts authorized to perform rating examinations. ~~((This system recognizes and provides for this.))~~ After conducting the examination, the ~~((examiner))~~ provider will choose the appropriate category for each bodily area or system involved in the particular claim and include this information in the report. The ~~((examiner))~~ provider will, therefore, in addition to describing the worker's condition in the report, submit the conclusions as to the relative severity of the impairment by giving it in terms of a defined condition rather than a personal opinion as to a percentage figure. In the final section of this system of categories and rules are some rules for determining disabilities and the classification of disabilities in bodily impairment is listed for each category. These last provisions are for the department's administrative use in acting upon the expert opinions which have been submitted to it.

(3) In preparing this system, the department has complied with its duty to enact rules classifying unspecified disabilities in light of statutory references to nationally recognized standards or guides for determining various bodily impairments. Accordingly, the department has obtained and acted upon sound established medical opinion in thus classifying unspecified disabilities in the reasonable proportion they bear to total bodily impairment. In framing descriptive language of the categories and in assigning a percentage of disability, careful consideration has been given to nationally recognized medical standards and guides. Both are matters calling for the use of expert medical knowledge. For this rea-

son, the meaning given the words used in this set of categories and accompanying rules, unless the text or context clearly indicates the contrary, is the meaning attached to the words in normal medical usage.

(4) The categories describe levels of physical and mental impairment. Impairment is anatomic or functional abnormality or loss of function after maximum medical ~~((rehabilitation))~~ improvement has been achieved. This is the meaning of "impairment" as the word is used in the guides mentioned above. This standard applies to all persons equally, regardless of factors other than loss of physical or mental function. Impairment is evaluated without reference to the nature of injury or the treatment therefore, but is based on the functional loss due to the injury or occupational disease. The categories have been framed to include conditions in other bodily areas which derive from the primary impairment. The categories also include the presence of pain, tenderness and other complaints. Workers with comparable loss of function thus receive comparable awards.

(5) These rules and categories (WAC 296-20-200 through 296-20-690) shall only be applicable to compensable injuries occurring on or after the effective date of these rules and categories.

(6) These rules and categories (WAC 296-20-200 through 296-20-690) shall be applicable only to cases of permanent partial disability. They have no applicability to determinations of permanent total disability.

NEW SECTION

WAC 296-20-2010 General rules for impairment rating examinations by attending doctors and consultants. These general rules must be followed by doctors who perform examinations or evaluations of permanent bodily impairment.

(1) Impairment rating examinations shall be performed only by doctors currently licensed in medicine and surgery (including osteopathic and podiatric) or dentistry, and department-approved chiropractors subject to RCW 51.32.112. The department or self-insurer generally prefers the impairment rating examination be conducted by the worker's attending doctor. If the attending doctor is unable or unwilling to perform the impairment rating examination, a consultant, at the attending doctor's request, may conduct a consultation examination and provide an impairment rating based on the findings. The department or self-insurer can also request an impairment rating examination from an independent medical examination (IME) provider. A chiropractic impairment rating examination may be performed only where the worker has been clinically managed by a chiropractor.

(2) Whenever an impairment rating examination is made, the attending doctor or consultant must complete a rating report that includes, at a minimum, the following:

(a) Statement that the patient has reached maximum medical improvement (MMI) and that no further curative treatment is recommended;

(b) Pertinent details of the physical examination performed (both positive and negative findings);

(c) Results of any pertinent diagnostic tests performed (both positive and negative findings). Include copies of any pertinent tests or studies ordered as part of the exam;

(d) An impairment rating consistent with the findings and a statement of the system on which the rating was based (for example, the *AMA Guides to the Evaluation of Permanent Impairment* and edition used, or the Washington state category rating system - refer to WAC 296-20-19000 through 296-20-19030 and WAC 296-20-200 through 296-20-690); and

(e) The rationale for the rating, supported by specific references to the clinical findings, especially objective findings and supporting documentation including the specific rating system, tables, figures and page numbers on which the rating was based.

NEW SECTION

WAC 296-20-2015 What rating systems are used for determining an impairment rating conducted by the attending doctor or a consultant? The following table provides guidance regarding the rating systems generally used. These rating systems or others adopted through department policies should be used to conduct an impairment rating.

Overview of Systems for Rating Impairment

Rating System	Used for These Conditions	Form of the Rating
RCW 51.32.080	Specified disabilities: Loss by amputation, total loss of vision or hearing	Supply the level of amputation
<i>AMA Guides to the Evaluation of Permanent Impairment</i>	Loss of function of extremities, partial loss of vision or hearing	Determine the percentage of loss of function, as compared to amputation value listed in RCW 51.32.080
Category Rating System	Spine, neurologic system, mental health, respiratory, taste and smell, speech, skin, or disorders affecting other internal organs	Select the category that most accurately indicates overall impairment
Total Bodily Impairment (TBI)	Impairments not addressed by any of the rating systems above, and claims prior to 1971	Supply the percentage of TBI

NEW SECTION

WAC 296-20-2020 When may attending doctors or consultants perform impairment rating examinations? The department or self-insurer generally prefers the worker's attending doctor conduct the impairment rating examination. Attending doctors or consultants may, subject to the requirements of WAC 296-20-2010, perform impairment rating examinations of workers at the direction of the state fund or self-insurer.

If the attending doctor is unable or unwilling to perform the impairment rating examination, a consultant, at the attending doctor's request, may conduct a consultation examination and provide an impairment rating based on the findings. The department or self-insured employer can also request an impairment rating examination from an independent medical examination (IME) provider.

Attending doctors and consultants performing impairment rating examinations must be available and willing to testify on behalf of the department or self-insurer, worker, or employer and accept the department fee schedule rate for testimony.

NEW SECTION

WAC 296-20-2025 May a worker bring someone with them to an impairment rating examination conducted by the attending doctor or a consultant? (1) Workers can bring an adult friend or family member to the impairment rating examination to provide comfort and reassurance. The accompanying person may attend the physical examination but may not attend a psychiatric examination.

(2) The accompanying person cannot be compensated for attending the examination by anyone in any manner.

(3) The worker may not bring an interpreter to the examination. If interpretive services are needed, the department or self-insurer will provide an interpreter.

(4) The purpose of the impairment rating examination is to provide information to assist in the determination of the level of any permanent impairment, not to conduct an adversarial procedure. Therefore, the accompanying person cannot be:

(a) The worker's attorney, paralegal, any other legal representative, or any other personnel employed by the worker's attorney or legal representative; or

(b) The worker's attending doctor, any other provider involved in the worker's care, or any other personnel employed by the attending doctor or other provider involved in the worker's care.

The department may designate other conditions under which the accompanying person is allowed to be present during the impairment rating examination.

NEW SECTION

WAC 296-20-2030 May the worker videotape or audiotape the impairment rating examination conducted by the attending doctor or a consultant? The use of recording equipment of any kind by the worker or accompanying person is not allowed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-20-210 General rules.

NEW SECTION

WAC 296-23-302 Definitions. Direct patient care. For the purpose of meeting the qualifications of an independent medical examination (IME) provider, direct patient care means face-to-face contact with the patient for the purpose of evaluation and management of care that includes, but is not limited to:

- History taking and review of systems;
- Physical examination;

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- Medical decision making;
- Coordination of care with other providers and agencies.

This does not include time spent in consultation or independent medical examinations.

Impairment rating examination. An examination to determine whether or not the injured/ill worker has any permanent impairment(s) as a result of the industrial injury or illness after the worker has reached maximum medical improvement. An impairment rating may be a component of an IME.

Independent medical examination (IME). An objective medical examination requested by the department or self-insurer to establish medical facts about a worker's physical condition.

Independent medical examination (IME) provider. A firm, partnership, corporation, or individual doctor who has been approved and given an independent medical examination (IME) provider number by the department to perform IMEs.

Medical director. A licensed doctor in the firm, partnership, corporation or other legal entity responsible to provide oversight on quality of independent medical examinations, impairment ratings and reports.

Medical examiners' handbook. A handbook distributed by the department containing department policy and information to assist doctors who perform independent medical examinations and impairment rating examinations.

Provider number. A unique number(s) assigned to a provider by the department of labor and industries. The number identifies the provider and is linked to a payer tax identification number that has been designated by the provider for payment purposes. A provider may have more than one provider number assigned by the department.

NEW SECTION

WAC 296-23-307 Why are independent medical examinations requested? Independent medical examinations (IMEs) are requested by the department or the self-insurer. Generally, IMEs are ordered for one or more of the following reasons, including, but not limited to:

- (1) Establish a diagnosis;
- (2) Outline a program of treatment;
- (3) Evaluate what, if any, conditions are related to the claimed industrial injury or occupational disease/illness;

(4) Determine whether an industrial injury or occupational disease/illness has aggravated a preexisting condition and the extent or duration of that aggravation;

(5) Establish when the accepted industrial injury or occupational disease/illness has reached maximum medical improvement;

(6) Establish an impairment rating;

(7) Evaluate whether the industrial injury or occupational disease/illness has worsened; or

(8) Evaluate the worker's mental and/or physical restrictions as well as the worker's ability to work.

NEW SECTION

WAC 296-23-312 Can a provider conduct independent medical examinations (IMEs) for the department or self-insurer without an active IME provider number from the department? No. Only doctors who possess an active IME provider number can provide independent medical examinations for the department or self-insurer. Providers must submit an IME provider application and be approved by the department to receive this number.

NEW SECTION

WAC 296-23-317 What qualifications must a provider meet to receive an independent medical examination (IME) provider number? In order to ensure high quality independent medical examinations, the department shall only approve an IME provider number for persons, firms, partnerships, corporations or other legal entities that meet the following qualification requirements:

(1) Providers who wish to bill or get paid for independent medical examinations or related services must apply for and receive an IME provider number. Issuance of an IME provider number does not guarantee IME referrals.

(2) Providers must have and maintain a current license to practice in the state in which they conduct IMEs and meet at least one of the two following requirements:

(a) Board certification in their medical specialty; or

(b) A minimum of an average of eight hours per week over the past two years of direct patient care in their medical specialty (excluding IMEs).

(3) Only providers in the following practice specialties who meet all other requirements may perform IMEs;

Examiner is:	Doctors licensed to practice:				
	Medicine & surgery	Osteopathic medicine & surgery	Podiatric medicine & surgery	Chiropractic	Dentistry
In Washington	Yes	Yes	Yes	Yes	Yes
Not in Washington	Yes	Yes	Yes	No	Yes

(4) A provider licensed to practice chiropractic in Washington must also meet all the following requirements:

(a) Be a chiropractic consultant for the department for at least two years;

(b) Take an impairment rating course approved by the department; and

(c) Attend the department's chiropractic consultant and examiners' seminar during the twenty-four months prior to application.

(5) Business requirements:

(a) Providers must conduct independent medical examinations only in a professional office suitable for medical, podiatric, chiropractic or psychiatric examinations where the primary use of the examination site is for medical services;

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not residential, commercial, educational or retail in nature. The site must have, at a minimum, adequate access, climate control, light, space and equipment to provide for the comfort and safety of the injured/ill worker and provide the privacy necessary for workers to discuss their medical issues.

(b) Providers must comply with all federal and state laws, regulations and other requirements with regard to business operations, including specific requirements for business operations for the provision of medical services.

(c) Providers must have a private disrobing area and adequate provision of examination gowns.

(d) Providers must have telephone answering capability during regular business hours, Monday through Friday, in order to facilitate scheduling of independent medical examinations and means for workers to contact the provider regarding their scheduled examination. If the office is open on Saturday, telephone access must be available.

(e) In order to be assigned an IME provider number, an IME firm, partnership, corporation or other legal entity must have a medical director. The medical director must be a licensed provider and be responsible to provide oversight on the quality of independent medical examinations, impairment ratings and reports.

NEW SECTION

WAC 296-23-322 What boards are recognized by the department for independent medical examination (IME) provider approval? The department accepts certifications from boards recognized by the following as meeting the board certification requirements in WAC 296-23-317:

- (1) American Board of Medical Specialties;
- (2) American Osteopathic Association (AOA) Bureau of Osteopathic Specialties;
- (3) American Podiatric Medical Association;
- (4) American Dental Association.

NEW SECTION

WAC 296-23-327 What other factors may the department's medical director consider in approving or disapproving an application for an independent medical examination (IME) provider number? The department's medical director considers other factors in approving or disapproving an IME application, including, but not limited to, the following:

- (1) Complaints about the provider;
- (2) Quality of reports;
- (3) Timeliness of reports;
- (4) Charges regarding any crime, gross misdemeanor, felony or violation of statutes or rules by any administrative agency, court or board;
- (5) Convictions of any crime, gross misdemeanor, felony or violation of statutes or rules by any administrative agency, court or board.

NEW SECTION

WAC 296-23-332 What are the requirements for notifying the department or self-insurer if an independent medical examination (IME) provider has a change in sta-

tus? Providers must immediately notify the department of any change in status that might affect their qualifications for an independent medical examination (IME) provider number. The notification must be in writing. Providers must include a copy of any charges or final orders if applicable. Changes in status include, but are not limited to:

- (1) Changes in time spent in direct patient care;
- (2) Loss or restriction of hospital admitting or practice privileges;
- (3) Changes affecting business requirements (WAC 296-23-317);
- (4) Loss of board certification;
- (5) Charges regarding any crime, gross misdemeanor, felony or violation of statutes or rules by any administrative agency, court or board;
- (6) Convictions of any crime, gross misdemeanor, felony or violation of statutes or rules by any administrative agency, court or board;
- (7) Temporary or permanent probation, suspension, revocation, or limitation placed on their license to practice by any court, board, or administrative agency in any state or foreign jurisdiction.

NEW SECTION

WAC 296-23-337 What factors does the department's medical director consider in suspending or terminating an independent medical examination (IME) provider number? The department's medical director may consider several factors in suspending or terminating an IME provider number. Examples include, but are not limited to:

- (1) Complaints about the provider (see, e.g., WAC 296-23-377);
- (2) Disciplinary proceedings or actions;
- (3) Proceedings in any court dealing with the provider's professional conduct, quality of care and criminal actions;
- (4) Ability to effectively convey and substantiate medical opinions and conclusions concerning workers;
- (5) Untimely reports;
- (6) Substandard quality of reports or failure to comply with current department policy on report contents;
- (7) Unavailability or lack of willingness to responsibly communicate with the department or self-insurer;
- (8) Unavailability or lack of willingness to testify on behalf of the department or self-insurer, worker, or employer;
- (9) Failure to stay current in the area of specialty and in the areas of impairment rating, performance of IMEs, industrial injury and occupational disease/illness, industrial insurance statutes, regulations and policies;
- (10) Failure to continue to maintain the criteria to be an IME provider;
- (11) Misrepresentation of information provided to the department;
- (12) Failure to inform the department of changes affecting the provider's status as an IME provider;
- (13) Failure to comply with the department's orders, statutes, rules, or policies; and
- (14) Failure to accept the department fee schedule rate for testimony or independent medical examinations.

NEW SECTION

WAC 296-23-342 Are providers entitled to referrals from the department or self-insurer? No. The department or self-insured employer refers industrially injured or ill workers for independent medical examination (IME) services at their sole discretion. No provider is entitled to referrals from the referral source.

NEW SECTION

WAC 296-23-347 What are the independent medical examination (IME) provider's responsibilities in an examination? (1) The IME provider's responsibilities prior to the examination are to:

(a) Be familiar with the contents of the medical examiner's handbook;

(b) Review all claim documents provided by the department or self-insured employer;

(c) Contact the worker prior to the examination to confirm the appointment date, time and location; and

(d) Review the purpose of the examination and the questions to be answered in the examination report.

(2) The IME provider's responsibilities during the examination are to:

(a) Introduce himself or herself to the worker;

(b) Verify the identity of the worker;

(c) Let the worker know that the claim documents from the department have been reviewed;

(d) Explain the examination process and answer the worker's questions about the examination process;

(e) Advise the worker that he/she should not perform any activities beyond their physical capabilities;

(f) Allow the worker to remain fully dressed while taking the history;

(g) Ensure adequate draping and privacy if the worker needs to remove clothing for the examination;

(h) Refrain from expressing personal opinions about the worker, the employer, the attending doctor, or the care the worker has received;

(i) Conduct an examination that is unbiased, sound and sufficient to achieve the purpose and reason the examination was requested;

(j) Conduct the examination with dignity and respect for the worker;

(k) Ask if there is any further information the worker would like to provide; and

(l) Close the examination by telling the worker that the examination is over.

(3) The IME provider's responsibilities following the examination are to:

(a) Send a complete IME report to the department or self-insurer within fourteen calendar days of the examination date, or within fourteen calendar days of receipt of the results of any special tests or studies requested as a part of the examination. Reports received after fourteen calendar days may be paid at a lower rate per the fee schedule. The report must meet the requirements of WAC 296-23-387; and

(b) Maintain the claim file information received from the department or self-insurer for ninety calendar days following submission of the examination report. After ninety calendar

days information should be disposed of in a manner used for similar health records containing private information.

NEW SECTION

WAC 296-23-352 Must the independent medical examination (IME) provider address job analyses (JAs) at the request of the department or self-insurer? Job analyses (JAs) sent to the IME provider at the time of the IME referral must be completed and submitted with the IME report. JAs submitted within sixty calendar days after the IME must be completed and returned within fourteen calendar days of receipt of the JAs.

NEW SECTION

WAC 296-23-357 May an independent medical examination (IME) provider offer to provide ongoing treatment to the worker? No. However, if a worker voluntarily approaches an IME provider who has previously examined the worker and asks to be treated by that provider, the provider can treat the worker. The provider must document that the worker was aware of other treatment options.

NEW SECTION

WAC 296-23-362 May a worker bring someone with them to an independent medical examination (IME)? (1) Workers can bring an adult friend or family member to the IME to provide comfort and reassurance. That accompanying person may attend the physical examination but may not attend a psychiatric examination.

(2) The accompanying person cannot be compensated for attending the examination by anyone in any manner.

(3) The worker may not bring an interpreter to the examination. If interpretive services are needed, the department or self-insurer will provide an interpreter.

(4) The purpose of the IME is to provide information to assist in the determination of the level of any permanent impairment not to conduct an adversarial procedure. Therefore, the accompanying person cannot be:

(a) The worker's attorney, paralegal, any other legal representative, or any other personnel employed by the worker's attorney or legal representative; or

(b) The worker's attending doctor, any other provider involved in the worker's care, or any other personnel employed by the attending doctor or other provider involved in the worker's care.

The department may designate other conditions under which the accompanying person is allowed to be present during the IME.

NEW SECTION

WAC 296-23-367 May the worker videotape or audiotape the independent medical examination? The use of recording equipment of any kind by the worker or accompanying person is not allowed.

NEW SECTION

WAC 296-23-372 Can a worker file a complaint about a provider's conduct during an independent medical examination? Workers can send written complaints about a provider's conduct during an independent medical examination to the self-insurer or department. Based on the nature of the complaint, the department may refer the complaint to the department of health.

NEW SECTION

WAC 296-23-377 If an independent medical examination (IME) provider is asked to do an impairment rating examination only, what information must be included in the report? When doing an impairment rating examination, the IME provider must first review the determination by the attending doctor that the worker has reached maximum medical improvement (MMI).

(1) If, after reviewing the records, taking a history from the worker and performing the examination, the IME provider concurs with the attending doctor's determination of MMI, the impairment rating report must, at a minimum, contain the following:

(a) A statement of concurrence with the attending doctor's determination of MMI;

(b) Pertinent details of the physical or psychiatric examination performed (both positive and negative findings);

(c) Results of any pertinent diagnostic tests performed (both positive and negative findings). Include copies of pertinent tests with the report;

(d) An impairment rating consistent with the findings and a statement of the system on which the rating was based (for example, the *AMA Guides to the Evaluation of Permanent Impairment* and edition used, or the Washington state category rating system - refer to WAC 296-20-19000 through 296-20-19030 and WAC 296-20-200 through 296-20-690); and

(e) The rationale for the rating, supported by specific references to the clinical findings, especially objective findings and supporting documentation including the specific rating system, tables, figures and page numbers on which the rating was based.

(2) If, after review of the records, a history from the worker and the examination, the IME provider does not concur with the attending doctor's determination of MMI, an IME report must be completed. (See WAC 296-23-387.)

NEW SECTION

WAC 296-23-382 What information must be included in an independent medical examination (IME) report? (1) It is the department's intention to purchase objective examinations to ensure that sure and certain determinations are made of all benefits to which the worker might be entitled. The independent medical examination report must:

(a) Contain objective, sound and sufficient medical information;

(b) Document the review of the claim documents provided by the department or self-insurer;

(c) Document the worker's history and the clinical findings;

(d) Answer all the written questions posed by the department or self-insurer or include a description of what would be needed to address the questions;

(e) Include objective conclusions and recommendations supported by underlying rationale that links the medical history and clinical findings;

(f) Be in compliance with current department reporting policies; and

(g) Be signed by the IME provider performing the examination.

(2) An impairment rating report may be requested as a component of an IME. Impairment rating reports are to be done as specified in WAC 296-20-200 and 296-20-2010 (2)(a) through (e).

NEW SECTION

WAC 296-23-387 What are the responsibilities of an independent medical examination (IME) provider regarding testimony? IME providers must make themselves reasonably available to testify at the board of industrial insurance appeals or by deposition. In signing the application to be an independent medical examination provider, the provider agrees to perform examinations and be available to testify and to answer questions about the medical facts of the case at rates established under the authority of Washington industrial insurance law. Failure to comply with this requirement may result in termination of the IME provider number.

NEW SECTION

WAC 296-23-392 Is there a fee schedule for independent medical examinations? The maximum fee schedule for performing independent medical examinations is published by the department in the *Medical Aid Rules and Fee Schedule* available from the department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-23-255	Independent medical examinations.
WAC 296-23-260	Examination reports.
WAC 296-23-265	Who may perform independent medical examinations?
WAC 296-23-26501	How do doctors become approved examiners?
WAC 296-23-26502	Where can doctors get an application to become an approved examiner and other information about independent medical examinations?
WAC 296-23-26503	What factors does the medical director consider in

- WAC 296-23-26504 approving, suspending or removing doctors from the approved examiners list?

What happens if an examiner is suspended or removed from the approved examiner list by the medical director?
- WAC 296-23-26505 Is there a fee schedule for independent medical examinations?

Can a worker file a complaint about an independent medical examiner's conduct?
- WAC 296-23-267 When may attending doctors perform impairment rating examinations?

Independent medical examinations two or more examiners.

WSR 03-21-087
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed October 16, 2003, 3:07 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-17-035.

Title of Rule: Aircraft fuel tax exemptions.

Purpose: To clarify eligibility for an exemption from the aircraft fuel tax for emergency medical air transport entities.

Statutory Authority for Adoption: RCW 82.42.040.

Statute Being Implemented: RCW 82.42.020.

Summary: These proposed rules define who is eligible for an exemption from the aircraft fuel tax when engaged in emergency medical air transport services and under what circumstances.

Reasons Supporting Proposal: An emergency medical air transport entity was not defined in statute nor was the activity which would trigger the exemption.

Name of Agency Personnel Responsible for Drafting and Implementation: Art Farley, 2424 Bristol Court S.W., Olympia, WA 98504, (360) 664-1820; and Enforcement: Jeff Beach, 2424 Bristol Court S.W., Olympia, WA 98504, (360) 664-1820.

Name of Proponent: Department of Licensing, Prorate and Fuel Tax Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To clarify eligibility for an exemption from the aircraft fuel tax for emergency medical air transport entities. Will identify those entities eligible for the exemption and under what circumstances the exemption will apply.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required under RCW 19.85-030. The proposed rules do not impose any costs on business in an industry.

RCW 34.05.328 does not apply to this rule adoption. These rules are not considered to be significant legislative rules, but rather are interpretive and procedural.

Hearing Location: Department of Licensing, Prorate and Fuel Tax Services, 3rd Floor Conference Room, 2424 Bristol Court S.W., Olympia, WA 98504, on December 23, 2003, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Art Farley by December 19, 2003, TDD (360) 664-8885 or (360) 664-1820.

Submit Written Comments to: Art Farley, Prorate and Fuel Tax Services, P.O. Box 9036, Olympia, WA 98504, e-mail afarley@dol.wa.gov.

Date of Intended Adoption: January 20, 2004.

October 15, 2003

Art Farley

Acting Administrator

AMENDATORY SECTION (Amending WSR 01-08-083, filed 4/4/01, effective 5/5/01)

WAC 308-78-045 Tax exempt use and circumstances. What are the conditions under which a refund of aircraft fuel tax can be claimed? Refund of the aircraft fuel tax paid may be claimed for the following uses or circumstances:

(1) Operation of aircraft by air carriers, supplemental air carriers, and foreign flag carriers, operating under part 121 of the Federal Aviation Administration Regulations, and local service commuters.

(2) Testing and experimental purposes in the manufacture or remanufacture of aircraft and for flight operations or experimental testing following manufacture, repair prior to delivery to a customer, or experimental testing of another aircraft.

(3) Aircraft crew training in Washington state for certified air carriers.

(4) When applying pesticides, herbicides, or other agricultural chemicals under conditions defined in RCW 82.42.020.

(5) Exportation of fuel from this state for use outside this state under the same conditions as provided for the refund of motor vehicle fuel in chapter 82.36 RCW and special fuel in chapter 82.38 RCW.

(6) Use of fuel in nonhighway equipment, other than aircraft, as provided for the refund of motor vehicle fuel in chapter 82.36 RCW and special fuel in chapter 82.38 RCW.

(7) Sales to the United States or foreign government agencies by a distributor who has paid the aircraft fuel tax. The distributor shall file an exemption certificate provided by the department. This certificate shall contain an assignment to the distributor of the purchaser's right to a refund.

(8) Users of aircraft fuel placed into helicopters or the wing tanks of aircraft that are used solely for air ambulance services are eligible for a refund of the aircraft fuel tax. For

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purposes of the tax exemption, aircraft fuel placed into the wing tanks of aircraft or placed into helicopters and consumed during training activities directly related to providing air ambulance services is considered to be exempt from the aircraft fuel tax.

AMENDATORY SECTION (Amending WSR 01-08-083, filed 4/4/01, effective 5/5/01)

WAC 308-78-010 Definitions. (1) "Aircraft fuel" includes any combustible gas or liquid, which is normally defined as motor vehicle fuel under chapter 82.36 RCW and chapter 308-72 WAC or a special fuel under chapter 82.38 RCW and chapter 308-78 WAC when used to propel an aircraft.

(2) "User" means any person other than a distributor who is certified to acquire aircraft fuel without payment of the aircraft fuel tax at time of acquisition.

(3) "Local service commuter" means an air taxi operator who operates at least five round trips per week between two or more points; publishes flight schedules which specify the times, days of the week, and points between which it operates; and whose aircraft has a maximum capacity of sixty passengers or eighteen thousand pounds of useful load.

(4) "Private, nonstate funded airfield" means an airport not eligible to receive state funding under chapter 47.68 RCW.

(5) "Department" means the department of licensing.

(6) "Emergency medical air transport entities" means entities that own or lease, and operate aircraft used solely for air ambulance services.

WSR 03-21-096
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed October 17, 2003, 9:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-07-062.

Title of Rule: New WAC 415-02-710 What is the \$150,000 death benefit?

Purpose: This is a benefit consistent with workers' compensation law, Title 51 RCW, for LEOFF, PERS, SERS, TRS, and WSPRS members who die as a result of injuries sustained in the course of employment. The benefit may be nontaxable under applicable federal law. The 2003 legislature implemented the benefit for members of PERS, SERS, and TRS. Members of LEOFF and WSPRS were already covered, but the Department of Retirement Systems (DRS) had not yet explained the benefits and process in WAC.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.04.017, 41.26.-048, 41.32.053, 41.35.115, 41.40.0932, 43.43.285.

Summary: See Purpose above.

Reasons Supporting Proposal: Implement and interpret statutes.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Dave Nelsen, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7069.

Name of Proponent: Department of Retirement Systems, 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 does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These amendments have no effect on businesses.

RCW 34.05.328 does not apply to this rule adoption. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on November 25, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact the rules coordinator by seven days before the hearing, if possible, phone (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Merryk@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on November 25, 2003.

Date of Intended Adoption: No sooner than November 26, 2003.

October 9, 2003
Merry A. Kogut
Rules Coordinator

NEW SECTION

WAC 415-02-710 What is the \$150,000 death benefit? (1) What is the \$150,000 death benefit? This is a benefit consistent with workers' compensation law, Title 51 RCW, for LEOFF, PERS, SERS, TRS, and WSPRS members who die as a result of injuries sustained in the course of employment. The benefit may be nontaxable under applicable federal law.

(2) **Who is covered?** Deceased members of LEOFF, PERS, SERS, TRS, and WSPRS. If the deceased was a member of another plan, please contact the department.

(3) **Who will determine eligibility for the benefit?** The Washington state department of labor and industries (L&I) will determine eligibility consistent with Title 51 RCW and applicable retirement statutes in chapter 41.26 RCW (LEOFF), chapter 41.40 RCW (PERS), chapter 41.35 RCW (SERS), chapter 41.32 RCW (TRS), or chapter 43.43 RCW (WSPRS).

(4) **Who will receive the \$150,000 death benefit?**

(a) **LEOFF Plan 2, PERS, SERS, TRS, and WSPRS Plan 2:** The person(s) the member designated as his or her beneficiary(ies) for his or her retirement plan will receive the benefit *unless* the member designated a *different* benefi-

ciary(ies) for the \$150,000 death benefit. If the member did not designate a beneficiary for either the plan or death benefit, then the member's death benefit shall be paid to the member's surviving spouse as if in fact the spouse had been nominated by written designation, or if there is no surviving spouse, then to the member's estate.

(b) **LEOFF Plan 1 and WSPRS Plan 1:** In these plans, the member's surviving spouse is automatically the beneficiary for the member's retirement plan. The member may designate a different person(s) for the \$150,000 death benefit. If the member did not designate a beneficiary for either the plan or death benefit, then the member's death benefit shall be paid to the member's surviving spouse as if in fact the spouse had been nominated by written designation, or if there is no surviving spouse, then to the member's estate.

(5) **How do I apply for the benefit?** To apply:

(a) Obtain an application from the department of retirement systems (DRS).

(b) Submit a correctly completed application to DRS. DRS will submit the application to L&I.

(6) **How will I receive the benefit?** L&I will notify you and DRS of approval or disapproval of eligibility. DRS will either send you the lump sum payment or send it directly to your bank, depending on your preference.

(7) **How will DRS treat the \$150,000 payment for tax purposes?**

(a) DRS will treat the payment as nontaxable.

(b) DRS does not guarantee that payments should or should not be designated as exempt from federal income tax.

(c) DRS does not guarantee that it was correct in withholding or not withholding taxes from the death benefit payment.

(d) DRS does not:

(i) Represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will occur because of its nontaxable determination; or

(ii) Assume any liability for your compliance with the Internal Revenue Code.

(e) You should consult with your own tax advisor regarding all questions of federal or state income, payroll, personal property or other tax consequences regarding any payments you receive from the department.

(8) Terms used:

(a) LEOFF - Law enforcement officers' and fire fighters' retirement system.

(b) PERS - Public employees' retirement system.

(c) SERS - School employees' retirement system.

(d) TRS - Teachers' retirement system.

(e) WSPRS - Washington state patrol retirement system.

Preproposal statement of inquiry was filed as WSR 03-13-026.

Title of Rule: WAC 415-02-520 How can my Plan 1 or Plan 2 retirement account be split by a property division dissolution order? and 415-02-540 How can my Plan 3 retirement account be split by a property division dissolution order?

Purpose: The Department of Retirement Systems (DRS) adopted these rules to implement ESB 6380 (chapter 158, Laws of 2002) effective July 1, 2003. DRS is amending these rules to add an omitted paragraph, fix a minor error, and provide some clarification about an ex-spouse's age at which he or she can receive retirement benefits.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.50.500, [41.50.]790 et seq., [41.50.]790.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Dave Nelsen, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7069.

Name of Proponent: Department of Retirement Systems, 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: WAC 415-02-520, adds a new explanatory statement. Deletes a undefined term from the list of terms in the last subsection. Adds clarification about age.

WAC 415-02-540, adds clarification about age.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These amendments have no affect on businesses.

RCW 34.05.328 does not apply to this rule adoption. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on November 25, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact the rules coordinator by seven days before the hearing, if possible, phone (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Merryk@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on November 25, 2003.

Date of Intended Adoption: No sooner than November 26, 2003.

WSR 03-21-097
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed October 17, 2003, 10:00 a.m.]

Original Notice.

October 14, 2003
Merry A. Kogut
Rules Coordinator

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

WAC 415-02-520 How can my Plan 1 or Plan 2 retirement account be split¹ by a property division dissolution order? (1) Who may use this section? Vested members of LEOFF Plan 2, PERS Plans 1 or 2, TRS Plans 1 or 2, SERS Plan 2, or WSPRS Plan 2 who have or will have a property division dissolution order or amendment dated on or after July 1, 2003². If your ex-spouse will be receiving an interest in your account, use WAC 415-02-510.

(2) What are the rules for splitting my account? If you and your ex-spouse are eligible, the department will split *your* retirement account into two separate accounts—one for you, and one for your ex-spouse. The rules for splitting your account are different depending on whether your dissolution order or most recent amendment is dated *BEFORE* or *AFTER* retirement.

(3) How will my account be affected if the department accepts the property division dissolution order BEFORE my retirement?

(a) The department will split your retirement account into two completely separate accounts and create an account for your ex-spouse under his or her Social Security number for the amount awarded in the dissolution order.

(b) The department will pay each of you out of your separate accounts either a monthly retirement benefit payment or a withdrawal of contributions.

(c) If you retire and receive a monthly retirement benefit payment, your monthly payment will have a permanent reduction to account for the amount awarded as a monthly payment to your ex-spouse.

(d) Your monthly benefit payment will be payable over your lifetime, and your ex-spouse's monthly payment will be payable over his or her lifetime.

(e) You will have the right to pick a survivor option for your monthly benefit payment.

(f) Your ex-spouse will not have the right to pick a survivor option for his or her monthly payment but may name a beneficiary to receive any final death payment that may be due.

(g) If you terminate employment, whatever decision you make about your accumulated contributions will have no effect upon your ex-spouse's separate account.

(h) When you or your ex-spouse dies, there will be no impact to the other person's retirement account because the accounts are independent from one another.

(i) Your ex-spouse may begin receiving monthly payments when he or she reaches retirement age for your retirement plan, or the first day of the month following the department's acceptance of the order, whichever is later. The retirement age for an ex-spouse receiving a benefit from TRS Plan 1 and PERS Plan 1 is age sixty; from PERS Plan 2, SERS Plan 2, and TRS Plan 2 it is age sixty-five; from LEOFF Plan 2 it is age fifty-three; and from WSPRS Plan 2 it is age fifty-five. Your age or retirement eligibility has no effect on when your ex-spouse is eligible to begin receiving his or her monthly benefit. Your ex-spouse must apply for his or her monthly payment according to the rules for your system and plan.

(j) Your ex-spouse may withdraw his or her share of the accumulated contributions at any time before receiving a monthly retirement benefit. Regardless of whether your ex-spouse withdraws or receives a monthly payment, your monthly benefit payment will be permanently reduced to account for your ex-spouse's share of your retirement account.

(4) Is there a limit to the amount of contributions I can award to my ex-spouse? Yes. The amount of contributions awarded to an ex-spouse, cannot be greater than the percentage of the member's monthly benefit used to determine the amount of the monthly benefit awarded to the ex-spouse.

Example:

Accumulated contributions earned during the marriage period:	\$50,000
Member's monthly benefit:	\$1,000
Percentage of member's monthly benefit awarded to ex-spouse:	50%
Monthly benefit awarded to ex-spouse:	\$500 (50% of \$1,000)
Contributions awarded to ex-spouse:	\$25,000 (50% of 50,000)

(5) What happens if my retirement account was split and then I retire early?

(a) If you are eligible and decide to retire early, or must retire early because of a disability, your monthly retirement benefit payment will be reduced by an early retirement factor (ERF). See WAC 415-02-320.

(b) To determine the reduction to your benefit because of your preretirement split (see subsection (3)(c) of this section), the adjustment to the amount awarded to your ex-spouse in the dissolution order will be reduced by the ERF used to reduce your benefit.

Example: You are a member of PERS Plan 2 and retire for disability two years before you are eligible for a service retirement. The dissolution order awarded your ex-spouse a monthly benefit of five hundred dollars.

Your defined benefit before ERF is applied:	\$2,500	
ERF (factor for retiring two years early)	0.82	
Your base benefit:	\$2,050	(\$2500 x 0.82 ERF)
Adjustment for divorce split:	-\$410	(ex-spouse's \$500 x 0.82 (ERF))
The defined benefit you will receive:	\$1640	(\$2050 - \$410)

Your ex-spouse will receive the full monthly amount (\$500) that was awarded to him or her in the dissolution order, regardless of your benefit amount.

~~((5))~~ **(6) What language must be used for a property division dissolution order or amendment that is accepted by the department BEFORE my retirement?**

(a) The order must include the language provided below. Do *not* use the language in RCW 41.50.670(2). The exact dollar amount of your ex-spouse's monthly benefit must be specified. Do not use formulas or percentages.

The Department of Retirement Systems (department) shall create an account for _____(ex-spouse) in the _____(name of retirement system and plan) and transfer \$_____from _____'s

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(member's) accumulated contributions account into _____'s (ex-spouse's) account. If _____ (ex-spouse) does not withdraw the contributions and becomes eligible, the department will pay him or her \$_____ (amount) as a monthly payment for his or her life. If _____ (member) retires and receives a monthly retirement benefit payment, the payment will be permanently reduced to account for _____'s (ex-spouse's) monthly payment. This provision shall become effective no more than 30 days after the department's acceptance of the order.

(b) If you are a member of PERS Plan 1 or TRS Plan 1, the amount of service credit awarded to your ex-spouse must be specified in the order if he or she is awarded a portion of gainsharing payments and cost-of-living adjustments. Because gainsharing payments and cost-of-living adjustments are based on service credit, the following paragraph must be included:

If _____ (ex-spouse) receives a monthly retirement payment, the department shall use _____ (number) months of service credit to calculate future gainsharing payments, if any, and cost-of-living adjustments when he or she becomes eligible.

~~((6))~~ **(7) How will my account be affected if the department accepts the property division dissolution order AFTER my retirement?**

(a) The department will split your retirement account *only if* you selected your ex-spouse to receive survivor benefits at the time you retired. If you did not select your ex-spouse to receive survivor benefits at the time you retired, you cannot use this section. You *must* use WAC 415-02-510.

(b) If you selected your ex-spouse to receive survivor benefits at the time you retired, the rules in subsection (3)(a) through (f) of this section will apply.

(c) At the time the department splits your account, your ex-spouse will be removed as the survivor beneficiary on your account.

(d) Regardless of his or her age, your ex-spouse will begin receiving a monthly benefit the first month after the department has accepted the dissolution order.

~~((7))~~ **(8) If the property division dissolution order is dated AFTER my retirement, how will my monthly retirement benefit payment be calculated after the split?**

(a) The dissolution order must state the exact dollar amount your ex-spouse is to receive as his or her separate monthly benefit. The following describes how the new amount of your benefit will be calculated, assuming your ex-spouse was awarded a monthly benefit of one thousand dollars in the dissolution order.

Step 1 The department will determine the single life benefit of your current monthly benefit payment by dividing your current monthly benefit payment by the survivor option factor (see WAC 415-02-380) in effect at the time of the split.

Example:

Current monthly benefit = \$1679.38
 Option factor = 0.9400000
 Single life benefit amount = $\$1679.38 / 0.9400000 =$
 \$1786.57

Step 2 The single life benefit (\$1786.57) is divided by your annuity factor (see WAC 415-02-360) to determine the current present value of the single life benefit amount. The annuity factor the department uses is the factor for your age as of the date of the split.

Example:

Your age at time of the split = 61 years old
 Annuity factor for age 61 = 0.0084149
 Present value of single life benefit = $\$1786.57 /$
 $0.0084149 = \$212,310.31$

Step 3 The department then determines the present value of your ex-spouse's share by dividing your ex-spouse's monthly benefit amount (as awarded in the dissolution order) by your ex-spouse's annuity factor. The annuity factor is the factor for your ex-spouse's age as of date of the split.

Example:

Ex-spouse's monthly benefit amount = \$1000
 Ex-spouse's age at time of the split = 67
 Annuity factor for age 67 = 0.0095028
 Present value of your ex-spouse's monthly benefit =
 $\$1000 / 0.0095028 = \$105,232.14$

Step 4 Next, the department subtracts your ex-spouse's present value from the single life benefit present value. The result is the present value of the benefit you will receive.

Example:

Present value of single life benefit = \$212,310.31
 Less present value of ex-spouse's benefit = -105,232.14
 Your present value = \$107,078.17

Step 5 The department determines your new monthly benefit amount by multiplying your present value by your annuity factor.

Example:

Your present value = \$107,078.17
 Annuity factor = 0.0084149
 Your new monthly benefit amount = $\$107,078.17 \times$
 $0.0084149 = \$901.05$

(b) The department determines the percentage of the total present value each of you will receive by dividing each of your present value amounts by the single life benefit present value amount.

Example:

Your percentage of the single life benefit present value:
 $\$107,078.17 / \$212,310.31 = .5043$
 Your ex-spouse's percentage of the single life benefit present value:
 $\$105,232.14 / \$212,310.31 = .4957$

~~((8))~~ **(9) What language must be used in a property division dissolution order or amendment that is accepted by the department AFTER my retirement?**

(a) The order must include the language provided below. Do *not* use the language in RCW 41.50.670(2). The exact

dollar amount of your ex-spouse's monthly benefit must be specified. Do not use formulas or percentages.

The Department of Retirement Systems (department) shall create an account for _____ (ex-spouse) in the _____ (name of retirement system and plan) and pay him or her \$ _____ (amount) as a monthly benefit payment for his or her life. To pay for this benefit, _____'s (retiree's) monthly retirement benefit payment will be reduced for his or her life. If (retiree) has any unused contributions remaining in his or her account, \$ _____ (amount) shall be transferred to _____'s (ex-spouse's) account. This provision shall become effective no more than 30 days after the department's acceptance of the order.

(b) If the member is in PERS Plan 1 or TRS Plan 1, the amount of service credit awarded to the ex-spouse must be specified in the order if he or she is entitled to a portion of gainsharing payments and cost-of-living adjustments. Because gainsharing payments and cost-of-living adjustments are based on service credit, the following paragraph must be included:

If _____ (ex-spouse) receives a monthly retirement payment, the department shall use _____ (number) months of service credit to calculate future gainsharing payments, if any, and cost-of-living adjustments when he or she becomes eligible.

~~((9))~~ **(10) Is there a maximum payment amount that the department will pay to my ex-spouse?** Yes. See RCW 41.50.670(4) or WAC 415-02-500(10) for information.

~~((10))~~ **(11) Can I amend an existing order that has awarded an interest in my account to my ex-spouse under WAC 415-02-520 and remove my ex-spouse as my survivor beneficiary?** Yes. To remove your ex-spouse as your survivor beneficiary, you must submit a "conformed copy" of the court order splitting your account. A conformed copy is a copy of the order that has been signed by the judge or commissioner on or after July 1, 2003, and filed with the court. Removing your ex-spouse as survivor beneficiary will change your retirement benefit. See WAC 415-02-520(8) for the language that must be used.

Example:

Julio and May were married when Julio retired. Julio chose survivor Option 2 (joint and one hundred percent survivorship) when he retired. This meant that if Julio died, May would receive monthly survivor benefits. Two years after Julio's retirement, the couple divorced. The court awarded "one hundred percent of retirement benefits" to Julio. Julio later learned that this award did not change the survivor option. Julio can return to court and obtain an order stating that May is to receive "\$0" as the dollar amount for her separate monthly benefit. The order must use the language in WAC 415-02-520(8) and be signed by the court no sooner than July 1, 2003.

~~((11))~~ **(12) How much is the fee the department charges for making payments directly to my ex-spouse?** See RCW 41.50.680 and WAC 415-02-500(11) for information.

~~((12))~~ **(13) What happens if I transfer to Plan 3 after the property division dissolution order has been filed with the department?** See WAC 415-02-550 for information.

~~((13))~~ **(14) Terms used:**

(a) Department's acceptance - Order that fully complies with the department of retirement systems requirements and RCW 41.50.500.

(b) Dissolution order - RCW 41.50.500.

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

(d) LEOFF - Law enforcement officers' and fire fighters' system.

(e) PERS - Public employees' retirement system.

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

(g) ~~(Present value -~~

~~(h))~~ SERS - School employees' retirement system.

~~((h))~~ **(h)** Split account - WAC 415-02-030.

~~((j))~~ **(i)** Survivor benefits - WAC 415-02-030.

~~((k))~~ **(j)** TRS - Teachers' retirement system.

~~((h))~~ **(k)** Vested - The length of service, by system and plan, required to receive a service retirement when age requirements are met.

~~((m))~~ **(l)** WSPRS - Washington state patrol retirement system.

Footnotes to section:

¹ When a court splits your retirement account, the department will establish a separate account for your ex-spouse. Once the account is established, your account and your ex-spouse's account are not tied in any way.

² If an ex-spouse was not listed as the member's survivor beneficiary at retirement, then no postretirement property division dissolution order (or postretirement amendment) may split the member's retirement account using WAC 415-02-520.

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

WAC 415-02-540 How can my Plan 3 retirement account be split¹ by a property division dissolution order?

(1) Who may use this section? You may use this section if:

(a) You are a member of TRS Plan 3, SERS Plan 3 or PERS Plan 3;

(b) You have enough service credit to receive a defined benefit payment when you meet the age requirement for your system; and

(c) You have or will have a property division dissolution order or amendment dated on or after July 1, 2003². If your ex-spouse will be receiving an interest in your account, use WAC 415-02-530.

(2) What are the rules for splitting my account? If you and your ex-spouse are eligible, the department will split both portions of *your* retirement account (defined benefit and defined contributions) into two separate accounts - one for you, and one for your ex-spouse. The rules for splitting your account are different depending on whether your dissolution order or most recent amendment is dated *before* or *after* retirement.

(3) How will the defined benefit portion of my retirement account be affected if the department accepts the property division dissolution order BEFORE I retire?

(a) The department will split *your* defined benefit account into two completely separate accounts and create an account for your ex-spouse for the amount awarded in the defined benefit portion of the dissolution order under your ex-spouse's Social Security number.

(b) The department will pay each of you a defined benefit, when eligible, out of your separate accounts.

(c) The amount awarded to your ex-spouse as his or her defined benefit payment will be a permanent reduction to your defined benefit payment amount.

(d) Your defined benefit payment will be payable over your lifetime, and your ex-spouse's defined benefit payment will be payable over his or her lifetime.

(e) You will have the right to pick a survivor option for your defined benefit payment for your own account.

(f) Your ex-spouse will not have the right to pick a survivor option for his or her defined benefit payment but may name a beneficiary to receive any final death payment that may be due.

(g) You may begin receiving your defined benefit payment when eligible according to the rules for your system.

(h) Your ex-spouse may begin receiving ~~((benefits the first day of the month following the month in which he or she reaches retirement age for your retirement system, or the first day of the month following the dissolution date))~~ monthly payments when he or she reaches age sixty-five, or the first day of the month following the department's acceptance of the order, whichever is later. Your ex-spouse must apply for retirement according to the rules for your system and plan. Your age or retirement eligibility has no effect on when your ex-spouse is eligible to begin receiving his or her monthly benefit.

(i) When you or your ex-spouse dies, there will be no impact to the other person's retirement account, because the accounts are independent from one another.

(4) What happens to my defined benefit if my account was split and then I retire early?

(a) If you are eligible and decide to retire early, or must retire early because of a disability, your monthly retirement benefit payment will be reduced by an early retirement factor (ERF). See WAC 415-02-320.

(b) To determine the reduction to your benefit because of your preretirement split (see subsection (3)(c) of this section), the adjustment to the amount awarded to your ex-spouse in the dissolution order will be reduced by the ERF used to reduce your benefit.

Example: You are a member of TRS Plan 3 and retire for disability five years before you are eligible for a service retirement. The dissolution order awarded your ex-spouse a monthly benefit of two hundred fifty dollars.

Your defined benefit before ERF is applied:	\$1,000	
ERF (factor for retiring two years early)	0.61	
Your base benefit:	\$610	(\$1,000 x 0.61 ERF)
Adjustment for divorce split:	-\$152.50	(ex-spouse's \$250 x 0.61 (ERF))
The defined benefit you will receive:	\$457.50	(\$610 - \$152.50)

Your ex-spouse will receive the full monthly amount (\$250) that was awarded to him or her in the dissolution order, regardless of your benefit amount.

(5) What language must be used in a property division dissolution order that the department accepts BEFORE I retire to pay a portion of my monthly defined benefit payment to my ex-spouse? The order must use the language provided below. Do not use the language in RCW 41.50.670(2). The exact dollar amount of your ex-spouse's defined monthly benefit payment must be specified. Do not use formulas or percentages.

The Department of Retirement Systems (department) shall create a **defined benefit monthly account** for _____ (ex-spouse) in the _____ (name of retirement system and plan). When _____ (ex-spouse) becomes eligible for monthly payments, [s]he (upon application) will begin to receive \$_____ per month for the remainder of his/her lifetime. When _____ (member) becomes eligible for monthly payments, [s]he (upon application) will begin to receive the calculated monthly benefit less the amount herein specified for _____ (ex-spouse). This provision shall become effective no more than 30 days after the department's acceptance of the order.

(6) If ordered in the dissolution order, how will the department split my preretirement defined contribution account?

(a) The amount the dissolution order awards to your ex-spouse will be deducted from your defined contribution account and set up in a separate account for your ex-spouse under his or her Social Security number.

(b) You and your ex-spouse will manage your separate accounts independently from one another.

(c) You must continue to contribute to your account during your employment.

(d) Your ex-spouse may not contribute to his or her account.

(7) What options does my ex-spouse have in managing his or her separate defined contribution account? Your ex-spouse may:

(a) Transfer money between investment programs (state-managed (WSIB) or self-directed (SELF)); and

(b) Transfer money among the investment options in the SELF-directed program.

(8) How will the department make distributions to my ex-spouse and me out of our defined contribution accounts?

(a) *You* must be separated from employment before funds in your account can be distributed according to your distribution choice.

(b) *Your ex-spouse* may begin receiving distribution of the funds in his or her account at any time according to his or her distribution choice.

(c) Both you and your ex-spouse will have the same distribution options as outlined in WAC 415-111-310.

(d) If *you* die before a distribution has been made from your defined contribution account, your beneficiary(ies) must apply for a lump sum death benefit from your account.

(e) If *your ex-spouse* dies before a distribution has been made from his or her account, your ex-spouse's benefi-

PROPOSED

ciary(ies) must apply for a lump sum death payment from his or her account.

(f) If *you* die after you begin receiving funds but before the funds in your account have been exhausted, the balance will be paid to your designated beneficiary(ies).

(g) If *your ex-spouse* dies after receiving funds but before the funds in his or her account have been exhausted, the balance will be paid to your ex-spouse's designated beneficiary(ies).

(9) **What language must be used in a property division dissolution order to award a portion of my defined contribution account to my ex-spouse?** The order must include the language provided in the following paragraph. The exact dollar amount to transfer to your ex-spouse's defined contribution account must be specified. Do not use formulas or percentages. (See example in WAC 415-02-500 (15)(b)).

The Department of Retirement Systems (department) shall split _____ (member's) **defined contribution account** in the (name of retirement system and plan) and create a separate account for _____ (ex-spouse). The amount of \$_____ (amount) shall be transferred from _____'s (member's) **defined contribution account** to _____'s (ex-spouse's) new account. This provision shall become effective no more than 30 days after the department's acceptance of the order.

(10) **Can I amend an existing order that has awarded an interest in my account to my ex-spouse under WAC 415-02-530 and remove my ex-spouse as my survivor beneficiary?** Yes. To remove your ex-spouse as your survivor beneficiary, you must submit a "conformed copy" of the court order splitting your account. A conformed copy is a copy of the order that has been signed by the judge or commissioner on or after July 1, 2003, and filed with the court. Removing your ex-spouse as survivor beneficiary will change your retirement benefit. See WAC 415-02-540 (9) and (13) for the language that must be used.

Example:

Julio and May were married when Julio retired. Julio chose survivor Option 2 (joint and one hundred percent survivorship) when he retired. This meant that if Julio died, May would receive monthly survivor benefits. Two years after Julio's retirement, the couple divorced. The court awarded "one hundred percent of retirement benefits" to Julio. Julio later learned that this award did not change the survivor option. Julio can return to court and obtain an order stating that May is to receive "\$0" as the dollar amount for her separate monthly benefit. The order must use the language in WAC 415-02-540 and be signed by the court no sooner than July 1, 2003.

(11) **If the dissolution order or amendment is dated AFTER my retirement, how will my defined monthly retirement benefit payment be split?**

(a) The department will split your defined monthly retirement benefit payment *only if* you selected your ex-spouse to receive a survivor benefit at the time you retired. If you did not select your ex-spouse to receive a survivor benefit at the time you retired, you cannot use this section. You *must* use WAC 415-02-530.

(b) If you selected your ex-spouse to receive survivor benefits at the time you retired, the rules in subsection (3)(a) through (f) of this section will apply.

(c) At the time the department splits your account, your ex-spouse will be removed as the survivor beneficiary on your account.

(d) Regardless of his or her age, your ex-spouse will begin receiving a monthly benefit payment the first month after the department accepts the property division dissolution order.

(12) **If the dissolution order or amendment is dated AFTER my retirement, how will my monthly retirement benefit be calculated after the split?**

(a) The dissolution order must state the exact dollar amount your ex-spouse is to receive as his or her separate monthly benefit. The following describes how the new amount of your benefit will be calculated assuming your ex-spouse was awarded a monthly benefit of six hundred dollars in the dissolution order.

Step 1 The department will determine the single life benefit of your current monthly benefit payment by dividing your currently monthly benefit payment by the survivor option factor (see WAC 415-02-380) in effect at the time of the split.

Example:

Currently monthly benefit = \$1200

Option factor = 0.865

Single life benefit amount = $\$1200 / 0.865 = \1387.28

Step 2 The single life benefit (\$1387.28) is divided by your annuity factor (see WAC 415-02-340) to determine the current present value of the single life benefit amount. The annuity factor the department uses is the factor for your age as of the date of the split.

Example:

Your age at time of the split = 61 years old

Annuity factor for age 61 = 0.0065448

Present value of single life benefit = $\$1387.28 / 0.0065448 = \$211,966.75$

Step 3 The department then determines the present value of your ex-spouse's share by dividing your ex-spouse's monthly benefit amount (as awarded in the dissolution order) by your ex-spouse's annuity factor. The annuity factor is the factor for your ex-spouse's age as of date of the split.

Example:

Ex-spouse's monthly benefit amount = \$600

Ex-spouse's age at time of the split = 67

Annuity factor for age 67 = 0.0076715

Present value of your ex-spouse's monthly benefit = $\$600 / 0.0076715 = \$78,211.56$

Step 4 Next, the department subtracts your ex-spouse's present value from the single life benefit present value. The result is the present value of the benefit you will receive.

Example:

Present value of single life benefit = \$211,966.75
 Less present value of ex-spouse's benefit = -78,211.56
 Your present value = \$133,755.19

Step 5 The department determines your new monthly benefit amount by multiplying your present value by your annuity factor.

Example:

Your present value = \$133,755.19
 Annuity factor = 0.0065448
 Your new monthly benefit amount = \$133,755.19 x
 0.0065448 = \$875.40

(b) The department determines the percentage of the total present value each of you will receive by dividing each of your present value amounts by the single life benefit present value amount.

Example:

Your percentage of the single life benefit present value:
 $\$133,755.19/\$211,966.75 = .6310$
 Your ex-spouse's percentage of the single life benefit present value:
 $\$78,211.56/\$211,966.75 = .3690$

(13) **What language must the postretirement property division dissolution order or most recent amendment include to split my monthly defined benefit payment with my ex-spouse?** Do not use the language in RCW 41.50.670(2). The order must include the language provided in the following paragraph. The exact dollar amount of your ex-spouse's monthly benefit payment must be specified. Do not use formulas or percentages. (See example in WAC 415-02-500 (15)(b).)

The Department of Retirement Systems (department) shall create a **defined benefit account** for _____ (ex-spouse) in the _____ (name of retirement system and plan) and pay him or her \$_____ (amount) for his or her life. To pay for this benefit, (member's) **monthly defined benefit** payment will be reduced for life. This provision shall become effective no more than 30 days after the department's acceptance of the order.

(14) **How will the department split my postretirement defined contribution account?** If your defined contribution account has not been fully disbursed at the time of the dissolution order, the department will split the remaining portion of your defined contribution according to the provisions of subsections (6) through (9) of this section.

(15) **Is there a maximum payment that a property division dissolution order can award to my ex-spouse?** Yes. See RCW 41.50.670(4) and WAC 415-02-500(10) for information.

(16) **How much is the fee the department charges for making payments directly to my ex-spouse?** See RCW 41.50.680 and WAC 415-02-500(11) for information.

(17) Terms used:

(a) Department's acceptance - A dissolution order that fully complies with the department of retirement systems' requirements and chapter 41.50 RCW.

(b) Dissolution order - RCW 41.50.500.

- (c) Ex-spouse - WAC 415-02-030.
- (d) Split accounts - WAC 415-02-030.
- (e) Survivor benefits - WAC 415-02-030.
- (f) Plan 3 retirement systems - WAC 415-111-100.
- (g) TRS - Teachers' retirement system.

Footnotes to section:

- ¹ When a court splits your retirement account, the department will establish a separate account for your ex-spouse. Once the account is established, your account and your ex-spouse's account are not tied in any way.
- ² If an ex-spouse was not listed as the member's survivor beneficiary at retirement, then no postretirement property division order (or postretirement amendment) may split the member's retirement account using WAC 415-02-540.

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.

WSR 03-21-098
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed October 17, 2003, 10:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-15-045.

Title of Rule: WAC 415-02-345 TRS 1 Option 1 benefit factors.

Purpose: At the time of retirement, a TRS Plan 1 member may choose to receive an Option 1, Standard Allowance, which is a slightly reduced lifetime monthly benefit. This option allows the final unpaid monthly benefit and any remaining balance of contributions to be paid in a lump sum to the retiree's estate or named beneficiary at the time of the retiree's death. The reduction to the monthly benefit is based on an Option 1 factor and is applied against the annuity portion of the monthly benefit. The factor that is used is determined by the age of the member at the time of retirement.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.32.530.

Summary: TRS 1 Option 1 benefit factors.

Reasons Supporting Proposal: This WAC explains the option and provides the benefit factors that the Department of Retirement Systems (DRS) uses.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Margaret Wimmer, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7044.

Name of Proponent: Department of Retirement Systems, 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 does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These amendments have no effect on businesses.

RCW 34.05.328 does not apply to this rule adoption. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on November 25, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact the rules coordinator by seven days before the hearing, if possible, phone (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Merryk@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on November 25, 2003.

Date of Intended Adoption: No sooner than November 26, 2003.

October 16, 2003
Merry A. Kogut
Rules Coordinator

NEW SECTION

WAC 415-02-345 TRS Plan 1 Option 1 benefit factors. (1) **What is a TRS Plan 1 Option 1 benefit factor?** At the time of retirement, a TRS Plan 1 member may choose to receive an Option 1, standard allowance, which is a slightly reduced lifetime monthly benefit. This option allows the final unpaid monthly benefit and any remaining balance of contributions to be paid in a lump sum to the retiree's estate or named beneficiary at the time of the retiree's death. The reduction to the monthly benefit is based on an Option 1 factor and is applied against the annuity portion of the monthly benefit. The factor that is used is determined by the age of the member at the time of retirement. For more information about the Option 1, standard allowance, see RCW 41.32.530 (1)(a).

(2) Option 1 benefit factor table.

Age	Factor	Reduction	Age	Factor	Reduction
20	99.8876%	0.1%	50	99.1060%	0.9%
21	99.8851%	0.1%	51	99.0237%	1.0%
22	99.8825%	0.1%	52	98.9288%	1.1%
23	99.8794%	0.1%	53	98.8184%	1.2%
24	99.8757%	0.1%	54	98.6970%	1.3%
25	99.8710%	0.1%	55	98.5566%	1.4%
26	99.8650%	0.1%	56	98.3876%	1.6%
27	99.8575%	0.1%	57	98.1977%	1.8%
28	99.8480%	0.2%	58	97.9853%	2.0%
29	99.8362%	0.2%	59	97.7388%	2.3%
30	99.8220%	0.2%	60	97.4759%	2.5%
31	99.8053%	0.2%	61	97.1849%	2.8%
32	99.7858%	0.2%	62	96.8657%	3.1%
33	99.7638%	0.2%	63	96.5199%	3.5%
34	99.7413%	0.3%	64	96.1340%	3.9%
35	99.7184%	0.3%	65	95.7405%	4.3%
36	99.6951%	0.3%	66	95.3342%	4.7%
37	99.6712%	0.3%	67	94.8664%	5.1%
38	99.6461%	0.4%	68	94.4041%	5.6%
39	99.6195%	0.4%	69	93.9285%	6.1%
40	99.5908%	0.4%	70	93.3893%	6.6%
41	99.5597%	0.4%	71	92.8393%	7.2%
42	99.5255%	0.5%	72	92.2534%	7.7%
43	99.4881%	0.5%	73	91.5922%	8.4%
44	99.4474%	0.6%	74	90.9422%	9.1%
45	99.4018%	0.6%	75	90.2102%	9.8%
46	99.3542%	0.6%	76	89.4917%	10.5%
47	99.2994%	0.7%	77	88.7582%	11.2%
48	99.2421%	0.8%	78	85.9377%	14.1%
49	99.1781%	0.8%	79	85.8097%	14.2%
			80	86.1255%	13.9%

PROPOSED

WSR 03-21-099**PROPOSED RULES****DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed October 17, 2003, 10:04 a.m.]

Original Notice.

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

Title of Rule: WAC 415-06-100 How do I contact the department?

Purpose: Explains how to contact the Department of Retirement Systems (DRS).

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 42.17.250.

Summary: Update to website address.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule is being amended to explain that a member who transfers from PERS to SERS, and then back to PERS, will have choice rights. The amendment reflects existing DRS practice and procedure. This amendment is necessary as part of implementing the Public Employees' Retirement System Plan 3.

Proposal Changes the Following Existing Rules: Updates website address to new address.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These amendments have no effect on businesses.

RCW 34.05.328 does not apply to this rule adoption. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on November 25, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact the rules coordinator by seven days before the hearing, is possible, phone (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Merryk@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on November 25, 2003.

Date of Intended Adoption: No sooner than November 26, 2003.

October 9, 2003
Merry A. Kogut
Rules Coordinator

AMENDATORY SECTION (Amending WSR 01-18-017, filed 8/24/01, effective 9/24/01)

WAC 415-06-100 How do I contact the department?

(1) Mailing address: Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380.

(2) Street address: 6835 Capitol Blvd., Tumwater, WA 98501.

(3) Phone numbers: (360) 664-7000 or toll-free (outside Olympia area) 1 (800) 547-6657, or TDD (for the hearing impaired) (360) 586-5450.

(4) E-mail address: recep@drs.wa.gov.

(5) Website: ((<http://www.wa.gov/drs>)) <http://www.drs.wa.gov>.

WSR 03-21-101**PROPOSED RULES****DEPARTMENT OF
FISH AND WILDLIFE**

[Filed October 17, 2003, 11:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-15-111.

Title of Rule: Oyster reserve sales rules.

Purpose: Amend notice requirements on oyster reserve sales.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Deletes requirement for publication in Daily Olympian.

Reasons Supporting Proposal: Cost savings.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; 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: The current rule requires oyster reserve sales notice to be published in the Daily Olympian and a local paper. The publication in the local paper serves the growers who are the participants in the sales, most of which are from Willapa Bay. These growers do not have access to the Daily Olympian, and additional publication incurs costs without any benefit to the participants. Publication in a local paper provides sufficient notice.

Proposal Changes the Following Existing Rules: Amend oyster reserve sales notice.

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 is no reporting or record-keeping requirement.

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: No compliance costs.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? This rule will result in the Daily Olympian newspaper to lose \$750 in revenue which is the cost of a single publication per year of notice of an oyster reserve sale.

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:

- a. Cost per employee;
- b. Cost per hour of labor; or
- c. 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.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: Public hearing and direct notice to the Daily Olympian.

8. A List of Industries That Will Be Required to Comply with the Rule: There are no industries that are required to comply with the rule.

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: Fort Worden State Park, Port Townsend, Washington, on December 5-6, 2003, begins 8:00 a.m. on December 5, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by November 24, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by November 28, 2003.

Date of Intended Adoption: December 5, 2003.

October 17, 2003

Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 85-190, filed 11/27/85)

WAC 220-60-010 Publishing notice of sale. Sales of oysters and/or clams from the oyster reserves of the state in excess of 50 bushels shall take place only after notice of such sales has been published in ((the Daily Olympian at Olympia, Washington, and)) one newspaper of general circulation in the area in which such sales shall take place.

WSR 03-21-103
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed October 17, 2003, 2:49 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-06-031.

Title of Rule: Disability payment procedure.

Purpose: Establish disability payment procedure for fish and wildlife officers.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Establishes eligibility review for officers incapable of performing active service.

Reasons Supporting Proposal: A review procedure is needed to ensure eligibility.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation 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: Fish and wildlife officers have a disability benefit that provides for one-half salary if the officer is injured in the performance of official duties and becomes incapable of active service. This benefit, under RCW 77.12.264, is silent on how to determine if the injury was work-related, how to determine if the incapacitation disallows performing active service, and how long the benefit period will last. This rule proposal contains a review mechanism, a reinstatement mechanism, and an appeal process.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Fort Warden State Park, Port Townsend, Washington, on December 5-6, 2003, begins 8:00 a.m. on December 5, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by November 24, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by November 28, 2003.

Date of Intended Adoption: December 5, 2003.

October 17, 2003

Evan Jacoby
Rules Coordinator

NEW SECTION

WAC 220-20-110 Fish and wildlife enforcement officer disability retirement procedure. (1) This section governs the actions required for granting disability retirement

and payment of disability retirement benefits under RCW 77.12.264. Compliance with the procedural steps of this section is mandatory, and failure to comply with these procedures will result in a denial of payment if payment has not begun, or a termination of payments if payments have begun.

(2) A request for disability retirement must be filed in writing with the director, and may be filed by either the officer or the officer's representative. For purposes of this section, the officer is the "claimant."

(3) Upon receipt of the disability requirement request, the director's office will notify the department's personnel office (the personnel office). The personnel office will review the claimant's personnel file to ascertain employment status. The personnel office will determine if a labor and industries disability claim was filed and the status of that claim. If a claim was filed but was disallowed, the department will notify the claimant that the department will not further process a request for disability retirement until all appeal efforts on the labor and industries disability claim are completed.

(4) The personnel office will respond to the claimant's request for disability retirement and provide an information request and medical release form to be completed by the claimant and returned to the personnel office. The claimant is required to provide all information and documentation requested by the department. If any requested information is missing, the department will send a second request to the claimant.

(5) Upon receipt of the medical release form and required documentation, the department's labor and industries claims manager, the department's reasonable accommodation program manager, and the senior human resources consultant assigned to the enforcement program will review the information provided by the claimant. From that review, the personnel manager, or designee, will identify one or more licensed medical specialist(s) as appropriate to the independent medical examination. The medical specialist will provide to the personnel manager a current medical analysis with careful consideration of the essential mental, physical and sensory functions of a fish and wildlife officer at the level the claimant last held in the job class series. The department will pay for the independent medical examination, and will give due consideration for the location of the claimant's current residence.

(6) Within thirty days after the receipt of the results of the independent medical examination, the department will arrange for a panel to review the request for disability retirement. This panel may consist of a licensed, qualified medical professional of the department of labor and industries, the department's personnel manager or designee, the assistant director for the enforcement program or designee and, at the claimant's expense, a licensed, qualified medical professional of the claimant's choosing. The department will bear the cost of convening this panel with the exception of any costs associated with the medical professional chosen by the claimant. The panel will provide a written recommendation to the director of the department. The director will make a final decision to either grant or not grant disability retirement. The director's written decision will be provided to the claimant.

(7) If disability retirement is granted, the department may require periodic reviews of the claimant's medical condition. Such review may include an independent medical examination. Notice of a scheduled examination will be provided via certified mail to the claimant. It is the claimant's responsibility to provide the department with the claimant's current address at all times that disability retirement benefits are being paid. If the certified letter is returned, or the claimant fails to attend any scheduled medical examination, or the claimant fails at any point to cooperate with the department, the disability retirement benefits will be discontinued. If a medical examination shows that the claimant is able to perform the essential functions of a fish and wildlife officer position, the claimant will be returned to active service and the disability retirement benefits will be discontinued.

(8) If the disability retirement benefits are discontinued for any reason, the claimant may file a written appeal with the director. An appeal must include a copy of any written communication from the department regarding the discontinuance, and must describe in detail the reason the disability retirement benefits should again be provided. In making a decision on whether to renew payment of disability retirement benefits, the director may review any information related to the disability claim and may require an independent medical examination. The director's decision is final.

WSR 03-21-112

PROPOSED RULES

WASHINGTON STATE SCHOOL FOR THE DEAF

[Filed October 20, 2003, 9:13 a.m.]

Original Notice.

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

Title of Rule: Emergency actions - emergency expulsion.

Purpose: To adopt the procedures and standards prescribed by the State Board of Education governing the emergency expulsion of students.

Statutory Authority for Adoption: RCW 72.40.023.

Statute Being Implemented: RCW 28A.305.160.

Summary: These rules are needed to ensure that the superintendent is able to immediately expel any student whose presence poses an immediate and continuing danger to self, other students, or school personnel or whose presence poses a continuing threat of substantial disruption of the educational process in order to preserve the health, safety and general welfare of students and staff at the School for the Deaf.

Reasons Supporting Proposal: Required by federal and state law and WAC 392-172-370.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Attorney General's Office, 1220 Main Street, Suite 510, Vancouver, WA 98660, (360) 759-2100; Implementation and Enforcement: Todd Reeves, Washington School for the Deaf, 611 Grand Boulevard, Vancouver, WA 98661-4918, (360) 414-0400.

Name of Proponent: Washington State School for the Deaf, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Superintendent of Public Instruction rule at WAC 392-172-370 requires that no public agency shall authorize, permit or condone the use of disciplinary procedures which violate chapter 180-40 WAC and WAC 392-172-370 through 392-172-385. Chapter 180-40 WAC contains the rules adopted by the State Board of Education prescribing the substantive and procedural due process guarantees of students in the common schools. Disciplinary exclusion rules consistent with WAC 392-172-370 through 392-172-385, have been adopted by the School for the Deaf at WAC 148-120-300 through 148-120-313. These rules are needed to ensure that the superintendent is able to immediately expel any student whose presence poses an immediate and continuing danger to self, other students, or school personnel or whose presence poses a continuing threat of substantial disruption of the educational process in order to preserve the health, safety and general welfare of students and staff at the School for the Deaf.

Proposal does not change existing rules. As described above.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The rules are not considered significant legislative rules by the Washington State School for the Deaf.

Hearing Location: Washington State School for the Deaf, Administrative Conference Room, 611 Grand Boulevard, Vancouver, WA 98661, on December 11, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Judy Smith by December 4, 2003, TTY (360) 414-0401 or (360) 414-0401.

Submit Written Comments to: Todd Reeves, Superintendent, Washington School for the Deaf, 611 Grand Boulevard, Vancouver, WA 98661-4918, fax (360) 696-6291, by December 8, 2003.

Date of Intended Adoption: December 11, 2003.

October 10, 2003

Todd S. Reeves
Superintendent

EMERGENCY ACTIONS

NEW SECTION

WAC 148-120-400 Emergency expulsion — Limitations. Notwithstanding any other provision of this chapter, a student may be expelled immediately by the superintendent or a designee of the superintendent in emergency situations: Provided, That the superintendent or designee has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process.

An emergency expulsion shall continue until rescinded by the superintendent or his or her designee, or until modified or reversed pursuant to the hearing provisions set forth in WAC 148-120-410 or the appeal provisions set forth in WAC 148-120-415.

NEW SECTION

WAC 148-120-405 Emergency expulsion — Notice of hearing — Waiver of hearing right. (1) The student and his or her parent(s) or guardian(s) shall be notified of the emergency expulsion of the student and of their opportunity for a hearing either (a) by hand delivering written notice to the student's parent(s) or guardian(s) within twenty-four hours of the expulsion and documenting delivery by obtaining his or her signature acknowledging receipt or the written certification of the person making the delivery, or (b) by certified letter(s) deposited in the United States mail, within twenty-four hours of the expulsion: Provided, That if the emergency expulsion is based upon a failure to comply with the state immunization law (see chapter 180-38 WAC), the notice must be received by the student's parent(s) or guardian(s) prior to the emergency expulsion of the student regardless of the method of delivery. In addition, if the notice is by certified letter, reasonable attempts shall be made to notify the student and his or her parent(s) or guardian(s) by telephone or in person as soon as reasonably possible. Such written and oral notice shall:

(a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible,

(b) Specify the alleged reason(s) for the emergency expulsion,

(c) Set forth the corrective action or punishment taken and proposed,

(d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s) as soon as reasonably possible, and

(e) Set forth the facts that:

(i) A written (or "oral" if provided for by school policy) request for a hearing must be received by the school employee designated, or by his or her office, on or before the expiration of the tenth school business day after receipt of the notice of opportunity for a hearing, and

(ii) If such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the emergency expulsion may be continued as deemed necessary by the school without any further opportunity for the student or his or her parent(s) or guardian(s) to contest the matter. A schedule of "school business days" potentially applicable to the exercise of such hearing right should be included with the notice.

(2) The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for a hearing and request a hearing within ten school business days after the date of receipt of the notice. A request for a hearing shall be provided to the school employee specified in the notice of opportunity for a hearing, or to his or her office. A request for a hearing shall be accepted if in writing and may be

accepted orally if expressly provided for and allowed by rule of the school.

(3) If a request for a hearing is not received within the required ten school business day period, the school may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the emergency expulsion may be continued as deemed necessary by the school district.

NEW SECTION

WAC 148-120-410 Emergency expulsion — Prehearing and hearing process. (1) If a request for a hearing within the required ten school business days is received pursuant to WAC 148-120-405, the school shall immediately schedule and give notice of a hearing to commence as soon as reasonably possible and in no case later than the third school business day after receipt of the request for hearing.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(b) Be represented by legal counsel,

(c) Question and confront witnesses, unless a school witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school. The evidence submitted by the school must at a minimum establish either:

(i) That the school made a reasonable effort to produce the witness and is unable to do so; or,

(ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible school official(s) or the student of retaliation against the student if he or she appears as a witness,

(d) Present his or her explanation of the alleged misconduct, and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(3) The designee(s) of the school assigned to present the school's case and/or the assistant attorney general shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

(4) The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

(5) Either a tape-recorded or verbatim record of the hearing shall be made.

(6) Within one school business day after the date upon which the hearing concludes, a decision as to whether or not the expulsion shall be continued shall be rendered, and the student's legal counsel or, if none, the student and his or her parent(s) or guardian(s) shall be notified thereof by depositing a certified letter in the United States mail. The decision shall set forth the findings of fact, the conclusions (including a conclusion as to whether or not the emergency situation giving rise to the emergency expulsion continues), and whether or not the emergency expulsion shall be continued or

a lesser form of corrective action or punishment is to be imposed.

(7) An emergency expulsion may be continued following the hearing on the basis that the emergency situation continues and/or as corrective action or punishment for the action(s) giving rise to the emergency expulsion in the first instance.

NEW SECTION

WAC 148-120-415 Appeals — Long-term suspension and expulsion. Appeals from decisions rendered pursuant to WAC 148-120-236 and 148-120-410 which impose either a long-term suspension or an expulsion upon a student shall be governed as follows:

(1) Appeals may be heard and decided by a disciplinary appeal council established by the Board. The disciplinary appeal council shall be appointed by the school board of trustees for fixed terms and shall consist of not less than three persons.

(2) If an appeal is not taken to the disciplinary appeal council within the required three school business day period, the suspension or expulsion decided upon may be imposed as of the calendar day following expiration of the three school business day period.

(3) If a timely appeal is taken to the disciplinary appeal council, the suspension or expulsion may be imposed during the appeal period subject to the following conditions and limitations:

(a) A long-term suspension or nonemergency expulsion may be imposed during the appeal period for no more than ten consecutive school days or until the appeal is decided, whichever is the shortest period;

(b) An emergency expulsion may be continued during the appeal period for so long as the student continues to pose an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process of the student's school;

(c) Any days that a student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student's suspension or expulsion and shall not limit or extend the term of the student's suspension or expulsion; and

(d) Any student subjected to a temporary suspension who returns to school before the appeal is decided shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the suspension if:

(i) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades; or

(ii) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

(4) An appeal from any decision of the disciplinary appeal council to impose or to affirm the imposition of a long-term suspension or an expulsion shall be to the courts. Whether or not the decision of the disciplinary appeal council shall be postponed pending an appeal to superior court shall be discretionary with the school board or disciplinary appeal council except as ordered otherwise by a court.

WSR 03-21-123
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed October 20, 2003, 4:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-12-055.

Title of Rule: WAC 388-76-675 Adult family home minimum licensing requirements—Reporting requirements.

Purpose: The purpose of amending this rule is to comply with the recently passed legislation ESHB 1904 (chapter 230, Laws of 2003)—an act relating to the reporting of incidents by mandated reporters. The proposed rule also includes an editorial change to correct the DSHS administration name.

Statutory Authority for Adoption: RCW 74.34.165.

Statute Being Implemented: RCW 74.34.020 and 74.34.035, and chapter 230, Laws of 2003.

Summary: Amending this rule would make it consistent with the recently passed legislation ESHB 1904 (chapter 230, Laws of 2003)—an act relating to the reporting of incidents by mandated reporters.

Reasons Supporting Proposal: ESHB 1904 (chapter 230, Laws of 2003) clarifies requirements for mandatory reporters.

Name of Agency Personnel Responsible for Drafting: Dahl Kim, Aging and Disability Services Administration, (360) 725-2348; Implementation and Enforcement: Joyce Stockwell, Aging and Disability Services Administration, (360) 725-2404.

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: See Purpose, Summary, and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: The proposed rule is being amended to refer back to the statute as to when providers are required to notify law enforcement.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025(3), an SBEIS is not required for rules adopting or incorporating by reference without material change to Washington state statutes. The proposed rule incorporates by reference chapter 74.34 RCW without material change.

RCW 34.05.328 does not apply to this rule adoption. Under RCW 34.05.328 (5)(b)(iii), rules adopting or incorporating by reference without material change to Washington state statutes exempt from the requirements of RCW 34.05.328. The proposed rule incorporates by reference chapter 74.34 RCW without material change.

Also, the proposed rule updates the name of the DSHS Aging and Disability Services Administration without changing the effect of the rule, and is exempt under 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 November 25, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by November 21, 2003, 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, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., November 25, 2003.

Date of Intended Adoption: Not sooner than November 26, 2003.

October 3, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-11-095, filed 5/20/98, effective 7/1/98)

WAC 388-76-675 Reporting requirements. (1) The provider and all caregivers shall immediately notify the department's toll-free complaint telephone number of any incidents involving allegations of resident abuse, neglect, exploitation or abandonment in accordance with the provisions of chapter 74.34 RCW.

(2) The provider shall keep a log of injuries and accidents to residents.

(3) When there is a significant change in a resident's condition, or a serious injury, trauma, or death of a resident, the provider shall immediately notify:

(a) The resident's family, surrogate decision maker, physician and other appropriate professionals, and other persons identified in the negotiated care plan; and

(b) The case manager, if the resident is receiving services paid for fully or partially by the department.

(4) The adult family home shall immediately report to the department's aging and ~~((adult))~~ disability services administration:

(a) Any event, actual or potential, requiring the evacuation or relocation of all or part of the home's residents to another address;

(b) Circumstances which threaten the home's ability to ensure continuation of services to residents; and

(c) Instances when a resident is determined to be missing.

(5) The provider shall ~~((immediately))~~ notify local law enforcement ~~((anytime the provider has reason to believe that the resident has been the victim of a crime))~~ in accordance with the provisions of RCW 74.34.035.

(6) The provider shall notify the local public health officer and the department of any occurrence of food poisoning or communicable disease as required by the state board of health.

WSR 03-21-124
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed October 20, 2003, 4:37 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-18-101 on September 2, 2003.

Title of Rule: WAC 388-478-0055 How much do I get from my supplemental security income (SSI) and state supplemental payments (SSP)?

Purpose: The department is amending the rule adding the additional categories of SSI recipients who get an SSP and the payment amount. This change updates SSP payment amounts and includes payment amount information for both calendar years 2003 and 2004.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057.

Summary: This rule notifies the public of a change in the SSP program payment amounts for all categories if SSP recipients to include the new two additional categories of SSI recipients who will begin getting a state supplemental payment in November 2003. The new rule references SSP payment amounts for calendar years 2003 and 2004. The changes to the rule include removing references to SSI payment amounts. SSI is a federal program. Federal payment amounts for SSI can be accessed through the Social Security Administration. SSP is a state program with payment amounts that reflect federal requirements for states to expend maintenance of effort funds on SSI recipients and as such these amounts are controlled and adjusted as needed by the state. SSP recipients rely on WAC for SSP payment information.

Reasons Supporting Proposal: The state is federally mandated to expend \$28.9 million every year as a supplemental payment to SSI recipients or those who are SSI-eligible except for income. State supplemental payments must remain within a payment range that will assure that federal SSP spending requirements are met annually. Failure to fully expend the \$28.9 million could result in federal sanctions to state Medicaid funding amounting to about \$3 billion annually. To keep the payments within the federal expenditure requirements, the amount of the monthly SSP payment must be amended periodically. WAC 388-478-0057 year-end adjustments to the SSI state supplement provides DSHS the authority to amend SSP payment amounts to be in compliance with the total federal spending mandate.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carole McRae, ESA-DEAP, 1009 College S.E., Lacey, WA 98503, (360) 413-3074.

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

Rule is necessary because of federal law, 20 C.F.R. Sections 416.2095 - 2099.

Explanation of Rule, its Purpose, and Anticipated Effects: Rule: WAC 388-478-0055 How much do I get from

my supplemental security income (SSI) and state supplemental payments (SSP)?

Purpose and Effect: See Purpose, Summary and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: See Purpose, Summary and Reasons Supporting Proposal above.

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 amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." The rule describes the amount of SSP that individuals are eligible to receive if they are eligible to receive SSP payments.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on November 25, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by November 21, 2003, 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, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., November 25, 2003.

Date of Intended Adoption: Not earlier than November 26, 2003.

October 15, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-03-114, filed 1/21/03, effective 2/23/03)

WAC 388-478-0055 How much do I get from my ((Supplemental Security Income (SSI) and)) state supplemental payments (SSP)? (1) ~~((SSI is a federal cash assistance program for needy individuals and couples who meet federal disability guidelines as aged, blind or disabled.))~~ The state supplemental payment (SSP) is a payment from the state for certain SSI eligible people (see WAC 388-474-0012).

If you are eligible for SSI, you may receive a federal cash payment from the federal Social Security Administration, as well as ((a)) an SSP cash payment from the state.

If you were converted from state assistance to the federal SSI program in January 1974 because you were aged, blind, or disabled, the department calls you a "grandfathered client." Social Security calls you a "mandatory income level (MIL) client." To be a grandfathered (MIL) client, you must have remained continuously eligible for SSI from January 1974.

A change in living situation, cost-of-living adjustment (COLA) or federal payment level (FPL) can affect a grandfathered (MIL) client. A grandfathered (MIL) client gets a fed-

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eral SSI payment and ((a)) an SSP payment, which totals the higher of one of the following:

(a) The state assistance standard set in December 1973, unless you lived in a medical institution at the time of conversion, plus the federal cost-of-living adjustments (COLA) since then; or

~~((living alone—In own household or alternate care, except nursing homes or medical institutions))~~ SSP Eligible Persons

~~((Individual))~~
Individual ~~((with: —One essential person))~~ (aged 65 or older) - Calendar year 2003

Individual (blind) - Calendar year 2003

Individual with an ineligible spouse - Calendar year 2003

Individual (aged 65 or older) - Calendar year 2004

Individual (blind) - Calendar year 2004

Individual with an ineligible spouse - Calendar year 2004

~~((Couple))~~

~~((Couple with one essential person))~~

Grandfathered (MIL)

(b) The current payment standard.

(2) The ~~((federal, state and combined))~~ SSP monthly payment level for ((an)) eligible persons under WAC 388-474-0012 and an individual ((and couple are)) residing in an institution is:

~~((a) If you are living alone:))~~

	((Federal Payment Level))	((State Supplement)) <u>Monthly SSP Payment ((Level))</u>	((Combined Federal/ State Payment Level))
((Individual))	(((\$552.00))	(((\$0.00))	(((\$552.00))
Individual ((with: —One essential person)) <u>(aged 65 or older) - Calendar year 2003</u>	(((\$29.00))	((0.00)) <u>\$100.00</u>	(((\$29.00))
<u>Individual (blind) - Calendar year 2003</u>		2 <u>\$100.00</u>	
<u>Individual with an ineligible spouse - Calendar year 2003</u>		<u>\$100.00</u>	
<u>Individual (aged 65 or older) - Calendar year 2004</u>		<u>\$21.00</u>	
<u>Individual (blind) - Calendar year 2004</u>		<u>\$21.00</u>	
Individual with an ineligible spouse <u>- Calendar year 2004</u>	(((\$552.00))	(((\$100.00)) <u>21.00</u>	(((\$652.00))
((Couple))	(((\$829.00))	(((\$0.00))	(((\$829.00))
((Couple with one essential person))	(((\$829.00))	(((\$0.00))	(((\$829.00))
<u>Grandfathered (MIL)</u>		<u>Varies by individual based on federal requirements. Ranges between \$0.54 and \$199.50</u>	

~~((b) If you are in shared living:))~~

	((Federal Payment Level))	((State Supplement Payment Level))	((Combined Federal/ State Payment Level))
((shared living—In the home of another person))			
((Individual))	(((\$368.00))	(((\$0.00))	(((\$368.00))
((Individual with: —One essential person))	(((\$665.00))	((0.00))	(((\$665.00))
((Individual with an ineligible spouse))	(((\$368.00))	(((\$100.00))	(((\$468.00))
((Couple))	(((\$552.67))	(((\$0.00))	(((\$552.67))
((Couple with one essential person))	(((\$665.00))	(((\$0.00))	(((\$665.00))

~~((c) If you are residing in a medical institution: Area 1 and 2:))~~

	((Federal Payment Level))	((State Supplement)) <u>Monthly SSP Payment ((Level))</u>	((Combined Payment Level))
MEDICAL INSTITUTION			
Individual	(((\$ 30.00))	<u>\$ 11.62</u>	(((\$ 41.62))

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 03-21-130
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed October 21, 2003, 11:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-18-032.

Title of Rule: Volunteer cooperative rules.

Purpose: Amend volunteer cooperative application and disbursement of funds rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Changes application dates and requirement for yearly disbursement of excess funds.

Reasons Supporting Proposal: Cost savings and flexibility of funding.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2373; 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: Volunteer cooperatives currently can make application four times per year. This requires department personnel to handle multiple applications, when the available funding level is known after the first application period. By reducing the application to one per year, it consolidates the application process without jeopardizing project funding. The change in yearly disbursement of money in excess of the reimbursable expense amount leaves this funding available for the second year of a fiscal biennium.

Proposal Changes the Following Existing Rules: Volunteer cooperative application period and excess funds disbursement.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Fort Worden State Park Conference Center, Port Townsend, Washington, on December 5-6, 2003, begins 8:00 a.m. on December 5, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by November 24, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by November 28, 2003.

Date of Intended Adoption: December 5, 2003.

October 21, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 99-235, filed 12/30/99, effective 1/30/00)

WAC 220-130-040 Review and selection process. (1) The application method is on application forms provided by the department specifically for this purpose. Application forms will be available by request from the Olympia headquarters and at all regional offices of the department.

(2) Applications for projects (~~may be submitted at any time, however, applications must be submitted at least sixty days prior to the funding decision deadlines to allow review and evaluation by the department~~) will be accepted each year during the open application period of January 2 through March 31.

(a) Applications accepted prior to the start of a biennium may be for project funding for one or both years of the ensuing biennium.

(b) Applications accepted during the first year of a biennium will be for project funding in the second year of a biennium.

(3) ~~The funding decision ((deadlines will be June 30, September 30 and December 31 in odd-numbered years, March 31 and June 30 in even-numbered years))~~ deadline is May 31 of the year of application.

(4) Exceptions to the funding deadline dates will only be allowed in the event of applications for volunteer projects which are responsive to an emergency situation which may arise and which has been declared to be an emergency by the director.

(5) The department will send each applicant, within forty-five days of receipt of each application, a written acknowledgment of the receipt of the application and give the applicant an estimated date when notification of acceptance or rejection of the proposal can be expected. The written acknowledgment will also provide the department's selection criteria and a general description of the review and selection process. Final decisions and notification of acceptance or rejection of proposals where funding is requested will be made only after the biennial budget is passed by the legislature and signed by the governor.

(6) The department will determine when a proposed project might affect the management programs of federal, other state, and local agencies and of treaty tribes and will make contact with these entities, when the department determines that it is appropriate to do so, during the review and selection process. If the department determines that ongoing coordination between a volunteer group and another agency or tribe would be appropriate, it may be required as a condition of the agreement, when issued.

(7) The department may provide suggested modifications to the proposal which would increase its likelihood of approval together with the name and telephone number of the person within the department responsible for monitoring the review of the proposal.

AMENDATORY SECTION (Amending Order 99-44, filed 5/6/99, effective 6/6/99)

WAC 220-130-080 Project recovery of reimbursable expenses. Cooperative projects which rear salmon have the potential for generating income from the sale of surplus

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salmon carcasses and eggs derived from fishes produced at those projects, and to which salmon return to spawn at the end of their life cycle. If the department determines that it is appropriate to do so, such cooperative projects may, under the guidance of the department and by administrative rules and guidelines established for this purpose, recover some of the cooperative projects operating costs through the sale of nonviable salmon eggs and carcasses. It is understood that the primary objective of this provision is not to establish projects which constitute fish farms, but to allow those projects which may generate surplus fish which elude sport, commercial or tribal fisheries to sell the resulting surplus to help defray the cost of the particular cooperative project.

(1) In order for a project to recover reimbursable expenses, the project must have an annual budget presubmitted and approved by the department. The budget must generally show expected expenses, including the names of all persons expected to draw salaries as hired labor.

(2) Under administrative rules developed for this purpose, the cooperative project may sell nonviable salmon eggs and carcasses by soliciting competitive bids from approved buyers, as determined by the department.

(3) Volunteer cooperative project surplus salmon eggs shall be sold as prescribed by chapter 220-74 WAC, Surplus salmon eggs.

(4) All moneys generated by such sales shall be paid to the department and placed into a special account used solely to fund the reimbursable expenses of the cooperative project which generated the funds.

(5) In order to utilize the funds generated by such sales, a cooperative project must submit a list of expenses accompanied by original invoices, including signed time sheets for hired labor salary expenses, which clearly shows that the expenses relate to the presubmitted budget for the project which comply with all accounting and contract requirements.

(6) Reimbursable expenses shall be limited to the actual annual operating expenses of the project. No profit may be realized by the project, and no moneys shall apply to amortization or depreciation.

(7) ~~(Moneys accruing in excess of the reimbursable expense amount, as determined by the director, shall annually be remitted to the state general fund.~~

(8)) Viable surplus salmon eggs may not be sold, bartered, exchanged or disposed of by any volunteer group.

~~((9))~~ (8) Surplus salmon carcass sales may not be allowed if the department determines that they would be more appropriately utilized to reseed streams in an effort to restore or enhance habitat through nutrient enrichment.

WSR 03-21-131
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed October 21, 2003, 11:13 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-18-008.

Title of Rule: Personal use rules.

Purpose: Amend coastal rockfish and lingcod rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Change rockfish catch limits and lingcod season.

Reasons Supporting Proposal: Protection of coastal bottomfish stocks.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2373; 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: NOAA fisheries has recommended no canary rockfish retention to help with rebuilding of these stocks. They have also proposed a more liberal lingcod season, in order to accommodate the coastal charter board industry. The department does not agree with the lingcod seasons for inside the Bonilla-Tatoosh line, and is proposing a modification to the recommendations.

Proposal Changes the Following Existing Rules: Coastal bottomfish rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Fort Worden State Park Conference Center, Port Townsend, Washington, on December 5-6, 2003, begins 8:00 a.m. on December 5, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by November 24, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by November 28, 2003.

Date of Intended Adoption: December 5, 2003.

October 17, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 03-178, filed 8/6/03, effective 9/6/03)

WAC 220-56-235 Possession limits—Bottomfish. It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time shall not exceed the equivalent of two daily limits in fresh, frozen or processed form. Unless otherwise provided bottomfish fishing is open the entire year.

(1) Coastal (Catch Record Card Areas 1 through 4) - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

(a) Lingcod - 2 fish minimum length 24 inches.

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(b) Rockfish - 10 fish (~~of which no more than 1 may be a canary rockfish~~). Release all canary and yelloweye rockfish.

(c) Surfperch (excluding shiner perch) - 15 fish.

(d) Wolf-eel - 0 fish from Catch Record Card Area 4.

(e) Cabezon - 2 fish east of the Bonilla-Tatoosh line.

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card Areas 5 and 6 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish, except canary and yelloweye rockfish except	1 fish
May 1 through September 30 in Marine Area 5 west of Slip Point	3 fish of which no more than 1 may be other than black rockfish, and release canary and yelloweye rockfish

Surfperch	10 fish
Pacific cod	2 fish
Pollock	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pacific hake	2 fish

(b) Catch Record Card Area 7 - 15 fish in the aggregate of all species of bottomfish, which may include no more than:

Rockfish, except canary and yelloweye rockfish	1 fish
Surfperch	10 fish
Pacific cod	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pollock	2 fish
Pacific hake	2 fish

(c) Catch Record Card Areas 8-1 through 13 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish, except canary and yelloweye rockfish	1 fish
Surfperch	10 fish
Pacific cod	0 fish
Pollock	0 fish
Flatfish (except halibut)	15 fish

Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pacific hake	0 fish

(d) It is unlawful to possess lingcod taken by angling less than 26 inches in length or greater than 40 inches in length.

(e) The daily limit taken by spear fishing may include no more than one lingcod. There is no size restriction on the one lingcod allowed in the daily limit if taken by spear fishing.

(f) It is unlawful to retain cabezon taken from Catch Record Card Areas 5 through 13 from December 1 through April 30.

(g) It is unlawful to retain six-gill shark taken from Catch Record Card Areas 5 through 13.

~~(h) ((It is unlawful to retain canary rockfish taken from Catch Record Card Areas 5 through 13.~~

(+)) It is unlawful to retain canary or yelloweye rockfish taken from Catch Record Card Areas 1 through 13.

AMENDATORY SECTION (Amending Order 03-24, filed 2/14/03, effective 5/1/03)

WAC 220-56-250 Lingcod—Areas and seasons. It is unlawful to take, fish for or possess lingcod for personal use except during the seasons and within the areas herein provided:

(1) Coastal area (a) Catch Record Card Areas 1 through 3 - the Saturday closest to March 16 through the Sunday closest to October 15, (b) Catch Record Card Area 4 west of the Bonilla-Tatoosh line - April 16 through October 15 or the Sunday closest to October 15 if that Sunday is previous to October 15, whichever is earlier, (c) Catch Record Card Area 4 east of the Bonilla-Tatoosh line - April 16 through October 15.

(2) Catch Record Card Areas 5 through 13 - May 1 through June 15 by angling and May 21 through June 15 by spear fishing.

WSR 03-21-134
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed October 21, 2003, 11:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-18-096.

Title of Rule: Recreational hunting rules.

Purpose: To amend WAC 232-28-271 Private lands wildlife management area hunting seasons, rules, and boundary descriptions.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Establish hunting seasons and boundary changes for private lands partnerships (PLPs) (formerly PLWMA). These include: PLWMA 201 (Buckrun) now PLP Area 201 (Buckrun); PLWMA 401 (Kapowsin) now

PLP Area 401 (Kapowsin); PLWMA 600 (Pysht) now PLP Area 600 (Pysht).

Reasons Supporting Proposal: Maintain continuity of the program and reauthorizing customized hunting seasons on PLPs that will benefit wildlife on these private lands and allow public hunting opportunities.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will establish hunting season dates, legal animal descriptions, PLP raffle permit levels, and boundary description of each PLP (formerly PLWMA).

Proposal Changes the Following Existing Rules: Adjustments in hunting season dates, permit levels, legal animal description, and boundary descriptions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Fort Worden State Park Conference Center, USO Hall, 200 Battery Way, Port Townsend, WA 98368, on December 5-6, 2003, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by December 1, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Dave Britnell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by November 14, 2003.

Date of Intended Adoption: December 5, 2003.

October 21, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 03-03, filed 1/7/03, effective 2/7/03)

WAC 232-28-271 Private lands partnerships (~~((wildlife management area))~~) hunting seasons, rules and boundary descriptions.

DEER GENERAL SEASONS ON PRIVATE LANDS PARTNERSHIPS (~~((WILDLIFE MANAGEMENT))~~) AREAS

Rainier Timber Company (((PLWMA))) <u>PLP Area 401</u> Kapowsin Tree Farm		
Hunting Method	((2003)) 2004 Dates	Special Restrictions
Archery	((Aug. 22-Sept. 8)) <u>Aug. 20-Sept. 6</u> ((Sept. 29-Oct. 5)) <u>Sept. 27-Oct. 3</u>	Any Buck 2 Pt. Min. or Antlerless
Modern Firearm	((Oct. 10-26)) <u>Oct. 8-24</u>	2 Pt. Min.
Muzzleloader	((Nov. 21-Dec. 7)) <u>Nov. 19-Dec. 5</u>	2 Pt. Min. or Antlerless

Merrill and Ring (((PLWMA))) <u>PLP Area 600</u> Pysht Tree Farm		
Hunting Method	((2003)) 2004 Dates	Special Restrictions
Archery	Sept. 1-14 and ((Nov. 25-Dec. 31)) <u>Nov. 24-Dec. 31</u>	((Any Buck South Unit (600B)))
Modern Firearm	((Oct. 11-31 and Nov. 13-16)) <u>Oct. 16-31 and Nov. 18-21</u>	((Any Buck South Unit (600B)))
Muzzleloader	((Oct. 1-9)) <u>Oct. 2-8</u>	((Any Buck South Unit (600B)))

~~((2003))~~ 2004 DEER PERMIT SEASONS ON PRIVATE LANDS PARTNERSHIPS (~~((WILDLIFE MANAGEMENT))~~) AREAS

((2003)) 2004 - Mule and Whitetail Deer				
Buckrun Limited <u>Youth/Adult Partnership</u> Permit Draw Permits. Hunters apply to Washington Department of Fish and Wildlife in WDFW <u>group</u> permit draw process. Only hunters possessing a modern firearm deer tag are eligible for Buckrun Limited draw hunts. Hunters can expect one day of hunting during the permit season with written authorization from the (((PLWMA))) <u>PLP</u> manager. All hunters must check in and out on hunt day.				
Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Buckrun A (<u>Partnership Applications only</u>)	((35)) <u>40</u>	((Sept. 1-Oct. 10)) <u>Dec. 1-Jan. 15</u>	*Youth hunters, 3 pt. 2 pt. Spike, or Antlerless deer	((PLWMA)) <u>PLP Area 201</u>

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((2003)) 2004 - Mule and Whitetail Deer
Buckrun Limited Youth/Adult Partnership Permit Draw Permits. Hunters apply to Washington Department of Fish and Wildlife in WDFW group permit draw process. Only hunters possessing a modern firearm deer tag are eligible for Buckrun Limited draw hunts. Hunters can expect one day of hunting during the permit season with written authorization from the ((PLWMA)) PLP manager. All hunters must check in and out on hunt day.

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
((Buckrun B))	((35)) <u>40</u>	((Oct. 21-Nov. 15))	((Disabled)) <u>Adult</u> hunters, Antlerless deer	((PLWMA) 201)

* Youth hunters on Buckrun must be 12 - 15 years of age and must be accompanied by ((an)) the adult partner during the hunt. Hunts are scheduled by the manager 509-345-2577. All other hunting regulations apply.

((2003)) 2004 - Blacktail Deer
Rainier Timber Company Kapowsin Tree Farm -
Rainier Timber Company Permit Draw Deer Permits - Hunters apply to Washington Department of Fish and Wildlife in WDFW permit draw process.

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Kapowsin Central	30	((Dec. 12-14)) <u>Dec. 10-12</u>	Antlerless Only, Age 65 and older Hunters	((PLWMA)) <u>PLP Area</u> 401B Central
	20	((Dec. 12-14)) <u>Dec. 10-12</u>	Antlerless Only, AHE Hunters	((PLWMA)) <u>PLP Area</u> 401B Central
	50	((Dec. 12-14)) <u>Dec. 10-12</u>	Antlerless Only	((PLWMA)) <u>PLP Area</u> 401B Central
Kapowsin South	50	((Dec. 12-14)) <u>Dec. 10-12</u>	Antlerless Only, Youth Hunters	((PLWMA)) <u>PLP Area</u> 401C South
	50	((Dec. 12-14)) <u>Dec. 10-12</u>	Antlerless Only, Disabled Hunters	((PLWMA)) <u>PLP Area</u> 401C South

ACCESS QUOTAS AND RAFFLE SEASONS ON PRIVATE LANDS PARTNERSHIPS ((WILDLIFE MANAGEMENT)) AREAS

((2003)) 2004 - Mule and Whitetail Deer
Buckrun Limited Area - Access Quotas and Seasons
 Only hunters possessing a modern firearm deer tag are eligible for access authorizations on ((PLWMA)) PLP Area 201. An access fee will be charged for these hunts. You may contact the ((PLWMA)) PLP manager, Derek Stevens, at (509) 345-2577 for information.

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Buckrun	((70)) <u>40</u>	((Oct. 1-Dec. 7)) <u>Oct. 1-Dec. 31</u>	Any Deer	((PLWMA)) <u>PLP Area</u> 201
	<u>40</u>	<u>Oct. 1-Dec. 31</u>	<u>Antlerless Only</u>	((PLWMA)) <u>PLP Area</u> 201
Buckrun Raffle	2	<u>Oct. 1-Dec. 31</u>	<u>Any Deer</u>	((PLWMA)) <u>PLP Area</u> 201

((2003)) 2004 - Blacktail Deer
Rainier Timber Company Kapowsin Tree Farm — Raffle Quotas and Seasons
 Hunter must contact Rainier Timber Company for auction/raffle permit opportunity.
 Only hunters possessing a valid deer tag (any ((2003)) 2004 deer tag) are eligible for Rainier Timber Company buck permits. Hunters drawing a Rainier Timber Company deer raffle permit may purchase a second deer tag for the hunt. Persons interested in these deer permits should contact Rainier Timber Company, 31716 Camp 1 Road, Orting, WA 98360. For more information, please call 1-800-782-1493.

Hunt Name	Permit Number	Raffle Season	Special Restrictions	Boundary Description
Kapowsin North/Buck	8	((Oct. 31-Nov. 16)) <u>Oct. 29-Nov. 14</u>	Buck Only (Raffle)	((PLWMA)) <u>PLP Area</u> 401A North

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((2003)) 2004 - Blacktail Deer
Rainier Timber Company Kapowsin Tree Farm — Raffle Quotas and Seasons
 Hunter must contact Rainier Timber Company for auction/raffle permit opportunity.
 Only hunters possessing a valid deer tag (any ((2003)) 2004 deer tag) are eligible for Rainier Timber Company buck permits. Hunters drawing a Rainier Timber Company deer raffle permit may purchase a second deer tag for the hunt. Persons interested in these deer permits should contact Rainier Timber Company, 31716 Camp 1 Road, Orting, WA 98360. For more information, please call 1-800-782-1493.

Hunt Name	Permit Number	Raffle Season	Special Restrictions	Boundary Description
Kapowsin Central/Buck	29	((Oct. 31-Nov. 16)) <u>Oct. 29-Nov. 14</u>	Buck Only (Raffle)	((PLWMA)) <u>PLP Area 401B Central</u>
Kapowsin South/Buck	14	((Oct. 31-Nov. 16)) <u>Oct. 29-Nov. 14</u>	Buck Only (Raffle)	((PLWMA)) <u>PLP Area 401C South</u>
Kapowsin North	50	((Dec. 12-14)) <u>Dec. 10-12</u>	Antlerless Only (Raffle)	((PLWMA)) <u>PLP Area 401A North</u>

((2003)) 2004 - Blacktail Deer
Merrill and Ring's Pysht Tree Farm - Quotas and Seasons
 An access fee will be charged by the landowner for hunting on the Pysht Tree Farm. The following hunts are raffle hunts offered by Merrill and Ring. Hunters must possess a valid deer tag when participating in these hunts. Persons interested in these hunts should contact Merrill and Ring, 11 Pysht River Rd., Clallam Bay, WA 98326. For more information, please call Merrill and Ring at 1-800-998-2382.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Description
Pysht ((North)) A	((15)) <u>30</u>	((Sept. 1-14)) <u>Nov. 25-Dec. 31</u>	Raffle, Archery, ((3)) 2 pt. minimum	((PLWMA)) <u>PLP Area (600((A))) ((North Unit))</u>
Pysht ((North)) B	((20)) <u>40</u>	((Oct. 1-10)) <u>Oct. 1-Nov. 21</u>	Raffle, Muzzleloader, ((3)) 2 pt. minimum	((PLWMA)) <u>PLP Area (600((A))) ((North Unit))</u>
Pysht ((North)) C	((30)) <u>60</u>	((Nov. 8-23)) <u>Oct. 9-Nov. 21</u>	Raffle, <u>Modern Firearm</u> , ((3)) 2 pt. min.	((PLWMA)) <u>PLP Area (600((A))) ((North Unit))</u>
Pysht ((North)) D	5	Nov. 8-23	<u>Raffle, Restricted</u> , ((3)) 2 pt. minimum	((PLWMA)) <u>PLP Area (600((A))) ((North Unit))</u>

((2003)) 2004 ELK RAFFLE SEASONS ON PRIVATE LANDS PARTNERSHIPS ((WILDLIFE MANAGEMENT)) AREAS

((2003)) 2004 - Elk
Rainier Timber Company (PLWMA 401) Kapowsin Tree Farm - Raffle Quotas and Seasons
 Only hunters possessing a valid ((2003)) 2004 elk tag and meeting the special restrictions noted for each hunt are eligible for Rainier Timber Company access permits on ((PLWMA)) PLP Area 401. Hunters must contact Rainier Timber Company for auction/raffle permit opportunity. Hunters drawing a Rainier Timber Company elk raffle permit are eligible to purchase a second elk tag for the hunt. Rainier Timber Company, 31716 Camp 1 Road, Orting, Washington 98360. For more information, please call 1-800-782-1493.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Descriptions
Kapowsin Bull North	((2)) <u>1</u>	Sept. ((13-29)) <u>11-26</u>	Auction/Raffle Any Bull, Any Tag	((PLWMA)) <u>PLP Area 401A North</u>
Kapowsin Bull Central	((3)) <u>2</u>	Sept. ((13-29)) <u>11-26</u>	Auction/Raffle Any Bull, Any Tag	((PLWMA)) <u>PLP Area 401B Central</u>
Kapowsin Bull South	((3)) <u>2</u>	Sept. ((13-29)) <u>11-26</u>	Auction/Raffle Any Bull, Any Tag	((PLWMA)) <u>PLP Area 401C South</u>

2004 - Elk

Rainier Timber Company ((PLWMA)) PLP Area 401) Kapowsin Tree Farm - Permit Draw Elk Permits Hunters apply to WDFW in WDFW permit draw process

<u>Hunt Name</u>	<u>Permit Number</u>	<u>Raffle Season</u>	<u>Special Restrictions</u>	<u>Boundary Descriptions</u>
Kapowsin Bull North	1	Sept. 11-26	Any Bull, Any Elk Tag	PLP Area 401A North
Kapowsin Bull Central	1	Sept. 11-26	Any Bull, Any Elk Tag	PLP Area 401B Central
Kapowsin Bull South	1	Sept. 11-26	Any Bull, Any Elk Tag	PLP Area 401C South

((2003)) 2004 - Elk

Merrill and Ring ((PLWMA)) PLP Area 600 Pysht Tree Farm - Raffle Quota and Season

Hunter must contact Merrill and Ring for raffle hunt opportunity. For more information please call Merrill and Ring at 1-800-998-2382 or write to them at Merrill and Ring Tree Farm, 11 Pysht River Rd., Clallam Bay, WA 98326.

<u>Hunt Name</u>	<u>Quota</u>	<u>Raffle Season</u>	<u>Special Restrictions</u>	<u>Boundary Descriptions</u>
Pysht A	3	Sept. 15-30	Any Elk, Any Weapon	((PLWMA)) PLP Area 600
Pysht B	1	Sept. 1-14	Any Elk, Archery	((PLWMA)) PLP Area 600
Pysht C	1	Oct. 1-10	Any Elk, Muzzle Loader	((PLWMA)) PLP Area 600

2004 - Spring Black Bear

Rainier Timber Company Kapowsin Tree Farm (Fee Access)

<u>Hunt Name</u>	<u>Harvest Quota</u>	<u>Permit Season</u>	<u>Special Restrictions</u>	<u>Boundary Descriptions</u>
Kapowsin North	10	May 1-June 15	As soon as harvest of 10 is reached - season is closed	PLP Area 401A North

AREA DESCRIPTIONS - PRIVATE LANDS PARTNERSHIPS ((WILDLIFE MANAGEMENT)) AREAS

((PLWMA)) PLP Area 201 - Buckrun Limited (Grant County): PLWMA 201 SHALL INCLUDE THE FOLLOWING DESCRIBED LANDS WITHIN GAME MANAGEMENT UNIT 272 (BEAZLEY) IN GRANT COUNTY:

T22N R29EWM:

Sections 2 (S 1/2 of NW 1/4), 3 (N 1/2), 4 (except SE 1/4 of SE 1/4), 5, 6 (those lands lying north of the Burlington Northern Santa Fe Railroad bed and S 1/2 of the SE 1/4), 8, and 9.

T23N R26EWM:

Section 13 (E 1/2 of SE 1/4).

T23N R27EWM:

Sections 7 (E 1/2 of SE 1/4 and SE 1/4 of NE 1/4), 8 (S 1/2 and S 1/2 of the NW 1/4), 11 (S 1/2), 12 (S 1/2 of SW 1/4 and SW 1/4 of SE 1/4), 13 (except the area between Dry Coulee Road and the Northern Pacific Railroad bed), 14, 17 (except those lands enrolled in the Hunt By Written Permission program), 18, 19, 20 (W 1/2), 21, 22, 23, 24, 25 (N 1/2), 26, and 27.

T23N R28EWM:

Sections 1, 2, 3 (except W 1/2 of W 1/2), 4 (W 1/2 of SE 1/4 south of the Pinto Ridge Road), 8 (SE 1/4 and S 1/2 of SW 1/4), 9 (southeast of the Pinto Ridge Road except the Stratford Game Reserve), 10 (NE 1/4 and the E 1/2 of NW 1/4), 12 (N 1/2), 15 (south of the Stratford Game Reserve), 16 (south

of the Stratford Game Reserve), 18 (south of the Northern Pacific Railroad bed), 19, 20, 21, 22, 23, 26, 27, 28, 29 (N 1/2 and N 1/2 of the S 1/2), 30, 32 (SE 1/4, S 1/2 of NE 1/4 east of the Pinto Ridge Road), 33, 34 (N 1/2 and N 1/2 of the S 1/2), and 35 (north of the Stratford Game Reserve).

T23N R29EWM:

Sections 1 (S 1/2 of S 1/2), 5, 6, 7, 8, 9, 12 (except S 1/2 of SW 1/4), 13, 14, 15, 16 (E 1/2), 17, 18, 19 (except the Stratford Game Reserve), 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 (SE 1/4), 31, 32, 33, 34, and 35).

T24N R28EWM:

Section 35.

T24N R29EWM:

Sections 31 and 32 (W 1/2).

A map of PLWMA 201 is available from WDFW's Region 2 office in Ephrata, (509) 754-4624.

((PLWMA)) PLP Area 401 - Rainier Timber Company

RTC (Pierce County): Beginning at the intersection of RTC haul road (RTC 1 Rd.) and the Camp One Road near the town of Kapowsin; southwest along the east side of Lake Kapowsin to Ohop Creek; up Ohop Creek to RTC ownership line; along ownership line to S.W. corner of the north half of Section 6, T16N, R5E; easterly along Weyerhaeuser/RTC ownership line to the intersection with Busy Wild Creek; up Busy Wild Creek to intersection with RTC ownership on the section line between Sections 10 & 15, T15N, R6E; west and south along DNR/RTC ownership line and Plum Creek Tim-

PROPOSED

ber Co./RTC ownership line to most southerly point of RTC ownership (northwest of Ashford, WA); easterly along RTC ownership line to DNR/RTC ownership line; north and east to USFS/RTC ownership line; east along USFS/RTC ownership line to S.W. corner of Section 31, T16N, R7E; north along USFS/RTC ownership line to N.W. corner Section 32, T16N, R7E; east along Plum Creek Timber Co./USFS ownership line to N.E. corner of Section 32, T16N, R7E; south along USFS/RTC ownership line to S.E. corner Section 32, T16N, R7E; east along USFS/RTC ownership line to Mount Rainier National Park Boundary; north along Mount Rainier National Park Boundary to N.E. corner Section 24, T17N, R7E; northwest along SR 165 to intersection with Carbon River; down Carbon River to the BPA Transmission Line; south and west along the powerline to the Fisk Road; south along the Fisk Road to the King Creek Gate; north and west along the Brooks Road BPA Transmission line; southwest along BPA Transmission line to the Puyallup River (excluding all small, private ownerships); up Puyallup River to intersection with RTC haul road bridge; south along RTC haul road to point of beginning. Another portion of PLWMA 401 RTC is the Buckley block (Kapowsin North described as follows: Beginning at the intersection of the BPA Transmission line and South Prairie Creek; up South Prairie Creek to East Fork South Prairie Creek; up East Fork South Prairie Creek to Plum Creek Timber Co./RTC ownership line (on south line of Section 33, T19N, R7E); along RTC ownership line to center line of Section 34, T19N, R7E; north and east along DNR/RTC ownership line to S.W. corner of Section 27, T19N, R7E; north along Weyerhaeuser/RTC ownership line to White River; down White River to where it crosses west line Section 6, T19N, R7E; south and west along RTC ownership line to intersection with South Prairie Creek; up South Prairie Creek to point of beginning.

((PLWMA)) **PLP Area 401A - Kapowsin North (Buckley):** That portion of PLWMA 401 description which includes the Buckley block.

((PLWMA)) **PLP Area 401B - Kapowsin Central (King Creek):** That portion of PLWMA 401 description which lies to the north of the Puyallup River, excluding the Buckley block.

((PLWMA)) **PLP Area 401C - Kapowsin South (Kapowsin):** That portion of PLWMA 401 description which lies to the south of the Puyallup River.

((PLWMA)) **PLP Area 600 - Merrill and Ring (Clallam County):** Beginning at Clallam Bay, east along the Strait of Juan de Fuca to the mouth of Deep Creek, south along Deep Creek to the township line between Townships 30 and 31, west along said township line to Highway 113 (Burnt Mt. Road) and north along Burnt Mt. Road (Highway 112 and 113) to Clallam Bay and point of beginning, except the following described lands: T31N R10W: E 1/2 W 1/2, E 1/2 West of Deep Creek Section 19, Except SW 1/4 NW 1/4, SW 1/4, W 1/2 E 1/2 West of Deep Creek Section 30, Except North & West of Deep Creek Section 31: T31N R11W; Except the SW 1/4 SE 1/4 Section 7, Except that portion of NW 1/4 SE 1/4 which is County Park Section 10, Except the NE 1/4 NE 1/4 Section 14, Except W 1/2, W 1/2 E 1/2, SE 1/4

NE 1/4, NE 1/4 SE 1/4 Section 16, Except SW 1/4 NE 1/4 Section 17, Except NW 1/4 NW 1/4, SW 1/4, NW 1/4 north of the Pysht River, SE 1/4 NW 1/4, south of the Pysht River, SE 1/4 NE 1/4, NW 1/4 SE 1/4 Section 18, Except W 1/2 SW 1/4 Section 27, Except S 1/2 S 1/2, N 1/2 SW 1/4 Section 28, Except E 1/2 SE 1/4, SW 1/4 SE 1/4, NE 1/4 SW 1/4 Section 29, Except SW 1/4 SE 1/4 Section 30, Except NE 1/4 Section 31, Except All Section 32, Except All Section 33, except SW 1/4 NE 1/4, S 1/2 Section 34, Except All Section 36, T31N R12W; Except SE 1/4 SE 1/4, W 1/2 SE 1/4 East of Highway 112 Section 4, Except All East of Highway 112 Section 9, Except E 1/2 NE 1/4, SW 1/4 NE 1/4, E 1/2 SW 1/4, NW 1/4 SE 1/4 Section 13, Except S 1/2 SE 1/4 Section 14, Except E 1/2 NW 1/4 East of Highway 112 Section 23, Except SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 26, Except N 1/2 N 1/2, NE 1/4 SW 1/4 Section 35, Except All Section 36: T32N R12W; Except W 1/2 SE 1/4 Section 21, Except All Section 22, Except NW 1/4 Section 27, Except NE 1/4, N 1/2 SE 1/4, E 1/2 W 1/2 East of Highway 112 Section 28, Except E 1/2 W 1/2 East of Highway 112 Section 33, Except S 1/2 Section 36.

((PLWMA)) **PLP Area 600A North - Merrill and Ring North:** That portion of PLWMA 600 north of Highway 112.

((PLWMA)) **PLP Area 600B South - Merrill and Ring South:** That portion of PLWMA 600 south of Highway 112.

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.

**WSR 03-21-135
PROPOSED RULES
COUNTY ROAD
ADMINISTRATION BOARD**
[Filed October 21, 2003, 12:13 p.m.]

Original Notice.

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

Title of Rule: WAC 136-130-040 Project prioritization in northwest region (NWR), 136-130-060 Project prioritization in southeast region (SER), 136-130-070 Project prioritization in southwest region (SWR), and 136-28-010 Purpose and authority.

Purpose: WAC 136-130-040, 136-130-060, and 136-130-070 are being amended to better define prioritization in the rural arterial program regions. WAC 136-28-010 is being amended to reflect an update of a name change of a national organization.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Name of Agency Personnel Responsible for Drafting: Randy Hart, 2404 Chandler Court S.W., Suite 240, 753-5989; Implementation: Karen Pendleton, 2404 Chandler Court S.W., Suite 240, 753-5989; and Enforcement: Jay Weber, 2404 Chandler Court S.W., Suite 240, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 136-130-040, 136-130-060, and 136-130-070 establish rules for prioritization of projects in the RAP regions. The proposed changes will better identify the prioritization of projects.

WAC 136-28-030 outlines the purpose and authority of the County Road Administration Board. The proposed change is grammatical in updating the name of the Nation [National] Highway Traffic Safety Administration.

Proposal Changes the Following Existing Rules: WAC 136-130-040, 136-130-060, and 136-130-070 are being amended to better define prioritization in the rural arterial program regions. WAC 136-28-010 is being amended to reflect an update of a name change of a national organization.

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: County Road Administration Board, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, on January 15, 2004, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Karen Pendleton by January 10, 2004, TDD (800) 833-6382 or (360) 753-5989.

Submit Written Comments to: Karen Pendleton, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, fax (360) 586-0386, by January 7, 2004.

Date of Intended Adoption: January 15, 2004.

October 21, 2003
Walt N. Olsen, P.E.
for Jay P. Weber
Executive Director

AMENDATORY SECTION (Amending WSR 01-09-077, filed 4/17/01, effective 5/18/01)

WAC 136-130-040 Project prioritization in northwest region (NWR). Each county in the NWR may submit projects requesting RATA funds not to exceed five hundred thousand dollars per project, except that on one project for each county there is a maximum RATA contribution of seven hundred fifty thousand dollars; and ~~((fifty))~~ forty percent of the forecasted regional apportionment. No bridge replacement projects will be funded. Each project shall be rated in accordance with the NWR RAP reconstruction or 3R rating procedures. NWR RAP reconstruction rating points shall be assigned on the basis of forty points for structural condition, forty points for geometrics, ten points for traffic volume, ten points for traffic accidents, five points for any project on a major collector (07), and ten points for any project on a rural principal arterial (02) or a rural minor arterial (06). Prioritization of NWR projects shall be on the basis of total NWR RAP rating points shown on the project worksheet and the prospectus form of the project application.

NWR RAP 3R rating points shall be assigned on the basis of thirty points for structural condition, twenty points for geometrics, ten points for traffic volume, ten points for

traffic accidents, ten points for any project on a minor collector (08), and thirty points for 3R safety. Prioritization of NWR 3R projects shall be on the basis of total NWR 3R RAP rating points shown on the project worksheet and the prospectus form of the project application.

A total of twenty points representing local significance may be added to one project in each county's biennial submittal.

AMENDATORY SECTION (Amending WSR 01-05-009, filed 2/8/01, effective 3/11/01)

WAC 136-130-060 Project prioritization in southeast region (SER). Each county in the SER may submit projects requesting RATA funds not to exceed twice the per county limit of the forecasted SER biennial apportionment which is listed as follows:

Asotin County	ten percent
Benton County	fourteen percent
Columbia County	eleven percent
Franklin County	thirteen percent
Garfield County	ten percent
Kittitas County	thirteen percent
Klickitat County	fourteen percent
Walla Walla County	fourteen percent
Yakima County	twenty percent

Each project shall be rated in accordance with the SER RAP bridge, reconstruction or 3R rating procedures. Ten percent of the forecasted SER biennial apportionment shall be reserved for bridge projects. Federally funded bridges for which counties are seeking matching funds shall receive first consideration for these funds, ranked against each other according to the WSDOT priority array. Bridges receiving federal funding may be added to this list at any time during the biennium. Stand-alone bridges may compete for funds in this reserve that remain after all bridges seeking match for federal funds have been funded. These bridges will be rated against each other according to their total points assigned from the RAP Rating Worksheets for the SER. Whatever part of the bridge reserve that is not allocated to bridge projects shall be available for allocation to other RAP projects.

SER RAP reconstruction rating points shall be assigned on the basis of forty-five points for structural condition, thirty points for geometrics, twenty-two points for traffic volume, five points for traffic accidents.

SER RAP 3R rating points shall be assigned on the basis of twenty points for structural condition, twenty-five points for geometrics, twelve points for traffic volume, ten points for traffic accidents, twenty-five points for roadside safety, and ten points for intersection operation.

A total of twenty points representing local significance may be added to one project in each county's biennial submittal. Prioritization of SER projects shall be on the basis of total SER RAP bridge, reconstruction or 3R rating points shown on the project worksheet and the prospectus form of the project application.

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AMENDATORY SECTION (Amending WSR 02-11-008, filed 5/2/02, effective 6/2/02)

WAC 136-130-070 Project prioritization in south-west region (SWR). Each county in the SWR may submit projects requesting RATA funds not to exceed thirty percent of the forecasted SWR biennial apportionment. No bridge replacement projects will be funded. Each project shall be rated in accordance with the SWR RAP reconstruction or 3R rating procedures. SWR RAP reconstruction rating points shall be assigned on the basis of fifty road condition points, consisting of twenty-five points for structural condition and twenty-five points for surface condition, fifty points for geometrics, ten points for traffic volume and ten points for traffic accidents, except that portland cement concrete surfaces and asphalt surfaces with cement concrete bases shall have fifty points for road surface condition and no points for structural condition and except that gravel roads shall have fifty points maximum for surface condition, and fifteen points maximum for roadbed width in geometrics and no other geometric points. SWR RAP 3R rating points shall be assigned on the basis of thirty road condition points, consisting of fifteen points for structural condition and fifteen points for surface condition, twenty points for geometrics, ten points for traffic volume, ten points for traffic accidents and thirty points for 3R safety, except that portland cement concrete surfaces and asphalt surfaces with cement concrete bases shall have thirty points for road surface condition and no points for structural condition and except that gravel roads shall have thirty points maximum for surface condition, and fifteen points maximum for roadbed width in geometrics and no other geometric points. Prioritization of SWR projects shall be on the basis of total SWR RAP rating points shown on the project worksheets and the prospectus form of the project application.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-28-010 Purpose and authority. RCW 36.78.070(1) authorizes the county road administration board to establish standards of good practice for the administration of county roads and the efficient movement of people and goods over county roads. In order to implement the requirement of the National Highway Safety Act of 1966 that requires all states, in cooperation with their various local governments, to collect, compile and make reports to the National Highway Traffic Safety (~~Bureau of Accident Statistics~~) Administration in each state, the county road administration board has acted to coordinate the activities of the county engineers and the state patrol. Each county engineer is to cooperate in this effort by following the procedure outlined below.

WSR 03-21-137
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed October 21, 2003, 2:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-18-097.

Title of Rule: Watchable wildlife rules.

Purpose: Establish watchable wildlife program.

Statutory Authority for Adoption: Chapter 317, Laws of 2003.

Statute Being Implemented: Chapter 317, Laws of 2003.

Summary: Set watchable wildlife program fee and benefits.

Reasons Supporting Proposal: Provide funding for watchable wildlife activities.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Jim Lux, 1111 Washington Street, Olympia, 902-2444; 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: The watchable wildlife program is authorized under chapter 317, Laws of 2003, which allows the department to set the fee for participation in the program. This rule sets the fee, provides how the participant will obtain the vehicle use permit, and the watchable wildlife decal and materials. It also provides for persons who contribute more than the minimum to receive additional materials and consideration.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not directly affect small businesses, unless such businesses wish to voluntarily contribute to the program. If such an election is made, there is no regulatory impact of any kind.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Fort Worden State Park Conference Center, Port Townsend, Washington, on December 5-6, 2003, begins 8:00 a.m. on December 5, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by November 24, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by November 28, 2003.

Date of Intended Adoption: December 5, 2003.

October 21, 2003

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 220-20-115 Watchable wildlife program. (1) There is established a watchable wildlife program. The min-

imum amount to participate in the watchable wildlife program is \$30.00 per license year, which includes both the license dealer cost and the automated transaction fee.

(2) Applications to participate in the watchable wildlife program must be made through department license dealers. Each person participating in the watchable wildlife program will receive a vehicle use permit from the license dealer.

(3) Each person participating in the watchable wildlife program will receive a watchable wildlife decal and promotional and informational materials from the department throughout the license year. Persons who contribute more than the minimum amount are entitled to receive additional materials or consideration.

WSR 03-21-138
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed October 21, 2003, 2:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-18-047[A].

Title of Rule: Commercial fishing rules.

Purpose: Establish Columbia River limited participation fishery.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Provide mechanism to harvest salmon in circumstances when full fleet participation is inappropriate.

Reasons Supporting Proposal: Allow for salmon harvest.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; 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: The department and the Oregon Department of Fish and Wildlife, working through the Columbia River compact, are proposing to establish a list of fishers who may want to participate in a limited participation salmon fishery. These fisheries are short-term opportunity to catch a limited number of fish, and will be scheduled when full-fleet participation would endanger the resource.

Proposal does not change existing rules.

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: Fishers are required to register with the department to participate, and may be required to take on-board observers.

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: No compliance costs beyond those already accounted for. All participants must be currently licensed Columbia River gill net fishers, and they have the equipment to participate.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? There is no loss.

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:

- a. Cost per employee;
 - b. Cost per hour of labor; or
 - c. 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.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: This proposal has been discussed with ODFW and affected fishers.

8. A List of Industries That Will Be Required to Comply with the Rule: There are no industries that are required to comply with the rule.

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: Fort Worden State Park Conference Center, Port Townsend, Washington, on December 5-6, 2003, begins 8:00 a.m. on December 5, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by November 24, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by November 28, 2003.

Date of Intended Adoption: December 5, 2003.

October 21, 2003

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 220-33-070 Limited participation commercial salmon fisheries—Columbia River. (1) When the director determines that a harvestable amount of salmon is available, but that full-fleet fishing effort has an unacceptable risk of exceeding the available harvest or compromises other specific management objectives, the director in collaboration with the Oregon department of fish and wildlife (ODFW) director, working through the Columbia River compact, may authorize a limited participation fishery in the Columbia River in order to provide additional opportunities for com-

PROPOSED

mercial salmon fisheries where they might not otherwise exist. Such a fishery may be authorized for experimental or developmental fisheries, fisheries necessary to refine run size data, fisheries necessary to provide biological information, or in cases where:

(a) Other specific management objectives have been stated for the species and area in question; or

(b) Full-fleet participation with time, space, or gear restrictions cannot achieve the harvest goal.

(2) Only licensed commercial salmon fishers may participate in a limited participation fishery. Fishers who wish to have their name placed on the Columbia River limited participation register must notify the department's Region 5 office, in writing, by December 1 each year for the following year's fisheries. Interested fishers must provide a message phone number at which they can be contacted and indicate the fishing zone(s) (SMCRA 1A, 1B, 1C, 1D, 1E) in which they can participate.

(3) Each year the department will, from the list of interested fishers, use random selection to create a priority list by fishing zone (SMCRA 1A, 1B, 1C, 1D, 1E) in the Columbia River. Once the priority lists have been created, sale or transfer of the license shall invalidate the receiver from participation in that year's limited participation fishery.

(4) When a limited participation fishery is authorized, the department will contact fishers from the priority register at least twenty-four hours prior to the opening of the fishery. When a fisher cannot be contacted after reasonable effort, the department will select the next name, until the maximum number of allowable units of gear is reached. If not reached, the fisher's name will remain at the priority position, but the fisher may not participate in that limited participation fishery. Agreement to participate, or declining to participate, will remove the fisher from the priority position, and place the name at the bottom of the priority list.

(5) Fishers may be required to take on-board observers to collect biological information during the limited participation fishery.

(6) Examples of specific management objectives include, but are not limited to:

(a) Reducing levels of incidental catch of wild salmon stocks;

(b) Reducing incidental catch of nontarget salmon species originating from regions other than the fishing area; or

(c) Specific recreational emphasis action.

WSR 03-21-140

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed October 21, 2003, 3:13 p.m.]

Continuance of WSR 03-18-124.

Preproposal statement of inquiry was filed as WSR 03-14-135.

Title of Rule: Chapter 16-401 WAC, Nursery inspection fees and chapter 16-350 WAC, Registration and certification of fruit tree planting stock.

Purpose: To schedule an additional hearing on the proposal to amend WAC 16-401-050 by increasing the current

fruit tree and fruit tree related ornamental nursery stock assessment rate from 1% to 2% and WAC 16-350-045 Application and fees, by deleting the specific assessment amount since it is specified in WAC 16-401-050 and correcting an erroneous RCW reference.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency under RCW 34.05.328 (5)(a)(i).

Hearing Location: Washington State Department of Agriculture, Conference Room 238 (Main Conference Room), 21 North 1st Avenue, Yakima, WA 98902, on December 10, 2003, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Henri Gonzales by November 26, 2003, TDD (360) 902-1996.

Submit Written Comments to: Henri Gonzales, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2094, e-mail hgonzales@agr.wa.gov, by December 10, 2003.

Date of Intended Adoption: December 19, 2003.

October 21, 2003

Mary A. Martin Toohey

Assistant Director

WSR 03-21-141

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed October 21, 2003, 3:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-010.

Title of Rule: Vocational indirect costs limits.

Purpose: Implements a limit on indirect cost charges by a school district to vocational-secondary programs to 15% of the combined basic education and vocational enhancement allocations of state funds.

Statutory Authority for Adoption: RCW 28A.150.290 (1).

Statute Being Implemented: Section 502(2) of ESSB 6387.

Summary: These rules implement a 15% limit on the indirect expenditures to vocational-secondary programs. Additionally provision provides school districts the ability to carry over up to 10% of their revenues in excess of the vocational-secondary program expenditures and allowable indirects in the ensuing school year.

Reasons Supporting Proposal: Rule revisions are needed to implement legislative changes limiting vocational indirect to 15%.

Name of Agency Personnel Responsible for Drafting and Enforcement: Calvin Brodie, Office of Superintendent of Public Instruction, (360) 725-6301; and Implementation: Steve Shish, Office of Superintendent of Public Instruction, (360) 725-6307.

Name of Proponent: Office of Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule implements a 15% limit on the allowable indirect expenditures for vocational-secondary programs and allows for a 10% carryover of any vocationally generated state moneys in excess of expenditures and allowable indirects.

Proposal Changes the Following Existing Rules: Establishes a 15% limit on indirect expenses for state funded vocational programs.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable - no small business impact.

RCW 34.05.328 does not apply to this rule adoption. The Superintendent of Public Instruction is not subject to RCW 34.05.328 per subsection (5)(a)(i). Additionally, this rule is not a significant legislative rule per subsection (5)(c)(iii).

Hearing Location: Old Capitol Building, P.O. Box 47200, Room 152 (Wanamaker Room), Olympia, WA 98504-7200, on November 25, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Ben Gravely by November 15, 2003, TDD (360) 664-3631 or (360) 725-6133.

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 November 24, 2003.

Date of Intended Adoption: November 26, 2003.

October 20, 2003
Dr. Terry Bergeson
Superintendent of
Public Instruction

VOCATIONAL INDIRECT COST LIMIT

NEW SECTION

WAC 392-121-570 Vocational indirect cost limit—Applicable code provisions—Purpose—Effective date. (1) WAC 392-121-570 through 392-121-578 define the fifteen percent limit on indirect cost charges to school district state-funded vocational-secondary programs as required by the Biennial Operating Appropriations Act. These rules do not apply to federal vocational funding which is governed by federal policies.

(2) The purpose of these sections is to assure that state allocations for vocational education are expended by school districts to support state vocational programs. The minimum levels defined here are not to be construed as recommended expenditure levels.

(3) These sections are effective for the 2002-03 school year and thereafter.

NEW SECTION

WAC 392-121-571 Vocational indirect cost limit—Definitions. As used in WAC 392-121-570 through 392-121-578:

(1) "Program 31" means the vocational-basic-state program as defined in the *Accounting Manual for Public School Districts in the State of Washington*.

(2) "Basic allocation for vocational students" means the amount of money generated by a school district's vocational full-time equivalent enrollment in the general apportionment formula using the state funding formula factors including the grade 4-12 staffing ratios without enhancement, and using the district's average certificated instructional staff mix factor for program 31 staff from the district's S-275 personnel report.

(3) "Enhancement allocation for vocational students" means the additional money above the basic allocation for vocational students generated by a school district's vocational full-time equivalent enrollment as a result of the enhanced state vocational staffing ratio and enhanced nonemployee related cost allocation for vocational students. This enhancement shall be calculated using the district's average certificated instructional staff mix factor for program 31.

(4) "Vocational running start allocation" means the amount generated in the general apportionment formula by a school district's running start students enrolled in vocational courses in a community or technical college pursuant to chapter 392-169 WAC.

NEW SECTION

WAC 392-121-573 Vocational indirect cost limit—Calculation of minimum program 31 expenditures. Each school district's minimum program 31 expenditures equal the sum of the following amounts:

- (1) Eighty-five percent of the total basic and vocational enhancement allocations for vocational students;
- (2) Ninety-three percent of the vocational running start allocation; plus
- (3) Any carryover from the prior school year allowed under WAC 392-121-578.

NEW SECTION

WAC 392-121-574 Vocational indirect cost limit—Preliminary notice to school districts below the minimum expenditure level. (1) After the close of the school year, and before December 31, the superintendent of public instruction shall compare each school district's program 31 expenditures for the school year as reported on the district's Report F-196 annual year end financial statements to the district's minimum program 31 expenditures.

(2) If a district's program 31 expenditures are less than the minimum, then the superintendent shall notify the district of the results of the calculation including any potential recovery of state funding.

NEW SECTION

WAC 392-121-576 Vocational indirect cost limit—School district requests for review and adjustment. (1) After receiving notice of the preliminary notice pursuant to WAC 392-121-574, and before the ensuing January 15, a school district may request review and adjustment to the superintendent's calculations. The request shall be in a form prescribed by the superintendent of public instruction and

shall be signed by the school district superintendent or the superintendent's designee.

(2) Grounds for review and adjustment include:

- (a) Errors in the calculation; or
- (b) Inaccurate school district data used in the calculation.

(3) A district requesting review and adjustment due to inaccurate school district data shall submit corrected data pursuant to the superintendent's instructions.

(4) The superintendent of public instruction shall correct any errors in the calculations or revise the school district data used in the calculations as appropriate.

NEW SECTION

WAC 392-121-578 Vocational indirect cost limit—Recovery of state allocations. (1) At the time of the January apportionment calculations after the close of the school year, the superintendent of public instruction shall recalculate each school district's minimum direct expenditures.

(2) If the district's program 31 expenditures are below the minimum program 31 expenditure amount, the district shall be allowed to carry over into the ensuing school year an amount equal to up to ten percent of the minimum expenditure amount excluding any carryover from the prior school year.

(3) The superintendent of public instruction shall recover from the district's general apportionment allocation as a prior year adjustment an amount equal to the lesser of the district's enhancement allocation for vocational students or the following amount:

- (a) The district's minimum program 31 expenditures; minus
- (b) The district's program 31 expenditures plus any allowable carryover.

(2) Recoveries made pursuant to this section shall be adjusted after the January apportionment calculation if revised enrollment, staff mix, or expenditure data submitted by the district and accepted by the superintendent of public instruction materially affects the district's recovery amount.

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.

WSR 03-21-142

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed October 21, 2003, 4:07 p.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4). (See Statutory Authority below).

Title of Rule: Wheat (Washington Wheat Commission), chapter 16-528 WAC.

Purpose: This rule-making proposal makes amendments to sections within the Washington Wheat Commission's marketing order, chapter 16-528 WAC, to reflect recent statutory changes, while improving readability and clarity and eliminating outdated sections, as well as, increase the current assessment rate.

Statutory Authority for Adoption: RCW 15.66.055, 15.66.030, 15.66.053, and chapter 34.05 RCW.

Statute Being Implemented: Chapter 15.66 RCW.

Summary: During the past three legislative sessions, significant amendments were made to the commission's enabling statute, chapter 15.66 RCW. These statutory changes prompted proposed amendments to chapter 16-528 WAC. Proposed amendments expand the commission's policy and purpose statements, update the definitions, update the commission member selection process, add additional powers and duties to benefit the industry, update meeting and administrative procedures, and expand the commission's information and education role. These amendments achieve consistency with the statute, as well as, improve the readability and clarity of the marketing order. In addition, a proposed amendment will increase the current assessment rate to provide funding to support more intense market development, wheat research, and education.

Name of Agency Personnel Responsible for Drafting: Lynn Briscoe, Olympia, (360) 902-2043; Implementation and Enforcement: Tom Mick, Spokane, (509) 456-2481.

Name of Proponent: Washington Wheat Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule-making proposal makes amendments to sections within the Washington Wheat Commission's marketing order, chapter 16-528 WAC. During the past three legislative sessions, significant amendments were made to the commission's enabling statute, chapter 15.66 RCW. These statutory changes prompted proposed amendments to chapter 16-528 WAC to achieve consistency with the statute, as well as, improve the readability and clarity of the marketing order. See Summary above. In addition, a proposed amendment will increase the current assessment rate from one-half of one percent of the net receipts at the first point of sale to three-fourths of one percent to provide funding to support more intense market development, wheat research, and education. The following are the proposed amendments:

- New section WAC 16-528-004 Marketing order for Washington wheat—Policy statement.
- New section WAC 16-528-005 Marketing order purposes.
- Amend WAC 16-528-010 Definitions.
- Amend WAC 16-528-020 Wheat commission—Structure—Powers, duties—Procedure.
- Repeal WAC 16-528-030 Marketing order purposes.
- Amend WAC 16-528-040 Assessments and collection.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. In accordance with RCW 15.66.053(2), the adoption of the final amendments to chapter 16-528 WAC will be determined by a referendum vote of the affected parties.

RCW 34.05.328 does not apply to this rule adoption. Washington State Department of Agriculture is not a named agency, therefore, exempt from this provision.

Hearing Location: Washington Wheat Foundation Annex, 109 East 1st Avenue, Ritzville, WA 99169, on December 3, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jodi Jones, Washington State Department of Agriculture, at (360) 902-1806, by November 19, 2003, TDD (360) 902-1996.

Submit Written Comments to: Lynn Briscoe, Commodity Commission Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, fax (360) 902-2092, e-mail lbriscoe@agr.wa.gov, by December 4, 2003, 5:00 p.m.

Date of Intended Adoption: April 30, 2004.

October 4, 2003

William E. Brookreson
Deputy Director

NEW SECTION

WAC 16-528-004 Marketing order for Washington wheat—Policy statement. (1) The marketing of wheat within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that its wheat be properly promoted by:

(a) Enabling producers of wheat to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the wheat they produce.

(b) Working towards stabilizing the agricultural industry by increasing consumption of wheat within the state, the nation, and internationally.

(2) That it is in the overriding public interest that support for the wheat industry be clearly expressed, that adequate protection be given to the industry and its activities and operations, and that wheat be promoted individually, and as part of a comprehensive agricultural industry to:

(a) Enhance the reputation and image of Washington state's wheat.

(b) Increase the sale and use of Washington state's wheat in local, domestic, and foreign markets.

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's wheat.

(d) Increase the knowledge of the health-giving qualities and dietetic value of Washington state's wheat and products.

(e) Support and engage in programs or activities that benefit the planting, production, harvesting, handling, processing, marketing, and uses of wheat produced in Washington state.

(3) The director is authorized to implement, administer, and enforce chapter 15.66 RCW through this marketing order.

(4) The Washington state wheat commission exists primarily for the benefit of the people of the state of Washington and its economy, and with oversight by the director, the commission is authorized to speak on behalf of Washington state government with regard to wheat under the provisions of this marketing order.

NEW SECTION

WAC 16-528-005 Marketing order purposes. (1) The marketing order for wheat is to promote the general welfare of the state and for the purpose of maintaining existing markets or creating new or larger local, domestic, and foreign markets; or increasing production efficiency, ensuring a fair regulatory environment; or increasing per capita consumption of wheat in Washington state. The Washington state wheat commission is designated by the director to conduct the following programs in accordance with chapter 15.66 RCW:

(a) To establish plans and conduct programs for marketing and sales promotion. The commission may also engage in cooperative efforts in the domestic or foreign marketing of wheat food products.

(b) To provide for carrying on research studies to find more efficient methods of irrigation, production, processing, handling, transportation, and marketing of wheat.

(c) To adopt rules in accordance with chapter 34.05 RCW to provide for improving standards and grades of wheat by defining, establishing, and providing labeling requirements with respect to the same.

(d) To investigate and take necessary action to prevent unfair trade practices.

(e) Subject to the provisions of the act, to provide information and communicate on matters pertaining to the production, irrigation, processing, transportation, marketing, or uses of wheat produced in Washington state to any elected official or officer or employee of any agency.

(f) To conduct programs for the purpose of providing information and education including:

(i) Marketing information and services for producers of wheat.

(ii) Information and services enabling producers to meet their resource conservation objectives.

(iii) Wheat-related education and training.

(2) The director shall approve any plans, programs, and projects concerning:

(a) The establishment, issuance, effectuation, and administration of programs authorized under this section for wheat marketing and promotion, wheat research, education, and information.

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that marketing and utilization of the wheat may be encouraged, expanded, improved, or made more efficient.

AMENDATORY SECTION (Amending Marketing Order, Article I, effective 4/30/58)

WAC 16-528-010 Definitions. ~~((As used in this marketing order, the following terms shall have the following meanings:))~~ Definitions for terms used in this chapter are also found in chapter 15.66 RCW, Washington State Agricultural Commodity Commissions Act. For the purposes of the wheat marketing order, the following additional definitions shall apply:

(1) "Director" means the director of agriculture of the state of Washington or ~~((his duly appointed representatives))~~ any qualified person or persons designated by the director of

PROPOSED

agriculture to act for him or her concerning some matter under this chapter;

(2) "Act" means the Washington ~~((Agricultural Enabling))~~ State Agricultural Commodity Commissions Act, ((being)) chapter 15.66 RCW;

(3) "Person" includes any individual, firm, corporation, limited liability company, trust, association, partnership, society or any other organization of individuals or any unit or agency of local or state government;

(4) "Producer" means any person who is engaged in the business of producing or causing to be produced for market, in commercial quantities, wheat grown in the designated affected area of the state of Washington. "To produce" means to act as a producer. For the purposes of the wheat marketing order, "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase;

(5) "Affected producer" means any producer who is subject to this marketing order;

(6) "Commercial quantities" shall mean and include five hundred or more bushels of wheat produced for market in any calendar year by any producer;

~~((6))~~ (7) "Wheat" means and includes all kinds and varieties of wheat grown in the state of Washington;

~~((7))~~ (8) "Wheat commission" or "commission" are synonymous and mean the commission established pursuant to the provisions of WAC 16-528-020;

~~((8) "Marketing season" or "fiscal year" are synonymous and mean the twelve month period beginning January 1 of any year and ending upon the last day of December, both dates inclusive;))~~

(9) "Marketing year" refers to the twelve-month period beginning June 1 of any year and ending on May 31. "Fiscal year" refers to the twelve-month period beginning July 1 of any year and ending on June 30.

(10) "Handler" means any person ((engaged in the business of handling, selling, processing, storing, shipping, or distributing wheat which he has purchased or acquired from a producer, or which he is shipping for or on behalf of a producer, and shall include any lending agency, for a commodity credit corporation loan to producers)) who acts, either as principal, agent, or otherwise, in the processing, selling, marketing, or distributing of wheat that is not produced by the handler. "Handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler;

~~((10))~~ (11) "Commercial channels" means the sale of wheat for use as food, feed, seed or any industrial or chemurgic use, when sold to any commercial buyer, dealer, processor, cooperative, or to any person, public or private, who resells any wheat, or products produced from wheat;

~~((11))~~ (12) "Affected area" shall mean and include the following counties located in the state of Washington: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima.

AMENDATORY SECTION (Amending Order 1999, filed 3/29/89)

WAC 16-528-020 Wheat commission—Structure—Powers, duties—Procedure. (1) **Establishment and membership.** A wheat commission is hereby established to administer this marketing order and shall be composed of five members who shall be producers ~~((elected))~~ who are nominated by producers in each district and subsequently appointed by the director as provided in this section and two members who shall be appointed by the ~~((elected producer))~~ commission members. In addition, the director shall be ~~((an ex-officio))~~ a voting member of the commission.

(2) **Representative districts.**

(a) The affected area shall be divided into the five following districts:

District I—One commission member

- Ferry County
- Lincoln County
- Pend Oreille County
- Spokane County
- Stevens County

District II—One commission member

- Whitman County

District III—One commission member

- Asotin County
- Columbia County
- Garfield County
- Walla Walla County

District IV—One commission member

- Adams County
- Chelan County
- Douglas County
- Grant County
- Okanogan County

District V—One commission member

- Benton County
- Franklin County
- Kittitas County
- Klickitat County
- Yakima County

~~((Each district shall nominate one or more nominees but elect one commission member only.))~~

(b) Producer positions appointed by the director shall be numbered one through five. Positions appointed by the commission members shall be numbered six and seven. The director's position shall be position eight.

(c) Nomination and appointment of director-appointed commission members shall be as set forth in chapter 15.66 RCW and specified by the director.

(3) **Membership qualifications.** Commission members shall be citizens and residents of this state, over the age of

~~((twenty-five))~~ eighteen years. Producer members of the commission shall be producers of wheat in the district in and for which they are nominated and ~~((elected))~~ appointed. The qualifications of producer members of the commission as herein set forth must continue during their term of office.

(4) Term of office—Initial commission.

(a) The term of office of commission members shall be three years from the date of their ~~((election))~~ appointment and until their successors are ~~((elected))~~ appointed and qualified. The terms of office for the initial commission members shall be as follows:

Districts I and II shall terminate December 31, 1958.

Districts III and IV shall terminate December 31, 1959.

District V shall terminate December 31, 1960.

One appointed member's term shall terminate December 31, 1959.

The second appointed member's term shall terminate December 31, 1960.

The appointed members of the initial commission shall be elected by a majority of the elected commissioners at the first meeting.

(b) Within thirty days of the effective date of this amended marketing order, the names of the currently elected board members shall be forwarded to the director for appointment to the commission.

(5) Nomination and ~~((election))~~ appointment of commission members.

(a) Nomination and ~~((election))~~ subsequent appointment of director-appointed commission members shall be as set forth in ~~((the act))~~ chapter 15.66 RCW and specified by the director. Dates will be set as follows:

(i) Nominating petitions for director-appointed positions shall be sent not earlier than September 17th and not later than October 2nd of each year in the district wherein ~~((a vacancy))~~ an open commission position(s) will occur. Nominating petitions shall be signed by not less than five affected producers of the district from which such a candidate will be ~~((elected))~~ appointed.

(ii) Filing of nominating petitions for director-appointed positions shall be mailed to the director not earlier than October 8th and not later than October 13th of each year.

(iii) Ballots for an advisory vote will be mailed to all producers in the district wherein ~~((a vacancy))~~ an open commission position(s) will occur, not earlier than October 18th and not later than November 2nd of each year.

(iv) Ballots for an advisory vote shall be returned not later than December 2nd of such year. An affected producer is entitled to one vote.

~~((b) With respect to the initial wheat commission, the director shall call for nominations with the notice of his final decision following the hearing. The ballot for the election of commissioners shall be secret and shall be forwarded to the producers at the same time the director's proposed marketing order is mailed to the producers for their assent.))~~ (v) When only one nominee is nominated by the affected producers for a director-appointed position, RCW 15.66.120 shall apply.

(b) Except with respect to the initial wheat commission, the members of the commission not elected by the producers or appointed by the director shall be appointed by a majority

of the commission within ninety days prior to the expiration of the term.

(6) Vacancies.

~~((a) To fill any vacancy occasioned by the failure to qualify of any person elected by the producers as a member of the commission, or in the event of the death, removal, resignation or disqualification of any member, the director shall call for nominations and conduct such election within the district wherein the vacancy occurred, in the manner provided in subsection (5) of this section.~~

~~((b) To fill nonelective vacancies caused by other reasons than the expiration of the term, the new members shall be elected by the commission at its first meeting after the occurrence of the vacancy.))~~ (a) In the event of a vacancy in a commission-appointed position, the remaining members shall select a qualified person to fill the term. The appointment shall be made at the commission's first or second meeting after the position becomes vacant.

(b) In the event of a vacancy in a director-appointed position, the position shall be filled as specified in chapter 15.66 RCW.

(7) Powers and duties of commission. The commission shall have the powers and duties, as specified under RCW 15.66.140~~((, and shall include but not be limited to))~~ including the following:

(a) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with, and to effectuate the purposes of the act, and this marketing order.

(b) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year. The commission, at least thirty days prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its marketing, research, commodity-related education and training plan, and its budget.

(c) To accept and receive gifts and grants from private persons or private and public agencies and expend same.

(d) To administer, enforce, direct, and control the provisions of this marketing order and of the act relating thereto.

(e) To elect a chairman and such other officers as the commission may deem advisable.

(f) To adopt, rescind, and amend rules reasonably necessary for the administration and operation of the commission and the enforcement of its duties under this marketing order.

(g) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies, and other persons and firms that it may deem appropriate and pay compensation to the same.

(h) To acquire personal property and lease office space and other necessary real property and transfer and convey the same.

(i) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction, or civil recovery, or proceedings, before administrative tribunals or other governmental authorities necessary to carry out the provisions of the act and of this marketing order.

(j) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and

audit by the department and other legal agencies of the state and make annual reports therefrom to the state auditor.

(k) To borrow money and incur indebtedness.

(l) To make necessary disbursements for routine operating expenses.

(m) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes set forth in this marketing order.

(n) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes set forth in this marketing order. Personal service contracts must comply with chapter 39.29 RCW.

(o) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of wheat.

(p) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general.

(q) To engage in appropriate fund-raising activities for the purpose of supporting activities of the commission authorized by this marketing order.

(r) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of wheat including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission.

(s) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the value of each producer's production for a minimum three-year period pursuant to RCW 15.66.140.

(t) To maintain a list of the names and addresses of persons who handle wheat within the affected area and data on the amount and value of the wheat handled for a minimum three-year period by each person pursuant to RCW 15.66.140.

(u) To maintain a list of names and addresses of all affected persons who produce wheat and the amount, by unit, of wheat produced during the past three years pursuant to RCW 15.66.143.

(v) To maintain a list of all persons who handle wheat and the amount of wheat handled by each person during the past three years pursuant to RCW 15.66.143.

(w) To establish a foundation using commission funds as grant money for the purposes established in this marketing order.

(x) To request records and audit the records of producers or handlers of the affected commodity during normal business hours to determine whether the appropriate assessment has been paid.

(y) To assist and cooperate with the department or any other local, state, or federal government agency in the investigation and control of exotic pests and diseases that could damage or affect trade of the affected commodity.

(z) To acquire or own intellectual property rights, licenses, or patents and to collect royalties resulting from

commission-funded research related to the affected commodity.

(aa) To exercise such other powers and perform such other duties as are necessary and proper to effectuate the purposes of the act and of this order.

(8) Procedure for commission.

(a) The commission shall, by resolution, establish a headquarters which shall continue as such unless and until so changed by the commission, at which headquarters shall be kept the books, records and minutes of the commission meetings.

(b) The commission shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by the resolution of the commission. Notice of the time and place of regular meetings shall be published on or before January of each year in the *Washington State Register*. Notice of any change to the meeting schedule shall be published in the state register at least twenty days prior to the rescheduled meeting date.

(c) The commission shall hold an annual meeting at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the wheat commission at least ten days prior to the meeting, through the regular wire news services and radio-television press.

(d) The commission shall establish by resolution, the time, place and manner of calling special meetings with reasonable notice to the members: Provided, ~~((however,))~~ That the notice to a member of any special meeting may be waived by a waiver ~~((thereof signed by each))~~ from that member ~~((thereof))~~ of the board. Notice for special meetings shall be in compliance with chapter 42.30 RCW.

(e) Any action taken by the commission shall require the majority vote of the members present, provided a quorum is present.

(f) A quorum of the commission shall consist of at least five members.

(g) No members of the commission shall receive any salary or other compensation from the commission, except that each member shall receive an amount not to exceed the amount as allowed in RCW 43.03.230, as it exists now or as hereafter amended, for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence, lodging, and mileage expense allowed by RCW 43.03.050 and 43.03.060 as authorized by RCW 15.66.130 ~~((; the Enabling Act of 1955))~~. The commission may adopt by resolution provisions for reimbursement of actual travel expenses incurred by members of the commission in carrying out the provisions of this marketing order pursuant to RCW 15.66.130.

AMENDATORY SECTION (Amending Order 1975, filed 4/13/88, effective 6/1/88)

WAC 16-528-040 Assessments and collection. (1) **Assessments.** The annual assessment on wheat shall be ~~((one-half))~~ three-fourths of one percent of the net receipts at the first point of sale. The assessment shall be levied and paid

by the producer, or deducted, as provided in this section, whether the wheat is sold in this or any other state.

(2) **Collection of assessments.** The collection of the assessment made and levied by the wheat commission, pursuant to the provisions of the act, shall be paid by the producer ~~((thereof))~~ upon all commercial quantities of wheat sold, processed, stored or delivered for sale, processing or storage by him, under any or all of the methods of collections set forth in RCW 15.66.150, in accordance with rules ~~((and regulations))~~ to be ~~((promulgated))~~ adopted by the wheat commission: Provided, ~~((however,))~~ That no assessment shall be levied or collected on wheat grown and used by the producer for feed, seed, or personal consumption.

(3) **Funds.** All moneys collected by the wheat commission shall be used only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and the wheat marketing order. At the end of each fiscal year, the commission shall credit each producer with any amount paid by such producer in excess of the assessment. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-528-030 Marketing order purposes.

WSR 03-21-143
PROPOSED RULES
WHEAT COMMISSION
[Filed October 21, 2003, 4:08 p.m.]

Original Notice.

Title of Rule: Wheat (Washington Wheat Commission), chapter 16-528 WAC.

Purpose: This rule-making proposal makes amendments to sections within the rules of the Wheat Commission, WAC 16-528-105 through 16-528-230 to update commission practices.

Statutory Authority for Adoption: RCW 15.66.140 and chapter 34.05 RCW.

Statute Being Implemented: Chapter 15.66 RCW.

Summary: The amendments being proposed in this rule making update the scheduling of the commission's monthly meetings and the number of signatures needed on warrants drawn on commission accounts, as well as, removes an assessment exemption. Amendments to WAC 16-528-110 and 16-528-150 and repealing of WAC 16-528-220 are needed to update commission practices.

Name of Agency Personnel Responsible for Drafting: Lynn Briscoe, Olympia, (360) 902-2043; Implementation and Enforcement: Tom Mick, Spokane, (509) 456-2481.

Name of Proponent: Washington Wheat Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule-making proposal makes amendments to sections within the rules of the Wheat Commission, WAC 16-528-105 through 16-528-230 to update commission practices. See Summary above. The following are the proposed amendments:

- Amend WAC 16-528-110 Monthly meetings of the commission.
- Amend WAC 16-528-150 Warrants drawn on commission account—Signatures.
- Repeal WAC 16-528-220 Exemption from assessment.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Technical amendments being proposed do not require a small business economic impact statement pursuant to RCW 19.85.030.

RCW 34.05.328 does not apply to this rule adoption. The Washington Wheat Commission is not a named agency, therefore, exempt from this provision.

Hearing Location: Washington Wheat Foundation Annex, 109 East 1st Avenue, Ritzville, WA 99169, on December 3, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Lynn Briscoe, Washington State Department of Agriculture, at (360) 902-2043, by November 19, 2003, TDD (360) 902-1996.

Submit Written Comments to: Tom Mick, CEO, Washington Wheat Commission, West 907 Riverside Avenue, Spokane, WA 99201, fax (509) 456-2812, e-mail tmick@wwcspokane.com, by December 4, 2003, at 5:00 p.m.

Date of Intended Adoption: April 30, 2004.

October 20, 2003

Tom Mick
CEO

AMENDATORY SECTION (Amending Order 2072, filed 2/19/91, effective 3/22/91)

WAC 16-528-110 Monthly meetings of the commission. The commission will hold a minimum of four scheduled meetings per year. Dates of each meeting will be determined ~~((during the preceding meeting))~~ annually prior to the new calendar year.

AMENDATORY SECTION (Amending Order 2072, filed 2/19/91, effective 3/22/91)

WAC 16-528-150 Warrants drawn on commission account—Signatures. The chairman, vice-chairman, secretary-treasurer, administrator, and one additional staff member, other than the person responsible for drafting checks, be designated and authorized to draw warrants against the accounts of the Washington wheat commission. Signature~~((s))~~ of any ~~((two))~~ one of the above to be required on each and every check.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-528-220 Exemption from assessment.

WSR 03-21-145
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 22, 2003, 8:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-13-139.

Title of Rule: Nuisance wildlife control operator (NWCO) rules.

Purpose: Clarify requirements for NWCOs.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Clarifies NWCO certification, reporting requirements, suspension mechanism and appeal rights.

Reasons Supporting Proposal: Provide clarification and due process.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation 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: The NWCO program grew out of agreements to control nuisance and problem wildlife. Since this program allows for the possession of live wildlife (live-trapped wild animals and wild birds), a permit from the director is necessary. This permit will be in the form of NWCO certification. Minimum qualifications are established, trap usage is clarified, and quarterly reporting is required. Additionally, provisions are made for suspension of certification and an appeal process.

Proposal does not change existing rules.

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 is a quarterly reporting requirement, which will require a listing of all trapping activity. NWCOs need to complete the NWCO certification course.

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: Must purchase a trapping license.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No.

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:

- a. Cost per employee;
- b. Cost per hour of labor; or
- c. Cost per one hundred dollars of sales.

The trapping license is \$36 for residents, \$15 for residents under sixteen, and \$180 for nonresidents.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: The department has prepared a simplified quarterly reporting form, and offers the NWCO certification course and special trapping permits at no cost. Additionally hunter education offers trapper education at no cost.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: Provide a copy of the rule to all current NWCOs and solicit public testimony.

8. A List of Industries That Will Be Required to Comply with the Rule: All NWCOs.

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: Fort Worden State Park Conference Center, Port Townsend, Washington, on December 5-6, 2003, begins 8:00 a.m. on December 5, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by November 24, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by November 28, 2003.

Date of Intended Adoption: December 5, 2003.

October 21, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 255, filed 10/19/84)

WAC 232-12-086 Director or his designee is empowered to (~~enter agreements~~) issue nuisance wildlife control operator certifications to control nuisance or problem wildlife. When the director or his designee determines that nuisance or problem wildlife can be controlled by persons, political subdivisions of this state, or the United States, the director or his designee may (~~enter into agreements~~) issue nuisance wildlife control operator certifications for control of said nuisance or problem wildlife.

~~((Agreements entered into shall be subject to the following criteria:))~~

~~(1) ((The control activity shall not adversely affect the department's obligation to preserve, protect and perpetuate the states wildlife.~~

~~(2) The agreement shall include but is not limited to:~~

(a) The procedure for reporting control activity to the department.

(b) Species of animals approved for control.

(c) Location of control activity covered by the agreement.

(d) Methods of control activity allowed (by species).

(e) Disposition of animals controlled or captured.

(3) The person or agency doing the control work)) Nuisance wildlife control operators shall:

(a) Be at least eighteen years of age;

(b) Have no felony convictions, nor any record of a gross misdemeanor fish and wildlife violation in Washington state within the last five years;

(c) Be licensed as a trapper in the state;

(d) Have completed the NWCO certification course; and

(e) Have the equipment, knowledge and ability to control ((those species listed in the agreement)) problem wildlife.

(2) Nuisance wildlife control operators may use live traps to take any animal causing an animal problem as that term is defined in chapter 77.15 RCW, but may only use body gripping traps after receiving a special trapping permit.

(3) Nuisance wildlife control operators must submit a complete quarterly report of all trapping activity, on the form supplied by the department. The quarterly report is due by the fifteenth day of the month after the end of the quarter. Failure to submit a report may result in certification being revoked and future certification suspended.

(4) ((Agreements)) Nuisance wildlife control operator certifications may be revoked((, modified)) or ((suspended)) future certifications denied by the director or issuing authority ((as provided in WAC 232-12-197)) when, in the judgment of the department:

(a) Information contained in the application was inaccurate or false;

(b) The permittee or person trapping problem animals fails to comply with department trapping statutes or rules; or

(c) The person trapping violates a trapping or other wildlife law.

(5) ((Term of the agreement shall not exceed)) If the certification is denied or revoked, the department shall provide the applicant, in writing, a statement of the specific reason(s) for the denial or revocation. The applicant may request an appeal in accordance with chapter 34.05 RCW. Appeal request shall be filed in writing and returned within twenty days from the mailing date of the denial and be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

(6) Nuisance wildlife control certifications are valid for three years. ((The agreement may be extended three years at a time with written approval of both parties:))

(7) It is unlawful to trap nuisance wildlife on the property of another without a nuisance wildlife control certification.

(a) Violation of this subsection using a body-gripping trap is punishable under RCW 77.15.194, Unlawful traps.

(b) Violation of this subsection using a trap other than a body-gripping trap is punishable under RCW 77.15.190, Unlawful trapping—Penalty.

WSR 03-21-146

PROPOSED RULES

DEPARTMENT OF FISH AND WILDLIFE

[Filed October 22, 2003, 8:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-13-031.

Title of Rule: Personal use licensing.

Purpose: Establish permanent personal use license.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Establishes a permanent personal use license for all hunting and fishing activities to be issued by random draw.

Reasons Supporting Proposal: Generate sales.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Jim Lux, 1111 Washington Street, Olympia, 902-2444; 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: The department is proposing to issue a permanent license to individuals chosen by random draw from persons who apply through a special license application process. The license is good for all recreational activities that a person could purchase if that person made application for all licensing activities. There is a differential cost of application for residents and nonresidents, and the director will determine the number of special licenses issued.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects personal use licensing, not small businesses. A secondary impact will be additional revenues to WILD dealers. There will be no affect on dealers who issue the permanent annual license, as the department will cover the license dealer fees.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Fort Worden State Park Conference Center, Port Townsend, Washington, on December 5-6, 2003, begins 8:00 a.m. on December 5, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by November 24, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by November 28, 2003.

Date of Intended Adoption: December 5, 2003.

October 21, 2003

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 220-55-175 Special license application for permanent annual combination licenses. (1) There is hereby created a special license application for permanent combination license packages. Each package awarded will contain: A big game combination number one license allowing the holder to take deer, elk, bear, and cougar during the general season for each species; a small game license allowing the holder to take wild animals and wild birds during the open general season for each, including a single turkey tag; a Western Washington pheasant permit; a migratory bird validation; a combination fishing license and catch record card allowing the holder to take fish, shellfish, and seaweed during the general seasons for each; and a vehicle access permit. Special hunt applications, raffles or auction hunts, juvenile fishing, or fishing set aside for persons of disability (unless the holder qualifies as a fisher with a disability) are not included in this package. If a fee is established for transport tags, fish marking tags, additional access permits, additional catch record cards, or other restrictions on fishing or hunting, the holder will be responsible for payment of these fees prior to engaging in the restricted activities.

(2) The fee for a resident special license application ticket is \$6.50, and the fee for a nonresident special license application ticket is \$12.50. The fee for the ticket includes both the transaction and dealer fees. The selection of a successful special license application ticket holder will be by random draw. Only a natural person may be issued a permanent annual combination license. The successful special license application ticket holder may not sell the opportunity to be issued a permanent annual combination license, but may designate a natural person other than the successful special license application ticket holder to receive the permanent annual combination license. The designation of another individual to be issued the permanent annual combination license must be made in writing to the department license manager. If the successful special license application ticket holder is an individual, the designation must be made within fifteen days of notification of being selected. If the successful special license application ticket holder is a business or organization, the designation must be made within ninety days of notification of being selected. Notification is complete upon posting a letter in the United States mail to the successful special license application ticket holder. The licensee, once designated, may not transfer the license. The permanent annual combination license package shall be issued on an annual basis to the licensee upon request of the licensee.

(3) The director will determine the number of special license applications to be conducted each year, the date of the drawing for each special license application to be conducted, and the number of permanent annual combination licenses to be awarded for each special license application conducted.

WSR 03-21-152
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed October 22, 2003, 8:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-14-079.

Title of Rule: WAC 388-505-0211 Premium requirements for Medicaid and SCHIP children.

Purpose: This new WAC is necessary to implement the premium requirements for medicaid children. The rules will include SCHIP children and increase the premium amount for SCHIP (state children's health insurance program) coverage.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.09.055, chapter 14, Laws of 2003 1st sp.s.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, MAA, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1330.

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: See Purpose above.

Proposal does not change existing rules. The new chapter increases the amount of premium charged for children to receive coverage under SCHIP. The chapter implements premium requirements for certain optional children receiving Medicaid.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule applies solely to Medicaid eligibility.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(b)(vii) exempts DSHS rules related to client financial or medical eligibility. The proposed rule requires families to pay premium amount to be eligible for SCHIP coverage.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on November 25, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by November 21, 2003, phone (360) 664-6097, 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, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m. on November 25, 2003.

Date of Intended Adoption: Not sooner than November 26, 2003.

October 17, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-505-0211 Premium requirements for Medicaid and SCHIP children. (1) For the purposes of this chapter:

(a) **"Mandatory children"** means all states are required by federal rule to provide Medicaid coverage for these children; and

(b) **"Optional children"** means the state of Washington chose to provide Medicaid coverage to children that are not included in the mandatory population.

(c) **"Premium"** means an amount paid for medical coverage.

(2) Optional children include:

(a) A child under the age of one year, whose assistance unit's net available income exceeds one hundred eighty-five percent FPL as described in WAC 388-478-0075;

(b) A child over age one but who has not yet attained age six whose assistance unit's net available income exceeds one hundred thirty-three percent FPL as described in WAC 388-478-0075; and

(c) A child over age six whose assistance unit's net available income exceeds one hundred percent FPL as described in WAC 388-478-0075.

(3) For optional children found eligible for Medicaid coverage under WAC 388-505-0210(2), payment of a premium is required as a condition of eligibility. See subsection (6) of this section for exemptions for optional children.

(4) A child found eligible for Medicaid coverage under WAC 388-505-0210(2) that does not meet the conditions of subsection (2) of this section is a mandatory recipient of Medicaid and is not subject to the premium requirement.

(5) For a child found eligible for the state children's health insurance program (SCHIP) under WAC 388-505-0210(3), payment of a premium is required as a condition of eligibility.

(6) An optional child is exempt from the premium requirement if the child meets one of the following:

(a) The child is pregnant; or

(b) The child is an American Indian or Alaska native.

(7) The premium requirement begins the first of the month following the determination of eligibility. There is no premium requirement for medical coverage received in a month or months before the determination of eligibility.

(8) The premium amount for the assistance unit is based on the net available income as described in WAC 388-450-0005. If the household includes more than one assistance unit, the premium amount billed for the assistance units may be different amounts.

(9) The premium amount for each optional Medicaid child is:

(a) Fifteen dollars per month when the assistance unit's net available income is above one hundred percent FPL and at or below one hundred fifty percent FPL; or

(b) Twenty dollars per month when the assistance unit's net available income is above one hundred fifty percent FPL and at or below two hundred percent FPL.

(10) The premium amount for each SCHIP child is twenty-five dollars per month.

(11) The department bills the family for the lesser of:

(a) A maximum of seventy-five dollars per month; or

(b) The total of the highest premiums, for up to three children in the assistance unit.

(12) Premium payment is a condition of eligibility for assistance units that include optional children. All optional children in an assistance unit are ineligible for medical coverage when the head of household's premium payments are three months in arrears. Three months in arrears means a balance exists for three months.

(13) When the department terminates the medical coverage of an optional child due to nonpayment of premiums, the child has a three-month period of ineligibility beginning the first of the following month. The three month period of ineligibility is rescinded only when the:

(a) Past due premiums are paid in full prior to the begin date of the period of ineligibility; or

(b) Optional child has a change in circumstances such that the child becomes a mandatory child. The department cannot rescind the three-month period of ineligibility for reasons other than the criteria described in subsection (13) of this section.

(15) The department writes off past-due premiums after twelve months.

(16) When the designated three-month period of ineligibility is over, all past due premiums that are an obligation of the head of household must be paid or written off before an optional child can become eligible for medical coverage.

(17) A family cannot designate partial payment of the billed premium amount as payment for a specific child in the assistance unit. The full amount of the premium bill is the obligation of the head of household of the assistance unit. A family can decide to request medical coverage only for certain children in the assistance unit, if they want to reduce premium obligation.

(18) A change that affects the premium amount is effective the month after the change is reported and processed.

(19) A sponsor or other third party may pay the premium on behalf of the child or children in the assistance unit. The premium payment requirement remains the obligation of head of household of the assistance unit. The failure of a sponsor or other third party to pay the premium does not eliminate the:

(a) Establishment of the period of ineligibility described in subsection (13) of this section; or

(b) Obligation of the head of household to pay past-due premiums.

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.

PROPOSED

WSR 03-21-153
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed October 22, 2003, 8:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-17-063 dated September 2, 2003.

Title of Rule: WAC 388-484-0006 TANF/SFA time limit extensions and 388-310-0350 WorkFirst—Other exemptions from mandatory participation.

Purpose: The proposed amendments will clarify under what conditions a client may receive an extension past the sixty-month limit and cross-references the time limit extensions.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, and 74.08A.340.

Statute Being Implemented: RCW 74.04.050 and 74.08A.340.

Summary: The rule outlines the conditions for a client to meet in order to receive an extension to the sixty-month time limit and adds a cross-reference to the exemptions WAC of the time limit WAC.

Reasons Supporting Proposal: The change is to clarify under what conditions a client qualifies for an extension of the time limit and refers the client to this WAC from the exemptions WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ian Horlor, ESA-DEAP, 1009 College S.E., Lacey, WA 98504, (360) 413-3247.

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: Rule: WAC 388-484-0006 TANF/SFA time limit extensions and 388-310-0350 WorkFirst—Other exemptions from mandatory participation.

Purpose and Effect: See Purpose, Summary, and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: See Purpose, Summary, and Reasons Supporting Proposal above.

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 amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." The proposed rule changes the conditions under which a person is eligible for the time-limit extension for WorkFirst assistance.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on November 25, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by November 21, 2003,

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, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m. on November 25, 2003.

Date of Intended Adoption: Not earlier than November 26, 2003.

October 17, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-12-068, filed 5/31/02, effective 6/1/02)

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) You have a temporary situation that prevents you from working or looking for a job. (For example, you may be unable to look for a job while you have health problems or if you are dealing with family violence.) You will receive a time-limited extension if:

(i) You have verification provided by an approved professional as determined by the department that your situation will last for at least six month; or

(ii) You have verification provided by an approved professional as determined by the department that your situation will last for less than six months and you have been approved by the department for an extension;

(iii) Your WorkFirst case manager conducts a hardship extension review to document your situation; and

(iv) You are participating in activities included in your individual responsibility plan to help your situation.

(d) 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?**

PROPOSED

(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.

AMENDATORY SECTION (Amending WSR 02-12-068, filed 5/31/02, effective 6/1/02)

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 participation, 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.)

(7) For time-limited extensions, see WAC 388-484-0006.

WSR 03-21-156

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed October 22, 2003, 8:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-18-028.

Title of Rule: Division of Developmental Disabilities service rules, chapter 388-825 WAC; and County plan for developmental disabilities, chapter 388-850 WAC.

Purpose: The Division of Developmental Disabilities (DDD) will establish a new program for individuals in need of employment/day program services as directed by the legislature in chapter 371, Laws of 2002. Before these proposed amended and new rules, employment and day program services were paid by DDD as state supplementary payments or through the counties. These rules identify a new program whereby DDD will pay eligible individuals directly with state-only funds and require that these individuals purchase the necessary employment/day program services. The county plan rules are amended to provide funding for the oversight of the use of these direct payments.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.10.020.

Statute Being Implemented: 2001-03 Supplemental Budget - ESSB 6387 (chapter 371, Laws of 2002).

Summary: On July 18, 2003, the Social Security Administration (SSA) informed the state that its current rules governing the payment of the state supplementary payments (SSP) did not satisfy the requirements under sections 1616(a) and 1618 of the Social Security Act ("the act"), 42 U.S.C. 1382 (e)[a], 42 U.S.C. 1382(g) and regulations at 20 C.F.R. 416.2001 and 416.2095-.2099. Specifically, payment to individuals with developmental disabilities to purchase employment/day program services were found by SSA to be vendor payments and disallowed as SSP. Failure to comply with these requirements jeopardizes the department's ability to receive federal financial participation under Title XIX of the act. These rules create a new DDD program for individuals in employment/day programs, removes SSP funding for employment/day programs and provides funding to the counties for oversight of the use of these direct payments.

Reasons Supporting Proposal: To comply with legislative directives and to respond to concerns from the federal Social Security Administration.

Name of Agency Personnel Responsible for Drafting: Steve Brink, DDD, P.O. Box 45310, Olympia, WA 98504-5310, (360) 902-7716, brinksc@dshs.wa.gov; Implementation and Enforcement: Colleen Erskine, DDD, P.O. Box 45310, Olympia, WA 98504-5310, (360) 902-8470, erskicm@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: See Purpose, Summary, and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: See Purpose, Summary, and Reasons Supporting Proposal above.

Amended rules include WAC 388-825-020, 388-825-055, 388-825-100, 388-825-120, 388-825-205, 388-825-252, 388-825-254, 388-850-035, and 388-850-045.

New rules include WAC 388-825-060, 388-825-065, 388-825-070, 388-825-075, 388-825-076, 388-825-077, 388-825-078, 388-825-085, 388-825-086, 388-825-087, 388-825-090, and 388-825-095.

No small business economic impact statement has been prepared under chapter 19.85 RCW. An SBEIS is not required because these rules do not impact small businesses as described in RCW 19.85.020.

RCW 34.05.328 does not apply to this rule adoption. These rules are exempt from this requirement under RCW 34.05.328 (5)(b)(vii). These DSHS rules relate solely to financial eligibility for services from DDD.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on December 9, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by December 5, 2003, 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, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m. on December 9, 2003.

Date of Intended Adoption: Not earlier than December 10, 2003.

October 15, 2003

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 03-22 issue of the Register.

WSR 03-21-157

PROPOSED RULES

HEALTH CARE AUTHORITY

(Basic Health)

[Order 03-05—Filed October 22, 2003, 8:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-18-121.

Title of Rule: Revising rules regarding disenrollment of Basic Health enrollees.

Purpose: Revisions for clarity and to update rules regarding disenrollment and reenrollment after disenrollment.

Statutory Authority for Adoption: RCW 70.47.050.

Statute Being Implemented: RCW 70.47.060 (4) and (9), 70.47.089, 70.47.090, and section 213(5), chapter 25, Laws of 2003.

Summary: Updates rules for disenrollment and reenrollment to incorporate contract changes for 2004 and to allow an exception to the twelve-month wait for reenrollment.

Reasons Supporting Proposal: Contract changes for 2004 will include coinsurance and a deductible, so disenrollment for failing to pay cost-sharing needs to incorporate these changes. Enrollees who were attempting to comply with a documentation request but were not able to meet the deadline will have a break in coverage, but should not be required to wait twelve months to reenroll. These enrollees have proven they are eligible for the program. Other changes are for clarification, and to update rules to reflect changes in procedures.

Name of Agency Personnel Responsible for Drafting: Rosanne Reynolds, Lacey, Washington, (360) 923-2948; Implementation and Enforcement: Kathy Eberle, Lacey, Washington, (360) 412-4307.

Name of Proponent: Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects:

- Clarifies that disenrollment for repeatedly failing to pay enrollee cost-sharing includes coinsurance and other cost-sharing, not just copayments. The effect of this change is to update rules to reflect contract changes for 2004.
 - Allows an exception to the twelve-month wait to reenroll after disenrolling, for those who are disenrolled in the process of a recertification. The effect of this change is to allow some leniency for enrollees who were attempting to comply with a recertification request but were unable to meet the deadlines. If they are able to provide proof of their eligibility, these enrollees will have a break in coverage, but will not be required to wait twelve months to reenroll.
 - Removes disenrollment for nonpayment of a civil penalty, since enrollees will have been disenrolled under the provisions of WAC 182-25-090 (2)(e). This change is not expected to have any impact on enrollees, but removes an inconsistency from the rule.
 - Clarifies that a voluntary disenrollment is not required to be in writing. This change is not expected to have any impact on enrollees.
 - Other minor edits are for clarity only. They are not expected to have any impact on enrollees.
- Proposal Changes the Following Existing Rules:
- Deletes WAC 182-25-090 (2)(c).
 - Adds coinsurance and other cost-sharing to the provisions for disenrollment because of repeated failure to pay copayments.
 - Adds an exception to the twelve-month wait for reenrollment for enrollees who attempted to comply with a request for documentation but were unable to meet the deadline.
 - Various edits to update and for clarity.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Health Care Authority is not required by chapter 19.85 RCW to prepare a

small business economic impact statement. There will be little, if any, cost to small business.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to the Health Care Authority rules unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

Hearing Location: 676 Woodland Square Loop S.E., East Wing, Fourth Floor Conference Room, Lacey, WA, on November 25, 2003, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Nikki Johnson by November 17, 2003, TDD (888) 923-5622 or (360) 923-2805.

Submit Written Comments to: Rosanne Reynolds, P.O. Box 42686, Olympia, WA 98504-2686, e-mail Rrey107@hca.wa.gov, fax (360) 923-2605, by November 25, 2003.

Date of Intended Adoption: November 26, 2003.

October 22, 2003

Melodie Bankers
Rules Coordinator

AMENDATORY SECTION (Amending Order 01-07, filed 9/12/02, effective 10/13/02)

WAC 182-25-090 Disenrollment from BHP. (1) An enrollee or employer group may disenroll effective the first day of any month by giving BHP at least ten days prior (~~(written)~~) notice of the intention to disenroll.

(2) BHP may disenroll any enrollee or group from BHP for good cause, which includes:

(a) Failure to meet the eligibility requirements set forth in WAC 182-25-030, 182-25-050, 182-25-060, and 182-25-070;

(b) Nonpayment of premium under the provisions of subsection (6) of this section;

(c) ~~(Nonpayment of civil penalties assessed under WAC 182-25-085;~~

~~(d))~~ Changes in MHCS or program availability when the enrollee's MHCS will no longer be available to him or her and no other MHCS in the area where the enrollee lives is accepting new enrollment in the enrollee's program;

~~((e))~~ (d) Repeated failure to pay co-payments, coinsurance, or other cost-sharing in full on a timely basis. This provision will only be imposed if requested by the MHCS and approved by BHP;

~~((f))~~ (e) Fraud, intentional misrepresentation of information or withholding information that the enrollee knew or should have known was material or necessary to accurately determine their eligibility or premium responsibility, failure to provide requested verification of eligibility or income, or knowingly providing false information;

~~((g))~~ (f) Abuse or intentional misconduct;

~~((h))~~ (g) Danger or threat to the safety or property of the MHCS or the health care authority or their staff, providers, patients or visitors; and

~~((i))~~ (h) Refusal to accept or follow procedures or treatment determined by a MHCS to be essential to the health of the enrollee, when the MHCS has advised the enrollee and demonstrated to the satisfaction of BHP that no professionally acceptable alternative form of treatment is available from the MHCS.

(3) In addition to being disenrolled, any enrollee who knowingly provides false information to BHP or to a participating managed health care system may be held financially responsible for any covered services fraudulently obtained through BHP.

(4) At least ten days prior to the effective date of disenrollment under subsection (2)(a) and (c) through ~~((h))~~ (h) of this section, BHP will send enrollees written notice of disenrollment.

(a) The notice of disenrollment will:

(i) State the reason for the disenrollment;

(ii) State the effective date of the disenrollment;

(iii) Describe the procedures for disenrollment; and

(iv) Inform the enrollee of his or her right to appeal the disenrollment decision as set forth in WAC 182-25-100 and 182-25-105.

(b) The notice of disenrollment will be sent to both the employer or sponsor and to all members of an employer group, home care agency group or financial sponsor group that is disenrolled under these provisions. Enrollees affected by the disenrollment of a group account will be offered coverage under individual accounts. Coverage under individual accounts will not begin unless the premium for individual coverage is paid by the due date for the coverage month. A one-month break in coverage may occur for enrollees who choose to transfer to individual accounts.

(5) Enrollees covered under BHP Plus or receiving maternity benefits through medical assistance will not be disenrolled from those programs when other family members lose BHP coverage, as long as they remain eligible for those programs.

(6) Under the provisions of this subsection, BHP will suspend or disenroll enrollees and groups who do not pay their premiums when due, including amounts owed for subsidy overpayment, if any. Partial payment or payment by check which cannot be processed or is returned due to non-sufficient funds will be regarded as nonpayment.

(a) At least ten days before coverage will lapse, BHP will send a delinquency notice to each subscriber whose premium payment has not been received by the due date. The delinquency notice will include a final due date and a notice that BHP coverage will lapse unless payment is received by the final due date.

(b) Except as provided in (c) of this subsection, coverage will be suspended for one month if an enrollee's premium payment is not received by the final due date, as shown on the delinquency notice. BHP will send written notice of suspension to the subscriber, ~~((stating))~~ which will include:

(i) The effective date of the suspension;

(ii) The due date by which payment must be received to restore coverage after the one-month suspension;

(iii) Notification that the subscriber and any enrolled dependents will be disenrolled if payment is not received by the final due date; and

(iv) ~~((The enrollee's right to))~~ Instructions for filing an appeal under WAC 182-25-105.

(c) Enrollees whose premium payment has not been received by the delinquency due date, and who have been suspended twice within the previous twelve months will be

disenrolled for nonpayment as of the effective date of the third suspension.

(d) Enrollees who are suspended and do not pay the premium for the next coverage month by the due date on the notice of suspension will be immediately disenrolled and issued a notice of disenrollment, ~~((stating))~~ which will include:

(i) The effective date of the disenrollment; and

(ii) ~~((The enrollee's right to))~~ Instructions for filing an appeal under WAC 182-25-105.

(7)(a) Enrollees who voluntarily disenroll or are disenrolled from BHP may not reenroll for a period of twelve months from the date their coverage ended and until all other requirements for enrollment have been satisfied. An exception to this provision will be made for:

(i) Enrollees who left BHP for other health insurance, who are able to provide proof of continuous coverage from the date of disenrollment, and who apply to reenroll in BHP within thirty days of losing the other coverage;

(ii) Enrollees who left BHP because they lost eligibility and who subsequently become eligible to reenroll; and

(iii) Persons enrolling in subsidized BHP, who had enrolled and subsequently disenrolled from nonsubsidized BHP under subsection (1) or (2)(b) of this section while waiting on a reservation list for subsidized coverage.

(iv) Enrollees who were disenrolled by BHP because no MHCS was contracted to serve the program in which they were enrolled in the geographic area where they live; these enrollees may reenroll, provided all enrollment requirements are met, if a MHCS begins accepting enrollment for their program in their area or if they become eligible and apply for another BHP program.

(v) Enrollees who were disenrolled for failing to provide requested documentation of income or eligibility, who had attempted to comply with the request but were unable to meet the due date, and who provide all required documentation within six months of disenrollment and are eligible to reenroll.

(b) An enrollee who is required to wait twelve months for reenrollment under (a) of this subsection may not reenroll prior to the end of the required twelve-month wait. If an enrollee satisfies the required twelve-month wait after applying for subsidized coverage and while waiting to be offered coverage, enrollment will not be completed until funding is available to enroll him or her.

WSR 03-21-164
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 22, 2003, 9:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-06-031.

Title of Rule: Relief from active duty payment procedure.

Purpose: Establish relief from active duty payment procedure for fish and wildlife officers.

Other Identifying Information: This notice replaces WSR 03-21-103.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Establish eligibility review for officers incapable of performing active service.

Reasons Supporting Proposal: A review procedure is needed to ensure eligibility.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation 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: Fish and wildlife officers have a relief from active duty benefit that provides for one-half salary if the officer is injured in the performance of official duties and becomes incapable of active service. This benefit, under RCW 77.12.264, is silent on how to determine if the injury was work-related, how to determine if the incapacitation disallows performance of active duties, and how long the benefit period will last. This rule proposal contains a review mechanism, a reinstatement mechanism, and an appeal process.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Fort Worden State Park Conference Center, Port Townsend, Washington, on December 5-6, 2003, begins 8:00 a.m. on December 5, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by November 24, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by November 28, 2003.

Date of Intended Adoption: December 5, 2003.

October 22, 2003

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 220-20-110 Fish and wildlife enforcement officer relief from active duty procedure. (1) This section governs the actions required for granting relief from active duty and payment of relief from active duty benefits under RCW 77.12.264. Compliance with the procedural steps of this section is mandatory, and failure to comply with these procedures will result in a denial of benefits if payment has not begun, or a termination of payments if payments have begun.

(2) A request for relief from active duty must be filed in writing with the director, and may be filed by either the officer or the officer's representative. For purposes of this section, the officer is the "claimant."

(3) Upon receipt of the relief from active duty request, the director's office will notify the department's personnel office (the personnel office). The personnel office will review the claimant's personnel file to ascertain employment status. The personnel office will determine if a labor and industries on duty injury claim was filed and the status of that claim. If a claim was filed but was disallowed, the department will notify the claimant that the department will not further process a request for relief from active duty until all appeal efforts on the labor and industries on duty injury claim are completed.

(4) The personnel office will respond to the claimant's request for relief from active duty and provide an information request and medical release form to be completed by the claimant and returned to the personnel office. The claimant is required to provide all information and documentation requested by the department. If any requested information is missing, the department will send a second request to the claimant.

(5) Upon receipt of the medical release form and required documentation, the department's labor and industries claims manager, the department's reasonable accommodation program manager, and the senior human resources consultant assigned to the enforcement program will review the information provided by the claimant. From that review, the personnel manager, or designee, will identify one or more licensed medical specialist(s) as appropriate to the independent medical examination. The medical specialist will provide to the personnel manager a current medical analysis with careful consideration of the essential mental, physical and sensory functions of a fish and wildlife officer. The department will pay for the independent medical examination, and will give due consideration for the location of the claimant's current residence.

(6) Within sixty days after the receipt of the results of the independent medical examination, the department will arrange for a panel to review the request for relief from active duty. This panel may consist of a licensed, qualified medical professional of the department of labor and industries, the department's personnel manager or designee, the assistant director for the enforcement program or designee and, at the claimant's expense, a licensed, qualified medical professional of the claimant's choosing. The department will bear the cost of convening this panel with the exception of any costs associated with the medical professional chosen by the claimant. The panel will provide a written recommendation to the director of the department. The director will make a final decision to either grant or not grant relief from active duty. The director's written decision will be provided to the claimant.

(7) If relief from active duty is granted, the department may require periodic reviews of the claimant's medical condition. Such review may include an independent medical examination. Notice of a scheduled examination will be provided via certified mail to the claimant. It is the claimant's responsibility to provide the department with the claimant's

current address at all times that relief from active duty benefits are being paid. If the certified letter is returned, or the claimant fails to attend any scheduled medical examination, or the claimant fails at any point to cooperate with the department, the relief from active duty benefits will be discontinued. If a medical examination shows that the claimant is able to perform the essential functions of a fish and wildlife officer position, the claimant will be returned to active service and the relief from active duty benefits will be discontinued.

(8) If the relief from active duty benefits are discontinued for any reason, the claimant may file a written appeal with the director. An appeal must include a copy of any written communication from the department regarding the discontinuance, and must describe in detail the reason the relief from active duty benefits should again be provided. In making a decision on whether to renew payment of relief from active duty benefits, the director may review any information related to the on duty injury claim and may require an independent medical examination. The director's decision is final.

WSR 03-21-165
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 22, 2003, 9:50 a.m.]

The Department of Fish and Wildlife withdraws the following: WSR 03-18-001 filed on August 20, 2003, and WSR 03-21-103 filed on October 17, 2003.

Evan Jacoby, Counsel
Fish and Wildlife Legal Services

WSR 03-21-167
PROPOSED RULES
HOP COMMODITY BOARD

[Filed October 22, 2003, 11:24 a.m.]

Original Notice.

Title of Rule: Hops (Washington Hop Commission), chapter 16-532 WAC.

Purpose: The purpose of this proposed rule making adds promotional hosting definitions and amendments to the rules of the Washington State Hop Commodity Board, WAC 16-532-101 through 16-532-120.

Statutory Authority for Adoption: RCW 15.65.305 and chapter 34.05 RCW.

Statute Being Implemented: Chapter 15.65 RCW.

Summary: Promotional hosting rules should be included within the rule of Washington State Hop Commodity Board pursuant to RCW 15.65.305. A new section is being added to define "promotional hosting" and "hosting." The current promotional hosting rule is being updated and added as a rule of the Hop Commodity Board. WAC 16-532-065 will be repealed.

Name of Agency Personnel Responsible for Drafting: Lynn Briscoe, Olympia, (360) 902-2043; Implementation and Enforcement: Ann George, Moxee, (509) 453-4749.

Name of Proponent: Washington Hop Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Promotional hosting rules should be included within the Rule of Washington State Hop Commodity Board pursuant to RCW 15.65.305. A new section is being added to define "promotional hosting" and "hosting." The current promotional hosting rule is being updated and added as a rule of the Hop Commodity Board. WAC 16-532-065 will be repealed. The following are the proposed amendments:

- New section WAC 16-532-103 Rules for implementation of promotional hosting by the Washington state hop commodity board (commission)—Definitions.
- New section WAC 16-532-105 Rules for implementation of promotional hosting by the Washington state hop board.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Technical amendments being proposed do not require a small business economic impact statement pursuant to RCW 19.85.030.

RCW 34.05.328 does not apply to this rule adoption. The Washington Hop Commission is not a named agency, therefore, exempt from this provision.

Hearing Location: Yakima Masonic Center, 2nd Floor, 504 North Naches Avenue, Yakima, WA, on December 9, 2003, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Jodi Jones, Washington State Department of Agriculture, at (360) 902-1806, by November 25, 2003, TDD (360) 902-1996.

Submit Written Comments to: Ann George, Administrator, Washington Hop Commission, P.O. Box 1207, Moxee, WA 98936, fax (509) 457-8561, e-mail ann@wahops.org, by December 10, 2003, 5:00 p.m.

Date of Intended Adoption: April 30, 2004.

October 21, 2003

Ann E. George

Administrator, Hop Commission

NEW SECTION

WAC 16-532-103 Rules for implementation of promotional hosting by the Washington state hop commodity board (commission)—Definitions. For the purposes of WAC 16-532-105, the following definitions shall apply:

(1) "Promotional hosting" as used in these rules means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations and promoting sales of Washington-grown hops.

(2) "Hosting" may include providing meals, refreshments, lodging, transportation, gifts of nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.

NEW SECTION

WAC 16-532-105 Rules for implementation of promotional hosting by the Washington state hop board. RCW 15.65.305 and 15.04.200 provide that agricultural commodity boards or commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity board or commission employees, agents, or commissioners. The rules governing promotional hosting expenditures for the Washington state hop board (commission) shall be as follows:

(1) Budget approval. Commission expenditures for agricultural development or trade promotion and promotional hosting shall be pursuant to specific budget items as approved by the commission at annual public hearings on the commission budget.

(2) Officials and agents authorized to make expenditures. The following officials and agents are authorized to make expenditures for agricultural development or trade promotion and promotional hosting in accordance with the provisions of these rules:

(a) Hop board members.

(b) Administrators. Individual commissioners shall make promotional hosting expenditures, or seek reimbursements for those expenditures, only in those instances where the expenditures have been approved by the commission.

(3) Payment and reimbursement. All payments and reimbursements shall be identified and supported by vouchers to which receipts are attached. Voucher forms will be supplied by the commission, and shall require the following information:

(a) Name and position of each person hosted, provided that in case of a group of twenty-five or more persons, then only the name of the group hosted shall be required.

(b) General purpose of the hosting.

(c) Date of hosting.

(d) Location of the hosting.

(e) To whom payment was or will be made.

(f) Signature of person seeking payment or reimbursement.

(4) The chair of the commission and administrator are authorized to approve direct payment or reimbursements submitted in accordance with these rules.

(5) The following persons may be hosted when it is reasonably believed such hosting will cultivate trade relations and promote sales of Washington-grown hops, provided that such hosting shall not violate federal or state conflict of interest laws:

(a) Individuals from private business.

(b) Foreign government officials.

(c) Federal and state officials: Provided, lodging, meals, and transportation will not be provided when such officials may obtain reimbursement for these expenses from their government employer.

(d) The general public, at meetings and gatherings open to the general public.

(e) Commissioners and employees of the commission when their attendance at meetings, meals, and gatherings at which the persons described in (a) through (d) of this subsection are being hosted will cultivate and promote sales of Washington-grown hops.

WSR 03-21-168
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed October 22, 2003, 11:25 a.m.]

Date of Intended Adoption: April 30, 2004.

October 21, 2003

William E. Brookreson

Deputy Director

Original Notice.

Title of Rule: Hops (Washington Hop Commission), chapter 16-532 WAC.

Purpose: The purpose of this rule making is to adopt, amend, and repeal sections within the rules of the Washington State Hop Commodity Board, WAC 16-532-101 through 16-532-120.

Statutory Authority for Adoption: RCW 15.65.047 and chapter 34.05 RCW.

Statute Being Implemented: Chapter 15.65 RCW.

Summary: The proposed additions and amendments will establish provisions for producer reporting, remove the approved two-letter abbreviation list for hop varieties in WAC 16-532-120, update rule language, and repeal WAC 16-532-101. These amendments will improve readability and clarity, as well as, update board practices.

Name of Agency Personnel Responsible for Drafting: Lynn Briscoe, Olympia, (360) 902-2043; Implementation and Enforcement: Ann George, Moxee, (509) 453-4749.

Name of Proponent: Washington Hop Commission, 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 making is to adopt, amend, and repeal sections within the rules of Washington State Hop Commodity Board, WAC 16-532-101 through 16-532-120. These amendments will improve readability and clarity, as well as, update board practices. See Summary above. The following are the proposed amendments:

- Repeal WAC 16-532-101 Promulgation.
- Amend WAC 16-532-110 Requirements for collection of assessments.
- New section WAC 16-532-115 Reporting.
- Amend WAC 16-532-120 Labeling.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Technical amendments being proposed do not require a small business economic impact statement pursuant to RCW 19.85.030.

RCW 34.05.328 does not apply to this rule adoption. The Washington Hop Commission is not a named agency, therefore, exempt from this provision.

Hearing Location: Yakima Masonic Center, 2nd Floor, 504 North Naches Avenue, Yakima, WA, on December 9, 2003, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Jodi Jones, Washington State Department of Agriculture, at (360) 902-1806, by November 25, 2003, TDD (360) 902-1996.

Submit Written Comments to: Lynn Briscoe, Commodity Commission Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, fax (360) 902-2092, e-mail lbriscoe@agr.wa.gov, by December 10, 2003, 5:00 p.m.

AMENDATORY SECTION (Amending WSR 97-17-096, filed 8/20/97, effective 9/20/97)

WAC 16-532-110 Requirements for collection of assessments. (1) Assessments on all hops marketed or processed shall be paid at the rate specified in WAC 16-532-040 to the hop commodity board (commission) by the first handler receiving or handling such hops for or from a producer (~~or by the producer if processing occurs before the first sale~~). ~~((Such))~~ The assessments shall be deducted from the payment to be made by such handler to the producer. If processing occurs before the first sale, the assessment shall be paid by the producer.

(2) Payment of such assessment shall be due and payable on the tenth day of the second calendar month following the receiving or delivery to said first handler or the assumption of control of a producer's hops, or following the date of processing, if processed prior to the first sale, by said first handler or producer.

(3) ~~((An inventory))~~ A report on all hops which are ~~((not marketed or processed))~~ produced during the preceding crop year, including a breakdown of pounds marketed, pounds not processed or marketed, and pounds processed but not marketed prior to December 31 of the year in which those hops are produced shall be submitted by the producer no later than January 31 of the following year.

(4) Any handler or producer failing to pay on or before the due date set forth for payment in this regulation, shall add ten percent to the total amount due as a cost for collection as prescribed in RCW 15.65.440.

NEW SECTION

WAC 16-532-115 Reporting. (1) A report on all hops which are produced during the preceding crop year, including a breakdown of pounds marketed, pounds not processed or marketed, and pounds processed but not marketed prior to December 31 of the year in which those hops are produced, shall be submitted by the producer no later than January 31 of the following year.

(2) "Custom processing" reports - A report on all hops processed but not sold will be submitted to the commission by the custom processor on the form prescribed by the commission.

AMENDATORY SECTION (Amending WSR 97-17-096, filed 8/20/97, effective 9/20/97)

WAC 16-532-120 Labeling. (1) Each lot of hops must be identified by the crop year produced, grower number and lot designation, and variety stenciled on each bale.

(a) A three-digit grower number will be assigned by the Washington hop commodity board (commission) prior to the annual harvest.

(b) The first marking will consist of the last digit of the crop year, the letter "G" and a hyphen, followed by the three-digit grower number and lot designation (example: 8G-000-01).

(c) The first marking shall be affixed on the head or top of the bale and shall be in characters approximately two inches high.

(d) The second marking will consist of the hop variety, utilizing ~~((the following))~~ a two-letter abbreviation~~((s:))~~. A list of approved two-letter abbreviations will be approved annually by the Washington state hop commodity board.

~~((AQ—Aquila
BA—Banner
BG—Brewer's Gold
CA—Cascade
CN—Centennial
CE—Chelan
CH—Chinook
CL—Cluster
CS—Columbus
CR—Crystal
ER—Eroica
EX—Experimental
FU—Fuggle
GA—Galena
GO—Golding
HA—Hallertauer
HE—Hersbrucker
LI—Liberty
MG—Magnum
MH—Mt. Hood
NB—Northern Brewer
NU—Nugget
OL—Olympie
OT—Other
SA—Saaz
SP—Spalter
SY—Symphony
PE—Perle
TE—Tettnanger
UL—Ultra
VA—Vanguard
WI—Willamette))~~

(e) The second marking shall be affixed immediately below the first marking on the head or top of the bale, and shall be in characters approximately two inches high.

(2) In addition to any other brands, labels, stencils or other marks customarily used by hop handlers to identify their own trademarks, labels or firm names, all baled hops shall be branded, labeled, stenciled or marked with one distinctive identifying marking, defined or designated by the hop commodity board (commission), which shall identify the hops as having been grown in the state of Washington.

(a) This mark or identification shall be stenciled in letters at least one inch in height and shall read: "WASHINGTON," or "GROWN IN WASHINGTON," as prescribed by the hop commodity board (commission).

(b) This mark or identification shall be affixed in a suitable position on the head or top of the bale, in the area generally used by the federal/state inspectors to stencil their own

identification mark and in the same general area where the grower's "G" number and variety identification are applied.

(c) At no time shall the ~~((said))~~ identification marking appear on the face or sides of the bales, as these areas are considered to be for the use of the dealer or handler for trademarks, shipping markings, bale numbers, firm insignias, etc.

(d) The approved identification marking shall be affixed by the federal/state inspector prior to the drawing of samples for federal/state inspection, and, no hops may be sampled for this purpose unless ~~((said))~~ the markings have been affixed thereto in compliance with the regulations prescribed by the hop commodity board (commission).

(e) Handlers who offer hops for sale in foreign countries where only shipping markings are permitted on the bales or containers, may apply to the hop commodity board (commission) for permission to blot out or remove the identifying marking.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-532-101 Promulgation.

WSR 03-21-169
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed October 22, 2003, 11:26 a.m.]

Original Notice.

Title of Rule: Hops (Washington Hop Commission), chapter 16-532 WAC.

Purpose: This rule-making proposal makes amendments to sections within the Washington Hop Commission's marketing order, chapter 16-532 WAC, to reflect recent statutory changes, while improving readability and clarity and eliminating outdated sections.

Statutory Authority for Adoption: RCW 15.65.047 and chapter 34.05 RCW.

Statute Being Implemented: Chapter 15.65 RCW.

Summary: During the past three legislative sessions, significant amendments were made to the commission's enabling statute, chapter 15.65 RCW. These statutory changes prompted proposed amendments to chapter 16-532 WAC. The proposed amendments expand the commission's policy and purpose statements, update the definitions, update the commission member selection process, add additional powers and duties to benefit the industry, update meeting and administrative procedures, and expand the commission's information and education role. These amendments achieve consistency with the statute, as well as, improve the readability and clarity of the marketing order. In addition, a proposed amendment will decrease the total number of board members.

Name of Agency Personnel Responsible for Drafting: Lynn Briscoe, Olympia, (360) 902-2043; Implementation and Enforcement: Ann George, Moxee, (509) 453-4749.

Name of Proponent: Washington Hop Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule-making proposal makes amendments to sections within the Washington Hop Commission's marketing order, chapter 16-532 WAC. During the past three legislative sessions, significant amendments were made to the commission's enabling statute, chapter 15.65 RCW. These statutory changes prompted proposed amendments to chapter 16-532 WAC. The proposed changes achieve consistency with the statute, as well as, improve the readability and clarity of the marketing order. See Summary above. In addition, a proposed amendment will decrease the total number of board members from ten members to eight members. The following are the proposed amendments:

- New section WAC 16-532-005 Marketing order for Washington hops—Policy statement.
- New section WAC 16-532-006 Marketing order purposes.
- Amend WAC 16-532-010 Definitions.
- Amend WAC 16-532-020 Hop board.
- Repeal WAC 16-532-030 Marketing order purposes.
- Amend WAC 16-532-040 Assessments and collections.
- Amend WAC 16-532-060 Termination of the order.
- Repeal WAC 16-532-065 Rules for implementation of promotional hosting by the Washington hop commission.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. In accordance with RCW 15.65.570, the adoption of the final amendments to chapter 16-532 WAC will be determined by a referendum vote of the affected parties.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is exempt from this provision.

Hearing Location: Yakima Masonic Center, 2nd Floor, 504 North Naches Avenue, Yakima, WA, on December 9, 2003, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Jodi Jones, Washington State Department of Agriculture, at (360) 902-1806, by November 25, 2003, TDD (360) 902-1996.

Submit Written Comments to: Lynn Briscoe, Commodity Commission Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, fax (360) 902-2092, e-mail lbriscoe@agr.wa.gov, by December 10, 2003, 5:00 p.m.

Date of Intended Adoption: April 30, 2004.

October 21, 2003

William E. Brookreson

Deputy Director

NEW SECTION

WAC 16-532-005 Marketing order for Washington hops—Policy statement. (1) The marketing of hops within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that its hops be properly promoted by:

(a) Enabling producers of hops to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the hops they produce; and

(b) Working towards stabilizing the agricultural industry by increasing consumption of hops within the state, the nation, and internationally.

(2) That it is in the overriding public interest that support for the hop industry be clearly expressed, that adequate protection be given to the industry and its activities and operations, and that hops be promoted individually, and as part of a comprehensive agricultural industry to:

(a) Enhance the reputation and image of Washington state's hops.

(b) Increase the sale and use of Washington state's hops in local, domestic, and foreign markets.

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's hops.

(d) Increase the knowledge of the qualities and value of Washington state's hops and products.

(e) Support and engage in programs or activities that benefit the planting, production, harvesting, handling, processing, marketing, and uses of hops produced in Washington state.

(3) The director is authorized to implement, administer, and enforce chapter 15.65 RCW through the adoption of this marketing order.

(4) The Washington state hop commodity board exists primarily for the benefit of the people of the state of Washington and its economy, and with oversight by the director, the board is authorized to speak on behalf of Washington state government with regard to hops under the provisions of this marketing order.

NEW SECTION

WAC 16-532-006 Marketing order purposes. This marketing order is to promote the general welfare of the state and for the purpose of maintaining existing markets or creating new or larger local, domestic, and foreign markets; or increasing production efficiency, ensuring a fair regulatory environment; or increasing per capita consumption of hops in Washington state. The Washington state hop commodity board is designated by the director to conduct the following programs in accordance with chapter 15.65 RCW:

(1) To carry out the purposes of the order, the board may provide for a program in one or more of the following areas:

(a) Establish plans and conduct programs for marketing, sales, promotion, and/or other programs for maintaining present markets and/or creating new or larger markets for hops. Such programs shall be directed toward increasing the sale of hops without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of hops nor disparage the quality, value, sale, or use of any other agricultural commodity. The board may also engage in cooperative efforts in the domestic or foreign marketing of hops.

(b) Provide for research in the production, processing, irrigation, transportation, handling, and/or distribution of

hops and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(c) Provide by rules for:

(i) Establishing uniform labels and labeling requirements for hops or any products thereof, requiring producers, handlers, and other persons to conform to standards for the placing of labels, trademarks, insignia, or brands on bales or packages, provided, that all licensed hop dealers or brokers are entitled to use on the face of their product any particular trademark, insignia, brand, or label that they may now have or will have. That established brands, labels, trademarks, or insignias may be properly used in selling or commercially disposing of hops and hop products or in offering the same for sale, advertising, and/or delivering said hops or hop products.

(ii) Providing for inspection and enforcement to ascertain and effectuate compliance.

(d) Prohibit and/or otherwise regulate any one or more or all of the practices listed to the extent that such practices affect, directly or indirectly, hops or any product thereof, but only with respect to persons who engage in such practices with the intent of or with the reasonably foreseeable effect of inducing any purchaser to become his customer or his supplier or of otherwise dealing or trading with him/her or of diverting trade from a competitor, to wit:

(i) Paying rebates, commissions or unearned discounts.

(ii) Unfairly extending privileges or benefits (pertaining to price, to credit, to the loan, lease or giving away of facilities, equipment or other property or to any other matter or thing) to any customer, supplier or other person.

(iii) Discriminating between customers, or suppliers of a like class.

(iv) Making or publishing false or misleading advertising. Such regulation may authorize uniform trade practices applicable to all similarly situated handlers and/or other persons.

(e) The board may authorize use of any money received and of any persons employed thereunder for legal proceedings, of any type and in the name of any person, directed to enforcement of this or any other law in force in the state of Washington relating to the prevention of unfair trade practices.

(f) Conduct programs for the purpose of providing information and education including:

(i) Marketing information and services for producers of hops for the verification of grades, standards, weights, tests, and sampling of quality and quantity of hops purchased by handlers from affected producers.

(ii) Information and services enabling producers to meet their resource conservation objectives.

(iii) Hop-related education and training.

(g) Participate in local, federal, or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW

15.58.030(29) or any agricultural chemical which is of use or potential use in producing hops.

(h) Subject to the provisions of the act, provide information and communicate on matters pertaining to the production, irrigation, processing, transportation, marketing, or uses of hops produced in Washington state to any elected official or officer or employee of any agency.

(2) The director shall approve any plans, programs, and projects concerning:

(a) The establishment, issuance, effectuation, and administration of programs authorized under this section for advertising and promotion of hops; and

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that marketing and utilization of hops may be encouraged, expanded, improved, or made more efficient.

AMENDATORY SECTION (Amending WSR 98-13-122, filed 6/17/98, effective 7/18/98)

WAC 16-532-010 Definitions. Definitions for terms used in this chapter are also found in chapter 15.65 RCW, Washington State Agricultural Commodity Boards Act. For the purpose of this marketing order, the following additional definitions shall apply:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington state agricultural ~~((Enabling Act of 1964))~~ commodity boards or chapter 15.65 RCW.

(4) "Person" means any ~~((person))~~ individual, firm, ((association or)) corporation, limited liability company, trust, association, partnership, society, or any other organization of individuals or any unit or agency of local or state government.

(5) "Affected producer" or "producer" means any person who produces hops in commercial quantities in the state of Washington. "Produce" means to grow and harvest hops.

(6) "Commercial quantity" means any hops produced for market by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing hops not produced by him/her. "Handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler.

(8) "Custom processor" means any person who, for a fee, converts hops into pellets, extracts, oils, lupulin, and/or other forms, including hops which are frozen in an undried form, but excluding whole, dried hop cones, whether loose or baled, without acquiring ownership.

~~((9))~~ (10) "Hop commodity board" hereinafter referred to as "board" or "commission" means the commodity board formed under the provisions of WAC 16-532-020.

~~((10))~~ (10) "Hops" means and includes all kinds and varieties of "humulus lupulus" grown, picked and dried in the state of Washington, whether loose, packaged or baled and all oils, extracts and/or lupulin derived therefrom.

~~((10))~~ (11) "Processed" means and includes all hops which are converted into pellets, extracts, oils, lupulin, and/or other forms, including hops which are frozen in undried form, but excluding whole, dried hop cones, whether loose or baled.

~~((11))~~ (12) "Marketing season" means the twelve month period beginning with January 1 of any year and ending December 31, both dates being inclusive.

~~((12))~~ (13) "Producer-handler" means any person who acts both as a producer and as a handler with respect to hops. A producer-handler shall be deemed to be a producer with respect to the hops which he/she produces and a handler with respect to the hops which he/she handles, including those produced by himself/herself. "To produce" means to act as a producer. For the purposes of the hop marketing order, "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the planting stock and its resulting agricultural product or the agricultural product delivered for further production or increase.

~~((13))~~ (14) "Affected area" means the state of Washington.

~~((14))~~ (15) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

~~((15))~~ (16) "Affected unit" means two hundred pounds net of hops, or the amount of lupulin, extract or oil produced from two hundred pounds net of hops.

~~((16))~~ "Promotional hosting" as used in these rules means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations and promoting sales of Washington grown hops.

~~(17) "Hosting" may include providing meals, refreshments, lodging, transportation, gifts of nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.)~~

AMENDATORY SECTION (Amending WSR 99-10-095, filed 5/5/99, effective 6/5/99)

WAC 16-532-020 Hop board. (1) **Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board shall consist of ~~((ten))~~ eight members. ~~((Nine))~~ Seven members shall be affected producers elected or appointed as provided in this section. The director shall appoint one member of the board who is neither an affected producer nor a handler to represent the ~~((department and the public))~~ the director.

(b) Director-appointed producer positions on the board shall be designated as position 2, position 5, position 6, and position 7.

(c) Elected producer positions on the board shall be designated as position 1, position 3, and position 4.

(d) The position representing the director, who is neither an affected producer nor a handler, shall be a voting member and shall be designated as position 8.

(e) For the purpose of nomination, appointment, and election of producer members of the board, the affected area shall be the entire state of Washington.

(3) **Board membership qualifications.**

The ~~((affected))~~ producer members of the board ~~((shall))~~ must be practical producers of hops and each shall be a citizen~~((s))~~ and resident~~((s))~~ of ~~((the))~~ this state ~~((of Washington))~~, over the age of ~~((twenty-five years, each of whom is and has))~~ eighteen years. Each producer board member must be and have been actually engaged in producing hops within the state of Washington for a period of five years and has during that time derived a substantial portion of his or her income therefrom and ((who)) is not engaged in business, directly or indirectly, as a handler or other dealer.

(4) **Term of office.**

(a) The term of office for members of the board shall be three years and one-third of the membership as nearly as possible shall be elected or appointed each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through ~~((nine))~~ seven and the member appointed by the director position ~~((ten))~~ eight. To accomplish the transition to a commodity board structure where the director appoints a majority of the board members, the names of the currently elected board members in positions two, five, six, seven, eight, and nine shall be forwarded to the director for appointment within thirty days of the effective date of this amended marketing order.

(c) The term of office for the initial board members shall be as follows:

Positions one, two, three and ten - until June 30, 1967
Positions four, five and six - until June 30, 1966
Positions seven, eight and nine - until June 30, 1965

(d) Terms of office for the board members serving at the time of the 1992 amendment of this section shall be as follows:

Positions one, two, three and ten - until December 31, 1994
Positions four, five and six - until December 31, 1993
Positions seven, eight and nine - until December 31, 1992

(e) Positions eight and nine shall expire at the end of each position's existing term, which is December 31, 2004. Terms of office for the other board members serving at the time of the effective date of this amended order shall be as follows:

(i) Positions one, two, and three — Until December 31, 2006;

(ii) Positions four and five — Until December 31, 2005;

(iii) Positions six and seven — Until December 31, 2004.

(5) **Nomination ~~((and election))~~ of elected or director-appointed board members.** Each year the director shall call ~~((for))~~ a nomination meeting for elected or director-appointed producer board members. ~~((Such))~~ The meeting(s) shall be held at least thirty days in advance of the date set by the director for the election or advisory vote of board members.

(a) Notice of ~~((every such))~~ a nomination meeting shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such meeting and in addition, written notice of every

such meeting shall be given to all affected producers according to the list maintained by the ~~((director pursuant to RCW 15.65.200 of the act))~~ board pursuant to RCW 15.65.295.

(b) Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting.

(c) Any qualified affected producer may be nominated orally for membership on the board at ~~((such))~~ a nomination meeting~~((s))~~. Nominations may also be made within five days after ~~((any such))~~ the meeting~~((s))~~ by written petition filed with the director signed by not less than five affected producers. ~~((At the inception of this order nominations may be made at the issuance hearing.))~~

(d) When only one nominee is nominated by the affected producers for any position, RCW 15.65.250 shall apply.

(6) Election or advisory vote of board members.

~~((Members of the board shall be elected by secret mail ballot within the month of November))~~ An election or advisory vote shall be conducted by secret ballot under the supervision of the director within the month of November. Each affected producer shall be entitled to one vote. ((Affected producer))

(b) Elected members of the board shall be elected by a majority of the votes cast by the affected producers. ((Each affected producer shall be entitled to one vote.

~~((b))~~ If a nominee does not receive a majority of the votes on the first ballot a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) An advisory vote shall be conducted for producer board members appointed by the director under the provisions of RCW 15.65.243. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for potential appointment to the board. In the event there are only two candidates nominated for a board position, an advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment.

(d) Notice of every election or advisory vote for board membership shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of ~~((such))~~ the election or advisory vote. Not less than ten days prior to every election or advisory vote for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of such affected producers maintained by the ~~((director in accordance with RCW 15.65.200))~~ board pursuant to RCW 15.65.295. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his or her qualifications.

(e) Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board member.

(7) Vacancies ~~((prior to election))~~.

(a) In the event of a vacancy on the board in an elected position, the remaining members shall select a qualified person to fill the unexpired term. The appointment shall be made at the commission's first or second meeting after the position becomes vacant.

(b) In the event of a vacancy in a director-appointed position, the position shall be filled as specified in RCW 15.65.270.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member shall be reimbursed for ~~((actual))~~ subsistence and traveling expenses incurred ~~((through attendance at meetings or other board activities: Provided, That such expenses shall be authorized by resolution by unanimous approval of the board at a regular meeting))~~ in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060. The board may adopt by resolution provisions for reimbursement of actual travel expenses incurred by members and employees of the board in carrying out the provisions of this marketing order pursuant to RCW 15.65.270.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. Such expenses and costs may be paid by check, draft or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited money with the director in order to defray the costs of formulating the order.

(f) To establish a "hop board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys and other financial transactions made and done pursuant to this order. Such records, books and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds

shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year. The board, at least sixty days prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules ((and regulations)) of a technical or administrative nature for the operation of the board, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him/her by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in this order.

(p) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local. Personal service contracts must comply with chapter 39.29 RCW.

(q) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies.

(r) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of hops.

(s) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general.

(t) To engage in appropriate fund-raising activities for the purpose of supporting activities authorized by this order.

(u) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of hops including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission.

(v) To maintain a list of the names and addresses of affected producers that may be compiled from information

used to collect assessments under the provisions of this marketing order and data on the value of each producer's production for a minimum three-year period pursuant to RCW 15.65.280.

(w) To maintain a list of the names and addresses of persons who handle hops within the affected area and data on the amount and value of the hops handled for a minimum three-year period by each person pursuant to RCW 15.65.280.

(x) To maintain a list of names and addresses of all affected persons who produce hops and the amount, by unit, of hops produced during the past three years pursuant to RCW 15.65.295.

(y) To maintain a list of all persons who handle hops and the amount of hops handled by each person during the past three years pursuant to RCW 15.65.295.

(z) To establish a foundation using commission funds as grant money for the purposes established in this marketing order.

(aa) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board. Notice of the time and place of regular meetings shall be published on or before January of each year in the Washington State Register. Notice of any change to the meeting schedule shall be published in the State Register at least twenty days prior to the rescheduled meeting date.

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular wire news services and radio-television press.

(c) The board shall establish by resolution, the time, place and manner of calling special meetings of the board with reasonable notice to the members: Provided, That the notice to a member of any special meeting may be waived by a waiver ((thereof by each)) from that member of the board. Notice of special meetings shall be in compliance with chapter 42.30 RCW.

AMENDATORY SECTION (Amending WSR 97-17-096, filed 8/20/97, effective 9/20/97)

WAC 16-532-040 Assessments and collections. (1) Assessments.

(a) The annual assessment on all varieties of hops shall be two dollars and fifty cents per affected unit.

(b) For the purpose of collecting assessments the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment; or

(iii) Require the person subject to the assessment to remit assessments for any hops which are processed prior to the first sale; or

(iv) Require the person subject to the assessment to remit ~~((an inventory))~~ a report ~~((for any))~~ no later than January 31 of the following year on all hops which are ~~((not processed or sold))~~ produced during the preceding crop year, including a breakdown of pounds marketed, pounds not processed or marketed, and pounds processed but not marketed prior to December 31 of the year in which they are produced.

(c) Subsequent to the first sale or processing, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of ~~((the))~~ this order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of ~~((such))~~ this marketing ~~((agreement or))~~ order, to all persons from whom ~~((such))~~ moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and ~~((the))~~ this order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the ~~((same))~~ unpaid assessment to defray the cost of enforcing the collecting of ~~((the same))~~ it. In the event of failure of such person or persons to pay any ~~((such))~~ due and payable assessment or other such sum, the board may bring a civil action against ~~((such))~~ the person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent ~~((thereon))~~, and ~~((such))~~ the action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

AMENDATORY SECTION (Amending Marketing Order Article VI, filed 7/1/64)

WAC 16-532-060 Termination of the order. ~~((The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers or twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing sea-~~

~~son.))~~ Termination shall be accomplished pursuant to RCW 15.65.183 through 15.65.193.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-532-030	Marketing order purposes.
WAC 16-532-065	Rules for implementation of promotional hosting by the Washington hop commission.

WSR 03-21-170
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed October 22, 2003, 11:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-13-128.

Title of Rule: Chapter 16-607 WAC, Inspection and identification of livestock. The department is proposing to repeal chapter 16-607 WAC and replace it with chapter 16-610 WAC. Chapter 16-610 WAC incorporates new rule requirements resulting from the enactment of chapter 326, Laws of 2003 (SSB 5891), which was signed by Governor Locke on May 16, 2003. The department also applied the "clarity criteria" in Executive Order 97-02 and wrote chapter 16-610 WAC in a clear and readable style based upon clear rule-making principles.

Purpose: The purpose of the proposed new chapter 16-610 WAC, Livestock inspection and identification, is to:

- Implement chapter 326, Laws of 2003 (SSB 5891);
- Write the department's livestock inspection and identification rules in a clear and readable style; and
- Update the department's livestock inspection and identification rules to reflect current references, terms and industry practices.

Statutory Authority for Adoption: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

Statute Being Implemented: Chapters 16.57, 16.58, and 16.65 RCW.

Summary: See Title of Rule and Purpose above.

Reasons Supporting Proposal: Proposed chapter 16-610 WAC deserves support for the following reasons:

- It reflects the statutory changes enacted in chapter 326, Laws of 2003 (SSB 5891), which the department is required to adopt into rule;
- It is written in a clear and readable style that is easy to understand and organized in a way that is easy to follow, which should reap positive benefits for the industry and the department; and
- It reflects current industry terminology and practices.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Leslie Alexander.

Name of Proponent: Washington State Department of Agriculture, governmental.

Chapter 16-610 WAC

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

Explanation of Rule, its Purpose, and Anticipated Effects: The department is proposing to repeal chapter 16-607 WAC, Inspection and identification of livestock, and replace it with chapter 16-610 WAC, Livestock inspection and identification. Chapter 16-610 WAC incorporates new rule requirements resulting from the enactment of chapter 326, Laws of 2003 (SSB 5891), which was signed by Governor Locke on May 16, 2003. The department also applied the "clarity criteria" in Executive Order 97-02 and wrote chapter 16-610 WAC in a clear and readable style based upon clear rule-writing principles.

The purpose of chapter 16-610 WAC is to:

- Implement chapter 326, Laws of 2003 (SSB 5891);
- Present livestock inspection and identification regulations in a clear and readable style; and
- Update rule references, terms and requirements so they reflect current industry practices.

If adopted, the proposed chapter 16-610 WAC will give the department and industry a set of livestock inspection and identification regulations that:

- Reflect the statutory changes enacted in chapter 326, Laws of 2003 (SSB 5891);
- Are written in a clear and readable style that is easy to understand and organized in a way that is easy to follow, which should reduce compliance questions and issues to the benefit of both the industry and the department; and
- Reflects current industry terminology and practices.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed new chapter 16-610 WAC, Livestock inspection and identification, does not impose any new costs upon the regulated industry, therefore, the small business economic impact statement described in chapter 19.85 RCW is not required.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

Hearing Location: Yakima Masonic Center, 2nd Floor, 504 North Naches Avenue, Yakima, WA, on December 9, 2003, at 11:00 a.m.; and at the Natural Resources Building, Room 259, 1111 Washington Street, Olympia, WA, on December 10, 2003, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Jodi Jones by December 1, 2003, TDD (360) 902-1996 or (360) 902-1806.

Submit Written Comments to: George Huffman, Rules Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA, e-mail ghuffman@agr.wa.gov, fax (360) 902-2092, by 5:00 p.m. on December 10, 2003.

Date of Intended Adoption: December 23, 2003.

October 22, 2003

William E. Brookreson
for Kathryn Kravit-Smith
Assistant Director

LIVESTOCK INSPECTION AND IDENTIFICATION

NEW SECTION

WAC 16-610-005 What definitions are important to this chapter? "Association of livestock breeders" means any properly incorporated association whose membership is made up of livestock breeders.

"Brand" means a permanent firebrand, or any artificial mark, other than an individual identification symbol, that is approved by the director and is used with a brand or by itself.

"Livestock inspection" means examining livestock or livestock hides for brands or any other means of identifying livestock or livestock hides including the examination of any documents providing evidence of ownership.

"Certificate of permit" or "transportation permit" means a department form which, when completed by the livestock owner, or a person authorized to act as his/her agent, serves as a declaration of ownership. The form must not be used as a bill of sale for cattle. This form must accompany livestock:

- (1) In transit;
- (2) Consigned to a public livestock market, special sale, or livestock processing facility; or
- (3) Upon entry into a certified feedlot.

"Collection point" means a livestock inspection point, designated by the Washington state beef commission, for the purpose of collecting beef commission assessment payments directly from cattle producers and remitting those assessments to the Washington state beef commission.

"Department" means the Washington state department of agriculture.

"Director" means the director of the department or the director's designated representative.

"Farmers cooperative association" means any cooperative association of livestock producers. "Farmers cooperative association" does not include livestock youth organizations such as 4-H, FFA, or other junior livestock groups.

"Individual identification symbol" means a department-approved permanent mark placed on the neck of a horse for the purpose of individually identifying and registering the horse.

"Inspection certificate" means a certificate issued by the director or a veterinarian certified by the director that documents animal ownership based on a visual inspection of the animal. An inspection certificate includes an individual identification certificate.

"Licensee" means any person licensed to operate a market under chapter 16.65 RCW.

"Livestock" means all cattle, horses, burros, mules, sheep, swine, and goats of any species, breed or age.

"Lot" means a group of livestock owned by one owner.

"Market" means public livestock market as defined in RCW 16.65.010(1).

"Person" means any natural person, individual, firm, partnership, corporation, company, society, or association, and every officer, agent or employee thereof. Depending

upon the context in which it is used, "person" may have a singular or plural meaning.

"**Production brand**" means a number brand that is used only for production identification purposes.

"**Purchase invoice**" means the invoice issued by a public livestock market to the purchaser of livestock consigned to the market.

"**Self-inspection**" means an ownership verification inspection conducted solely by the buyer and seller of cattle, without the benefit of the director. Self-inspection is limited to fifteen head or less of cattle.

"**Self-inspection certificate**" means a department form that is used when cattle are inspected by their purchaser and seller. The purchaser and seller must sign the self-inspection certificate. The purpose of the self-inspection certificate is to document that self-inspection has occurred.

"**Special sale**" means a public sale conducted by a producer, youth organization, livestock breeders association, farmers cooperative association, etc., on a seasonal or occasional basis. A livestock market may also conduct a special sale on sale days not specifically assigned to it when its original application was filed with the director. "Special sale" does not mean a public sale by a group of individuals conducting private treaty sales of horses brought to a central location, provided that the:

(1) Funds are not handled by a third party; and

(2) Buyer meets the inspection requirements contained in RCW 16.57.260.

NEW SECTION

WAC 16-610-010 What is the livestock identification advisory board? (1) The livestock identification advisory board is established in RCW 16.57.015 for the purpose of advising the director regarding:

(a) Livestock identification programs administered under chapter 16.57 RCW and these rules;

(b) Inspection fees; and

(c) Related licensing fees.

(2) The board is composed of six members appointed by the director representing beef producers, public livestock market operators, horse owners, dairy farmers, cattle feeders and meat processors.

(3) The board must elect a member to serve as board chair. The board chair, or the chair's designee, is responsible for organizing and conducting board meetings.

(4) The board must meet with the director at least once a year to offer its advice. Additional meetings may be held at the request of the director or a majority of the board's membership.

NEW SECTION

WAC 16-610-011 Who can serve on the livestock identification advisory board? (1) Advisory board members must be:

(a) Residents of the state of Washington; and

(b) Actively engaged in the industry they represent.

(2) The director is an ex officio member of the advisory board.

NEW SECTION

WAC 16-610-012 How long of term does a board member serve? (1) Advisory board members serve three-year terms. Terms begin on July 1 and end on June 30.

(2) Positions are numbered one through six as follows:

(a) Position one - beef producers;

(b) Position two - public livestock market operators;

(c) Position three - horse owners;

(d) Position four - dairy farmers;

(e) Position five - cattle feeders; and

(f) Position six - meat processors.

Note: When the board first began operating, positions one and four served a one-year term; positions two and five served a two-year term; and positions three and six served a three-year term. The purpose of this "staggered start" was to provide the board with a continuity of membership by staggering vacancies on the board.

NEW SECTION

WAC 16-610-013 How are board vacancies filled? (1) To fill a vacancy resulting from an expired term, the director must solicit nominations from affected statewide industry groups. Nominations from industry groups must be submitted to the director before May 1 of the year in which the term expires.

(2) The director may fill, for the unexpired portion of a term, vacancies that occur before a term expires. When such vacancies occur, advisory board members and the presidents of affected statewide industry groups may submit names to the director for consideration.

NEW SECTION

WAC 16-610-015 What specific livestock identification forms are required by the director? (1) Official livestock identification forms required by the director include the following:

(a) Certificate of permit (WSDA form #7020);

(b) Livestock inspection certificate; and

(c) Self-inspection certificate (WSDA form #7059 or #7065).

(2) The official forms must include:

(a) Owner's name and address;

(b) Breed;

(c) Sex;

(d) Brand or other methods of livestock identification; and

(e) Any other information, which the director considers necessary.

NEW SECTION

WAC 16-610-016 How do I obtain a "certificate of permit" or a "self-inspection" certificate? (1) You may purchase these forms by contacting the department at: 360-902-1855.

(2)(a) The purchase price of a certificate of permit is one dollar for a book of twenty-five.

(b) The purchase price of a self-inspection certificate is equal to the sum of the number of head involved in the trans-

action multiplied by the current inspection fee and the number of head involved in the transaction multiplied by the beef promotion fee.

NEW SECTION

WAC 16-610-018 What documents can I use to establish proof of ownership of my livestock? (1) Your proof of ownership for cattle and horses may be established by presenting one of the following documents:

(a) An official livestock inspection certificate issued by the director.

(b) A duplicate certificate or certified copy of an original inspection document issued by the director.

(c) A self-inspection certificate (cattle only) signed by both the seller and the buyer. Additional proof of ownership must be provided to the buyer for all livestock bearing brands not recorded to the seller.

(d) An official inspection certificate issued by another inspection state or province.

(e) Registration papers on purebred horses.

(f) Registration papers on purebred cattle provided the brand is not recorded in this state.

(g) Bill of sale (horses only).

(h) Health papers issued by a nonbrand state. Vaccination/test tags must be verifiable and match the document.

(i) A statement declaring that the animal was raised and not purchased.

(2) The director will only accept original, official duplicate certificates, or certified copies. The director will not accept carbon copies, faxed copies or photocopies. The name of the livestock owner must appear on the document that is submitted.

NEW SECTION

WAC 16-610-020 When are cattle required to be inspected for brands or other proof of ownership? (1) All cattle must be inspected for brands or other proof of ownership:

(a) Before being moved out-of-state unless the provisions of WAC 16-610-035(2) apply.

(b) When offered for sale at any public livestock market or special sale approved by the director.

(c) Upon delivery to any cattle processing plant where the United States Department of Agriculture maintains a meat inspection program, unless the cattle:

(i) Originate from a certified feedlot; or

(ii) Are accompanied by an inspection certificate issued by the director or a veterinarian certified by the director or any other agency authorized in any other state or any Canadian province by law to issue such a certificate.

(2) All cattle, entering or reentering (but before commingling with other cattle) any certified feed lot licensed under chapter 16.58 RCW, must be inspected for brands or other proof of ownership unless the cattle are accompanied by an inspection certificate issued by the director or a veterinarian certified by the director or any other agency authorized in any other state or any Canadian province by law to issue such a certificate.

(3) At any point of private sale, trade, gifting, barter or any other action that constitutes a change of ownership, subject to title passing, when an intended purchaser or private agent takes possession, except for individual:

(a) Private sales of unbranded female dairy breed cattle involving fifteen head or less; or

(b) Sales of unbranded dairy breed calves under thirty days of age provided the seller holds a Grade A dairy permit issued by the director.

(4) Exemptions from mandatory inspections do not exempt cattle sellers from paying assessments they owe the Washington state beef commission under chapter 16.67 RCW.

NEW SECTION

WAC 16-610-025 When are horses required to be inspected for brands or other proof of ownership? All horses must be inspected for brands or other proof of ownership:

(1) Before being moved out-of-state unless the provisions of WAC 16-610-035 apply.

(2) When offered for sale at any public livestock market or special sale approved by the director.

(3) When offered for sale at any special open consignment horse sale as defined in RCW 16.65.010.

(4) When offered for sale at any special sale where horses of more than one owner are offered for sale on an occasional and seasonal basis by public auction.

NEW SECTION

WAC 16-610-035 What procedures apply to inspections of cattle and horses that are moving out-of-state? (1) Except as provided in subsection (2) of this section, all cattle and horses must be inspected by the director or a certified veterinarian for brands or other proof of ownership before being moved out-of-state.

(2)(a) Cattle and horses may be moved out-of-state without inspection when they are destined for a public livestock market or a livestock processing plant in another state where brand inspection is performed by the director or an agent according to an agreement with the other state.

(b) Cattle and horses moving out-of-state to public livestock markets or livestock processing plants described in subsection (2)(a) of this section must be accompanied by a certificate of permit showing that the livestock are destined for and are being transported directly to the designated out-of-state inspection point. The certificate of permit is not valid for transportation to any point other than the designated inspection point.

NEW SECTION

WAC 16-610-045 What procedures apply to inspection of cattle at certified feedlots and slaughter plants? Inspections of cattle required under WAC 16-610-020 (1)(c) or 16-610-020(2) and at any other beef commission assessment collection point must be conducted by the director.

NEW SECTION

WAC 16-610-050 What cattle inspection procedures apply to private transactions? (1) Inspections of cattle required under WAC 16-610-020(3) may be conducted by:

- (a) The director; or
- (b) Veterinarians certified by the director; or
- (c) The buyer and seller.

(2) Inspections of cattle required under WAC 16-610-020(3) that are conducted by the buyer and seller must be documented using a self-inspection certificate. Self-inspection is limited to transactions involving fifteen head or less of cattle.

(a) Self-inspection certificates must be completed and signed by the buyer and seller. The original completed copy of the certificate must be given to the buyer and must accompany the cattle. The seller must also retain a copy of the completed certificate.

(b) The buyer must be given proof of ownership for all cattle bearing brands not recorded to the seller.

(c) The cost of self-inspection certificates includes the current inspection fee and the current assessment for the National Beef Promotion and Research Act.

(d) The director will remit all assessments collected from self-inspections to the Washington state beef commission.

NEW SECTION

WAC 16-610-055 Does the director review ownership disputes? The director may review or investigate any verified complaint involving disputed ownership that is filed with the director.

NEW SECTION

WAC 16-610-060 Does the director allow veterinarians to issue inspection certificates? (1) The director may certify veterinarians, who are licensed and accredited in Washington state and who comply with the requirements of this section, to issue inspection certificates for livestock.

(2) Veterinarians licensed and accredited in Washington state that wish to issue inspection certificates for livestock must apply for certification on the department's application form (WSDA form #7028). The application must include the following:

- (a) The full name and principal business address of the individual applying for certification;
 - (b) The applicant's Washington state veterinary license number;
 - (c) The geographic area in which the applicant will issue inspection certificates for livestock;
 - (d) A statement describing the applicant's experience with large animals, especially cattle and horses;
 - (e) A brief statement indicating if the applicant is requesting certification to issue inspection certificates for cattle, horses or both;
 - (f) The signature of the applicant; and
 - (g) Any other reasonable information the director needs to achieve the purpose of this chapter.
- (3) All applications must be accompanied by a check or money order for the amount of the certification fee.

(4) The certification fee is thirty-five dollars per applicant.

(5) Certifications expire on the third December 31st following the date of issuance. For example, if your certificate was issued on October 14, 2003, it would expire on December 31, 2005.

(6) All veterinarians applying for certification must complete department-provided training. The department will provide, to each person certified, a copy of the most current brand book and any supplements issued to date. Training will include, but not be limited to, the:

- (a) Reading of printed brands;
- (b) Reading of brands or other marks on live animals;
- (c) Completion of official documents; and
- (d) Review of satisfactory ownership documents.

(7) The director will maintain a list of veterinarians certified to perform livestock inspection. Interested parties may request a copy of the list from the director by calling 360-902-1855 or by accessing the department's website.

(8) Inspections by certified veterinarians are conducted upon request and provided at the discretion of the veterinarian.

(9) Certified veterinarians must submit all required inspection fees to the director with copies of each certificate issued.

Note: Certified veterinarians may charge an additional fee that is separate from the fees collected under RCW 16.57.220 and WAC 16-610-065.

NEW SECTION

WAC 16-610-062 Can the director withdraw or deny a veterinarian's certification to issue inspection certificates? The director may withdraw or deny a veterinarian's certification to issue inspection certificates if the veterinarian knowingly:

- (1) Makes false or inaccurate statements on an application regarding their qualifications.
- (2) Makes or acquiesces in false or inaccurate statements on livestock inspection certificates regarding:
 - (a) The date or location of the inspection;
 - (b) The marks or brands on the livestock inspected;
 - (c) The owner's name; or
 - (d) Any other statement material to the livestock inspected.
- (3) Fails to properly verify the ownership status of the animal before issuing an inspection certificate.

NEW SECTION

WAC 16-610-065 What livestock identification fees are charged by the director? All livestock identification inspection fees charged by the director are specified in statute but are reproduced in this section for your convenience:

PROPOSED

RCW Chapter:	Fees:
(1) Chapter 16.57 RCW Identification of livestock	
Base livestock inspection fee for cattle	(a) A livestock inspection fee for cattle of \$0.85 per head or \$15.00 per hour and the current mileage rate set by the office of financial management (OFM), whichever is greater.
Base livestock inspection fee for horses	(b) A livestock inspection fee of horses is \$3.50 per head or \$15.00 per hour and the current OFM mileage rate, whichever is greater.
Group livestock inspection fee for horses	(c) A livestock inspection fee for groups of thirty or more horses is \$2.00 per head or \$15.00 per hour and the current OFM mileage rate, whichever is greater, provided:
	(i) The horses are owned by one individual; and
	(ii) The inspection is performed on one date and at one location; and
	(iii) Only one certificate is issued.
Minimum certificate fee	(d) A minimum certificate fee of \$5.00 for each certificate issued.
Annual livestock inspection fee	(e) A livestock inspection fee for cattle and horses of \$20.00 per head for an individual identification certificate (annual) or \$15.00 per hour and the current OFM mileage rate, whichever is greater.
Annual group livestock inspection fee	(f) A livestock inspection fee for an individual identification certificate (annual) for groups of thirty or more horses or cattle of \$5.00 per head or \$15.00 per hour and the current OFM mileage rate, whichever is greater, provided:
	(i) The horses or cattle are owned by one individual;

RCW Chapter:	Fees:
	(ii) The inspection is performed on one date and at one location; and
	(iii) Only one certificate is issued.
Lifetime livestock inspection fee	(g) A livestock inspection fee for horses and cattle of \$60.00 per head for an individual identification certificate (lifetime) or \$15.00 per hour and the current OFM mileage rate, whichever is greater.
(2) Chapter 16.58 RCW Identification of cattle through licensing of certified feedlots	A livestock inspection fee for cattle of \$0.85 per head or \$15.00 per hour and the current OFM mileage rate, whichever is greater.
(3) Chapter 16.65 RCW Public livestock markets	(a) A livestock inspection fee for cattle of \$0.85 per head.
	(b) A livestock inspection fee for horses of \$3.50 per head.

NEW SECTION

WAC 16-610-070 What is the schedule for renewing recorded brands? Except as noted below, brand recordings are renewed for a period of four years. Owners of recorded brands, upon notification by the director, must file for renewal by December 31st of the year in which a recording expires.

Note: To establish a staggered renewal schedule the director may renew, for a two-year period, approximately half of the brand recordings that expire on December 31st. When these recordings expire at the end of the two-year period, they will then be renewed for a four-year period.

NEW SECTION

WAC 16-610-080 Does the director allow livestock identification by freeze branding? Freeze branding techniques to identify livestock may be used to comply with the requirements of chapters 16.57 RCW and 16-610 WAC, provided the brand is recorded with the director.

NEW SECTION

WAC 16-610-085 Can production brands be used to identify dairy cattle? Owners may use any digit or combination of digits as a production brand to identify their dairy cattle as long as the brand is located either on the neck or between the hock and the stifle of a hind leg.

NEW SECTION

WAC 16-610-090 Can production brands be used to identify beef cattle? (1) Owners may use a production brand to identify beef cattle but only when the cattle also bear a brand, which is currently recorded, to the owner of the animal.

(2) On beef cattle, production brands must be located high on either the left or right shoulder, or both.

(3) Any digit or combination of digits may be used for a beef cattle production brand provided they do not conflict with currently recorded ownership brands.

NEW SECTION

WAC 16-610-092 What style of numbers must be used for production brands? Only Arabic numbers can be used for production brands.

NEW SECTION

WAC 16-610-094 Are production brands recorded with the director? (1) Before a production brand can be legally used in Washington state, it must be recorded with the director:

(a) According to the provisions of chapter 16.57 RCW; and

(b) In the same manner as an ownership brand.

(2) Forms to record a brand may be obtained from the director.

(3) The director will not charge a fee to record a production brand if the person recording the brand has already paid to record an ownership brand.

(4) Production brands are not:

(a) Recognized for ownership purposes;

(b) Recorded for ownership purposes; or

(c) Accepted for livestock inspection purposes.

NEW SECTION

WAC 16-610-100 What are custom slaughter beef tags? (1) Any person licensed as a custom slaughterer must complete and attach a custom slaughter beef tag to each of the four quarters of all slaughtered cattle they handle. These tags must remain attached to the quarters until the quarters are cut and wrapped.

(2) The purpose of attaching the beef tag to the carcass is to identify the owner of the carcass while the carcass is being processed.

(3) Only the department may provide custom slaughter beef tags to custom slaughterers. The fee for each set of four custom slaughter beef tags is one dollar and fifty cents.

NEW SECTION

WAC 16-610-105 Are certificates of permit required for custom slaughtered cattle? Any person presenting cattle for slaughter to a licensed custom slaughterer must give the custom slaughterer a completed certificate of permit. This form (WSDA form #7020) documents the ownership of the animal at the time of slaughter.

NEW SECTION

WAC 16-610-110 Can a custom meat facility accept carcasses of cattle slaughtered by the cattle owner? (1) Custom meat facilities may accept carcasses of cattle slaughtered by the cattle owner only if a certificate of permit, signed by the owner, accompanies the carcass.

(2) Without a certificate of permit signed by the owner, custom meat facilities can only accept carcasses from mobile or fixed location custom farm slaughterers or officially inspected slaughter plants.

NEW SECTION

WAC 16-610-115 What requirements must be met before a license to operate a certified feedlot is granted?

(1)(a) Before issuing an initial certified feedlot license, the director will conduct an inspection of all cattle in the feedlot inventory and their corresponding ownership documents.

(b) The fee for this inspection is set in RCW 16.57.220.

(2) If a certified feedlot license is not renewed, all cattle in the feedlot inventory are subject to the inspection requirements for noncertified feedlots.

NEW SECTION

WAC 16-610-120 Who is responsible for identifying cattle and horses consigned to a public livestock market?

(1) The licensee is responsible for identifying each head of cattle and horses consigned to a public livestock market.

(2) Identification may occur either before or at the time the animals are inspected.

(3) Acceptable methods of identification are:

(a) Placing a numbered tag on each animal; or

(b) Using some other director-approved method of identification to identify each animal.

(4) The licensee is responsible for moving, confining, and/or restraining livestock as needed to insure that a complete inspection can be performed.

(5) The director may exempt certain lots of one-brand or no-brand cattle from the individual identification requirements of this section provided the integrity of the inspection process can be maintained.

(6) It is the responsibility of the licensee or consignor to present livestock to the director so an inspection can be performed.

NEW SECTION

WAC 16-610-122 What requirements must be satisfied before cattle and horses consigned or purchased at a public livestock market can be removed from that facility? (1) Before allowing the removal of any cattle or horses from any public livestock market, a licensee or their agent or employee must:

(a) Obtain a livestock inspection clearance for the cattle or horses being removed; and

(b) Issue a release to the person wishing to remove the cattle or horses.

(2) If stamped by the director, the purchase invoice, with specific livestock identification information drawn and writ-

ten on it can serve as an inspection clearance document provided the animals listed are unbranded and will not be shipped to an out-of-state destination. It is the director's responsibility to:

- (a) Add the livestock identification information to the purchase invoices; and
- (b) Ensure its accuracy.
- (3) At the request of the purchaser, a livestock inspection certificate will be issued in lieu of a stamped purchase invoice at no additional cost.

NEW SECTION

WAC 16-610-124 What if cattle and horses consigned to a public livestock market are not sold? Cattle and horses that have been offered for sale, but did not sell, will not be assessed an additional inspection fee upon reconsignment provided:

- (1) The reconsignment occurs within eight days of the original sale;
- (2) The animals are reconsigned to the original sale facility;
- (3) The animals have not been removed from the original sale facility before reconsignment;
- (4) The animals have not been commingled with other animals; and
- (5) No animals have been added or removed from the group.

NEW SECTION

WAC 16-610-125 What requirements apply to public livestock market livestock inspection facilities? The director must approve all livestock inspection facilities at public livestock markets. For the director's approval, inspection facilities must:

- (1) Include a chute that is constructed according to the following specifications:
 - (a) Constructed with a solid base on each side of sufficient strength to contain cattle and horses. The base must be at least twenty-four inches in height, but no more than thirty-six inches in height.
 - (b) Above the base on each side, the chute must have wire cables extended along its entire length. The cables must be separated by six-inch intervals and must extend vertically to a height of at least six feet.
 - (c) For support and to ensure that the cables are maintained in a tight condition, the cables must be attached to a vertical post every sixteen feet that is alternated with a pipe or stay every eight feet.
 - (d) The chute must be well lit by shop, spot, or floodlights. These lights must be located on both sides of the chute at a height of five feet above the highest cable. Beginning at the head of the chute, this lighting must extend along three-fourths of the length of the chute.
- (2) Electrical outlets must be available at all chutes so clippers can be conveniently used.
- (3) Inspection areas must be well covered by adequate roofing and kept free of any water leaks or water build-up of any kind.

(4) Inspection areas must incorporate a work area for livestock inspectors on each side of the chute. The work area must:

- (a) Provide an inspector with at least thirty inches of workspace along the entire length of the chute; and
- (b) Be enclosed by fencing or some other permanent-type structure that protects inspectors while cattle and horses are unloaded and moved along the chute.
- (5) Inspection areas must include an office. The office must:
 - (a) Be constructed according to dimensions of at least eight feet by ten feet;
 - (b) Contain adequate heating; and
 - (c) Be equipped with a counter built at a standing work level height and with a width of approximately eighteen inches.

NEW SECTION

WAC 16-610-130 What regulations apply to the installation of scales in a public livestock market? (1) To ensure that scales can be tested with relative ease and convenience:

- (a) All scales that are inaccessible to a test truck must be accessible by a convenient, unobstructed, hard-surfaced approach ramp or walkway that connects with the scale deck at the scale deck level; and
- (b) All doors and passageways leading to the scale must have a minimum width of six feet.
- (2) Preferably, scale decks should be constructed using reinforced concrete with "Z" bar coping. If cleats are used that are more than three-fourths inch in thickness, they must be:
 - (a) Hinged; or
 - (b) Readily removable; or
 - (c) Accompanied by a satisfactory covering to allow for proper testing.
- (3) All stock racks must be securely fastened to the scale deck. There must be a minimum clearance of three inches between the rack and the surrounding dead construction.
- (4) Adequate space and visibility must be provided around scales so that interested parties may observe the weighing operation.
- (5) All dial scales used by the licensee must be:
 - (a) Readily visible to all interested parties; and
 - (b) Equipped with a mechanical weight recorder.
- (6) All beam scales used by the licensee must be equipped with a balance indicator, a weigh beam and a mechanical weight recorder. The balance indicator, weigh beam and mechanical weight recorder must be readily visible to all interested parties.
- (7)(a) The pit and foundation beneath the scale deck must be constructed in a singular, uniform and massively solid way.
 - (b) Coping iron is required on all corners adjacent to the deck.
 - (c) The pit must be six feet in depth, dry and readily accessible for inspection. When conditions are sufficiently adverse, the director may allow exceptions to this six-foot depth requirement. However, a minimum of two feet clear-

ance between the lowest scale lever and the pit floor must always be provided.

(d) To insure safe and accurate inspections, sufficient electrical lighting must be provided in the inspection facility, especially around the chute and scales and in the pit beneath the scale deck.

(8) The recording element must be adequately housed for protection against wind and weather.

(9) Scales are not required at markets only licensed to handle horses and mules unless these animals are sold by weight. When these animals are sold by weight, the scale requirements of this section apply.

NEW SECTION

WAC 16-610-135 What if a public livestock market fails to conduct a sale on an allocated sale day? (1) If a licensed operator of a public livestock market fails, more than six times in a twelve-month period, to conduct a sale on a sale day that has been allocated to the licensee by the director, the allocation of that sale day is subject to change or revocation by the director.

(2) Any change or revocation of an allocated sale day must be considered in an administrative hearing conducted according to the provisions of chapter 34.05 RCW.

NEW SECTION

WAC 16-610-140 Does the director approve special sales? (1) The director must approve all special sales and approval is at the discretion of the director.

(2) Application for approval of a special sale must be made at least fifteen days in advance of the proposed sale. The application must contain the following:

- (a) Name, address, and contact number of the applicant;
- (b) Type of applicant: Producer, livestock market or association;
- (c) Name of sale and/or event;
- (d) Type and number of livestock expected to be sold;
- (e) Date, time, and location of the sale;
- (f) Name and the contact number of the veterinarian who will be providing animal health services; and
- (g) Signature of the applicant.

Note: Use WSDA form #7046 (Application: Special livestock sale permit) to apply for the director's approval of a special sale.

(3) The director charges a special sale application fee, which is specified in RCW 16.65.420. Special sale applications will not be processed until the application fee is paid.

NEW SECTION

WAC 16-610-145 What is the relationship between membership in an association and a special sale? To assure that any special sale proposed by a farmers cooperative association or association of livestock breeders is limited to the sale of their own livestock, the association may be required to provide verification to the director that any person offering livestock for sale at the special sale was a member of the association at the time of the filing of any consignment application, contract or commitment.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-607-005	Definitions.
WAC 16-607-010	The livestock identification advisory board.
WAC 16-607-015	Official forms.
WAC 16-607-020	Point of inspection—Cattle.
WAC 16-607-025	Point of inspection—Horses.
WAC 16-607-035	Out-of-state inspection procedure.
WAC 16-607-045	Livestock inspection procedures—Certified feed lots, slaughterplants, beef commission assessment collecting points.
WAC 16-607-050	Livestock inspection procedures—Private treaty sales.
WAC 16-607-055	Review of complaints and procedures.
WAC 16-607-060	Certification of veterinarians to issue inspection certificates.
WAC 16-607-065	Inspection fees.
WAC 16-607-070	Renewal of registered brands.
WAC 16-607-075	Recording fees.
WAC 16-607-080	Identification by freeze branding.
WAC 16-607-085	Use of production brands for dairy cattle.
WAC 16-607-090	Use of production brands for beef cattle.
WAC 16-607-095	Production record brands to consist of Arabic numbers only—Exception.
WAC 16-607-100	Custom slaughter beef tag.
WAC 16-607-105	Certificate of permit required for custom slaughtered cattle.
WAC 16-607-110	Livestock identification on slaughtered cattle by owner.
WAC 16-607-115	Certified feed lot licensing.
WAC 16-607-120	Livestock inspection procedures—Public livestock markets.
WAC 16-607-125	Public livestock market livestock inspection facilities.

PROPOSED

WAC 16-607-130	Public livestock market scale installation regulations.
WAC 16-607-135	Sale day.
WAC 16-607-140	Special sale approval.
WAC 16-607-145	Association membership.

WSR 03-21-171
PROPOSED RULES
PARKS AND RECREATION
COMMISSION

[Filed October 22, 2003, 11:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-18-123 on September 3, 2003.

Title of Rule: Chapter 352-12 WAC, Moorage and use of marine and inland water facilities, including the provisions regulating the use of facilities, the methods for collection of fees and the issuance of permits.

Purpose: The state Parks and Recreation Commission has undertaken a review of the administrative rules regarding moorage and inland water facilities in response to the implementation of new and revised fees and permits as well as the need to revise any current rules in this chapter related to their collection. The proposed amendments will provide for general housekeeping and minor changes in text. The amendments are intended to identify opportunities to adopt clear, usable and equitable rules for accessible public use and for the preservation and financial stability of Washington's state park system for the benefit of all citizens of the state.

Statutory Authority for Adoption: RCW 79A.05.030, 79A.05.055, and 79A.05.070.

Summary: Changes in WAC will clarify the agency facilities that will be made available for reservation. The changes will provide the public with choices for placement of moorage permits. These proposed changes would reflect the recodified references to the commission's statutory authority as established in the Revised Code of Washington.

Reasons Supporting Proposal: Park visitors will gain improved public service.

Name of Agency Personnel Responsible for Drafting and Implementation: Pam McConkey, 7219 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650, (360) 902-8595; and **Enforcement:** Phil Shave, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650, (360) 902-8606.

Name of Proponent: Washington State Parks, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 352-12 WAC, Moorage and use of marine and inland water facilities, was adopted for the purpose of managing public use of marine and inland water facilities. The chapter regulates moorage fees, annual permits, use of onshore campsites and the requirements for registration for facility use. The proposed changes would permit the director

of state parks to designate certain facilities for advance registration and provide more flexibility to the public for the method of placing the agency's annual permits on their vessels. In addition, chapter 352-12 WAC will be updated to reflect recodified RCW references.

Proposal Changes the Following Existing Rules: Proposed changes will permit the director of Washington state parks to designate certain facilities for advance reservation by the public. The changes will provide the public with flexibility in the method for placing the annual permit decals on their vessels. Chapter 352-12 WAC will be updated to reflect recodified RCW references.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This chapter of administrative rules does not regulate or have economic impact through regulations on small business. There are no compliance costs to small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Significant legislative rule-making requirements are not imposed on the state Parks and Recreation Commission, nor has the commission voluntarily applied those requirements.

Hearing Location: The public hearing will occur during the regularly scheduled Washington State Parks and Recreation Commission meeting to be held at the Cedar River Watershed Education Center, 19901 Cedar Falls Road S.E., North Bend, WA 98045, on December 4, 2003, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Pauli Larson by November 25, 2003, TDD (360) 664-3133 or (360) 902-8505.

Submit Written Comments to: Washington State Parks, Attention: Pam McConkey, 7219 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650, fax (360) 586-5875, by November 13, 2003.

Date of Intended Adoption: December 4, 2003.

October 22, 2003

Jim French

Chief of Policy Research
and Program Development

AMENDATORY SECTION (Amending WSR 99-04-117, filed 2/3/99, effective 3/6/99)

WAC 352-12-005 Definitions. As used in this chapter, the following words and terms have the meanings indicated, unless the context clearly requires otherwise:

(1) "Commercial vessel" shall mean a vessel which is used, rigged, or licensed for any commercial use or purpose, but shall not include vessels operated within the terms of a concession lease or agreement with the commission.

(2) "Commission" shall mean the Washington state parks and recreation commission.

(3) "Designated fee facility" shall mean any facility designated as a fee facility by the director or designee.

(4) "Director" shall mean the director of the Washington state parks and recreation commission.

(5) "Facility" shall mean state park floats, piers, mooring buoys, docks, pilings and linear moorage facilities.

(6) "Length" shall mean the overall length of a vessel as measured in a straight line parallel to the keel from the fore-

most part of the vessel to the aftermost part, not including bowsprit or bumkin or as shown on vessel's state or coast guard registration certificate.

(7) "Manager or ranger" shall mean a duly appointed Washington state parks ranger, or agent of the commission, who is vested with police powers under RCW ((43.51-170)) 79A.05.160.

(8) "Night" shall mean the period between ((3)) 1 p.m. and 8 a.m.

(9) "Vessel" shall mean watercraft of every description, used or capable of being used as a means of transportation on the water.

AMENDATORY SECTION (Amending WSR 99-04-117, filed 2/3/99, effective 3/6/99)

WAC 352-12-010 Moorage and use of marine and inland water facilities. (1) Marine and inland water facilities of the state parks within the Washington state parks and recreation commission system are designed and administered specifically to provide recreational opportunities for park visitors. Use of park facilities for purposes which are of a non-recreational nature, such as long-term residency at park facilities, obstructs opportunities for recreational use, and is inconsistent with the purposes for which those facilities were designed.

(2) In order to afford the general public the greatest possible use of facilities, continuous moorage at a facility by the same vessel shall be limited to three consecutive nights, after which the vessel must vacate the facility for twenty-four consecutive hours, unless otherwise posted by the manager at any individual facility or area.

(3) No person or persons shall moor, berth or store a vessel of any type in a commission owned or operated park or area except in facilities posted as available for such use.

(4) Use of facilities by commercial vessels is prohibited except for the loading and unloading of passengers transported for recreation purposes: Provided however, Managers and rangers may allow extended or night moorage at any facility to commercial vessels unloading passengers transported to the park for recreation purposes if in the manager's or ranger's sole discretion sufficient space is reasonably available therefor. Commercial recreation providers operating such vessels must be in possession of a commercial recreation provider permit as required under WAC 352-32-330.

(5) In order to maximize usable space at mooring floats, boaters shall moor their vessels as close as reasonably possible to vessels already moored; and dinghies shall not be left moored to transoms or swimsteps, nor tied to or alongside moorage floats. Dinghies shall be tied up only in designated spaces or outboard of the moored vessel. Rafting of vessels is also permitted, within posted limits, but not mandatory.

(6) Except where designated by the director or designee, use of any facility shall be on a first-come, first-served basis only. Reserving or retaining space to moor or berth a vessel at any facility, by means of a dinghy or any method other than occupying the space by the vessel to be moored, shall not be permitted.

(7) Open flames or live coals, or devices containing or using open flames, live coals or combustible materials,

including but not limited to barbecues, hibachis, stoves and heaters, shall be permitted on floats or piers only when placed on a fireproof base and the fire is located away from fuel tanks and/or fuel vents. In case of dispute related to fire safety, the manager or ranger shall make final determination.

(8) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 99-04-117, filed 2/3/99, effective 3/6/99)

WAC 352-12-020 Moorage fees. (1) Vessels moored between ((3)) 1 p.m. and 8 a.m. at those facilities designated by the director or designee shall be charged the moorage fee published by state parks: Provided, Vessels properly displaying a valid annual permit shall not be charged a moorage fee: Provided further, There shall be no moorage fee for any vessel riding on its own anchor: Provided further, There shall be no charge for temporary moorage for the purpose of loading or unloading a vessel, such temporary moorage shall be limited to thirty minutes.

(2) A vessel rafted to another vessel shall be charged the appropriate moorage fee based on that vessel's own length.

(3) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 99-04-117, filed 2/3/99, effective 3/6/99)

WAC 352-12-030 Annual moorage permits. (1) Annual moorage permits may be obtained for the period January 1 through December 31, inclusive. Application for such permits may be obtained from most state park managers or rangers, or by writing to the Commission Headquarters, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650, or on-line at www.parks.wa.gov.

(2) Annual moorage permits will be issued for a particular vessel. The charge for such permits will be based upon the length of the vessel for which the permit is issued and will be published by state parks.

(3) Annual permits shall be visible from outside the vessel, and permanently affixed to the lower left corner of the vessel's left (port) forward windshield, or ((if not equipped with a windshield,)) to the left (port) outside transom, or if a sailboat, on the forward portion of the left (port) cabin trunk, or as otherwise instructed by the director or designee.

(4) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 99-04-117, filed 2/3/99, effective 3/6/99)

WAC 352-12-050 Self-registration. In those designated facilities so posted by the manager, park visitors shall register for the use of facilities, overnight parking and onshore campsites, and pay the appropriate moorage, campsite fees or unattended vehicle overnight parking permit fee, on a self-registration basis, in accordance with all posted instructions. Failure to so register and pay required fees may result in a surcharge for failure to pay said fees and/or in eviction from moorage and campsite space, in addition to any

other penalty prescribed by law for violation of commission rules and regulations. Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

WSR 03-21-172
PROPOSED RULES
PARKS AND RECREATION
COMMISSION

[Filed October 22, 2003, 11:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-01-129 on December 19, 2002.

Title of Rule: Chapter 352-32 WAC, Public use of state park areas, this chapter defines the state Parks and Recreation Commissions' standard business practices for park operation, business practices for special use areas, establishes permits and fees, sets limits on public behavior, and requirements for conducting business in the parks.

Purpose: The state Parks and Recreation Commission has undertaken a review of the administrative rules regarding public use of state park areas in order to improve the clarity of these rules, to update restrictions that prevent certain harmful and undesirable behavior of park visitors and to improve business practices to ensure equitable fee collection. These changes help protect park resources and ensure the public has opportunities to enjoy the highest quality park visits.

Statutory Authority for Adoption: RCW 79A.05.030, 79A.05.070, and 79A.05.075.

Summary: The proposed changes to chapter 352-32 WAC would clarify the application of the vehicle parking permit, modify the maximum permitted campsite capacity and clarify restrictions on the use of firearms and other weapons in state park areas. The proposed changes would also clarify the regulation of dangerous games and activities in state parks, provide for cooperative arrangements with other state and federal agencies in permit programs and provide further authority to the director to establish variable prices for the use of campsites and facilities.

Reasons Supporting Proposal: Park visitors will gain improved public service.

Name of Agency Personnel Responsible for Drafting and Implementation: Pam McConkey, 7219 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650, (360) 902-8595; and Enforcement: Phil Shave, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650, (360) 902-8606.

Name of Proponent: Washington State Parks, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 352-32 WAC, Public use of state park areas, was adopted for the purpose of managing public use of all state park areas. The proposed changes would clarify the application of annual vehicle parking permits, modify the

maximum permitted campsite capacity, clarify restrictions on the use of firearms and other weapons in state park areas, clarify staff authority to regulate dangerous games and activities in state park areas, provide further authority to the director of state parks concerning variable pricing of campsites and facilities and provide for cooperative arrangements with other state and federal agencies in permit programs.

Proposal Changes the Following Existing Rules: The changes would clarify that the Washington state parks' annual vehicle parking permits are not valid at sno-park parking areas, clarify rules that regulate the use of firearms and other weapons, provide authority to staff to regulate dangerous activities in state park areas, provide authority to the director to establish variable prices and authorize cooperative arrangements with other state and federal agencies on permit programs that would include vehicle parking.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This chapter of administrative rules does not regulate or have economic impact through regulations on small business. There are no compliance costs to small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Significant legislative rule-making requirements are not imposed on the state Parks and Recreation Commission, nor has the commission voluntarily applied those requirements.

Hearing Location: The public hearing will occur during the regularly scheduled Washington State Parks and Recreation Commission meeting to be held at the Cedar River Watershed Education Center, 19901 Cedar Falls Road S.E., North Bend, WA 98045, on December 4, 2003, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Pauli Larson by November 25, 2003, TDD (360) 664-3133 or (360) 902-8505.

Submit Written Comments to: Washington State Parks, Attention: Pam McConkey, 7219 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650, fax (360) 586-5875, by November 13, 2003.

Date of Intended Adoption: December 4, 2003.

October 22, 2003

Jim French

Chief of Policy Research
and Program Development

AMENDATORY SECTION (Amending WSR 02-19-069, filed 9/13/02, effective 10/14/02)

WAC 352-32-010 Definitions. Whenever used in this chapter the following terms shall be defined as herein indicated:

"Aquatic facility" shall mean any structure or area within a state park designated by the director or designee for aquatic activities, including, but not limited to, swimming pools, wading pools, swimming beaches, floats, docks, ramps, piers or underwater parks.

"Bivouac" shall mean to camp overnight on a vertical rock climbing route on a ledge or in a hammock sling.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Camping party" shall mean an individual or a group of people (two or more persons) that is organized, equipped and capable of sustaining its own camping activity. A "camping party" is a "camping unit" for purposes of RCW 79A.05.065.

"Commercial recreation use" is a recreational activity in a state park that is packaged and sold as a service by an organization or individual, other than state parks or a state park concessionaire.

"Commercial recreation provider" is any individual or organization that packages and sells a service that meets the definition of a commercial recreation use.

"Commission" shall mean the Washington state parks and recreation commission.

"Conference center" shall mean a state park facility designated as such by the director or designee that provides specialized services, day-use and overnight accommodations available by reservation for organized group activities.

"Day area parking space" shall mean any designated parking space within any state park area designated for day-time vehicle parking.

"Director" shall mean the director of the Washington state parks and recreation commission or the director's designee.

"Disrobe" shall mean to undress so as to appear nude.

"Emergency area" is an area in the park separate from the designated overnight camping area, which the park manager decides may be used for camping when no alternative camping facilities are available within reasonable driving distances.

"Environmental interpretation" shall mean the provision of services, materials, publications and/or facilities, including environmental learning centers (ELC), for other than basic access to parks and individual camping, picnicking, and boating in parks, that enhance public understanding, appreciation and enjoyment of the state's natural and cultural heritage through agency directed or self-learning activities.

"Environmental learning centers (ELC)" shall mean those specialized facilities, designated by the director, designed to promote outdoor recreation experiences and environmental education in a range of state park settings.

"Extra vehicle" shall mean each additional unhitched vehicle in excess of the one recreational vehicle that will be parked in a designated campsite or parking area for overnight.

"Group" shall mean 20 or more people engaged together in an activity.

"Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

"Hiker/biker campsite" shall mean a campsite that is to be used solely by visitors arriving at the park on foot or bicycle.

"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

"Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

"Overflow area" shall mean an area in a park separate from designated overnight and emergency camping areas, designated by the park manager, for camping to accommodate peak camping demands in the geographic region.

"Overnight accommodations" shall mean any facility or site designated for overnight occupancy within a state park area.

"Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical canopy or wing connected to the pilot by suspension lines and straps, made entirely of nonrigid materials except for the pilot's harness and fasteners. The term "paraglider" shall not include hang gliders or parachutes.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"Personal watercraft" means a vessel of less than sixteen feet that uses a motor powering a water jet pump, as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

"Popular destination park" shall mean any state park designated by the director as a popular destination park because, it is typically occupied to capacity on Friday or Saturday night during the high use season.

"Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

"Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

"Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 79A.05.160, and shall include the park manager in charge of any state park area.

"Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

"Remote controlled aircraft" shall mean nonpeopled model aircraft that are flown by using internal combustion,

electric motors, elastic tubing, or gravity/wind for propulsion. The flight is controlled by a person on the ground using a hand held radio control transmitter.

"Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

Camping at a given park for more than thirty days within a forty-day time period April 1 through September 30; or forty days within a sixty-day time period October 1 through March 31. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping party shall be limited to ten consecutive nights April 1 through September 30. Provided that at the discretion of the park ranger the maximum stay may be extended to fourteen consecutive nights if the campground is not fully occupied. Campers may stay twenty consecutive nights October 1 through March 31 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

"Sno-park" shall mean any designated winter recreational parking area.

"Special groomed trail area" shall mean those sno-park areas designated by the director as requiring a special groomed trail permit.

"Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

"Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal, and flush comfort station.

"State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 79A.05.605 and as regulated under chapter 352-37 WAC.

"Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

"Upland" shall mean all lands lying above mean high water.

"Utility campsite" shall mean a standard campsite with the addition of electricity and which may have domestic water and/or sewer.

"Vehicle parking permit" means the permit issued on a daily, multiple day or annual basis for parking a vehicle in any state park area designated for daytime vehicle parking, excluding designated sno-park parking areas.

"Walk-in campsite" shall mean a campsite that is accessed only by walking to the site and which may or may not have vehicle parking available near by.

"Watercraft launch site" shall mean any facility located in a state park area designated for the purpose of placing or retrieving any vehicle-borne or trailer-borne watercraft into or out of the water.

"Water trail advisory committee" shall mean the twelve-member committee constituted by RCW 79A.05.420.

"Water trail camping sites" shall mean those specially designated group camp areas identified with signs, that are near water ways, and that have varying facilities and extent of development.

AMENDATORY SECTION (Amending WSR 03-01-079, filed 12/13/02, effective 1/13/03)

WAC 352-32-030 Camping. (1) Camping facilities of the state parks within the Washington state parks and recreation commission system are designed and administered specifically to provide recreational opportunities for park visitors. Use of park facilities for purposes which are of a nonrecreational nature, such as long-term residency at park facilities, obstructs opportunities for recreational use, and is inconsistent with the purposes for which those facilities were designed.

No person or camping party may use any state park facility for residence purposes, as defined (WAC 352-32-010).

(2) No person shall camp in any state park area except in areas specifically designated and/or marked for that purpose or as directed by a ranger.

(3) Occupants shall vacate camping facilities by removing their personal property therefrom no later than 1:00 p.m., if the applicable camping fee has not been paid or if the time limit for occupancy of the campsite has expired or the site is reserved by another party. Remaining in a campsite beyond the established checkout time shall subject the occupant to the payment of an additional camping fee.

(4) Use of utility campsites by tent campers shall be subject to payment of the utility campsite fee except when otherwise specified by a ranger.

(5) A campsite is considered occupied when it is being used for purposes of camping by a person or persons who have paid the camping fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system. No person shall take or attempt to take possession of a campsite when it is being occupied by another party, or when informed by a ranger that such site is occupied, or when the site is posted with a "reserved" sign. In the case of a reserved site, a person holding a valid reservation for that specific site may occupy it according to the rules relating to the reservation system for that park. In order to afford the public the greatest possible use of the state park system on a fair and equal basis, campsites in those parks not on the state park reservation system will be available on a first-come, first-serve basis. No person shall hold or attempt to hold campsite(s), for another camping party for present or future camping dates, except as prescribed for multiple campsites. Any site occupied by a camping party must be actively utilized for camping purposes.

(6) One person may register for one or more sites within a multiple campsite by paying the multiple campsite fee and providing the required information on the occupants of the other sites. An individual may register and hold a multiple campsite for occupancy on the same day by other camping parties. Multiple campsites in designated reservation parks are reservable under the reservation system.

(7) In order to afford the general public the greatest possible use of the state park system, on a fair and equal basis, and to prevent residential use, continuous occupancy of facilities by the same camping party shall be limited. Campers may stay ten consecutive nights in one park, after which the camping party must vacate the park for three consecutive nights, April 1 through September 30, not to exceed thirty days in a forty-day time period. Provided that at the discretion of the park ranger the maximum stay may be extended to fourteen consecutive nights if the campground is not fully occupied. Campers may stay twenty consecutive nights in one park, after which the camping party must vacate the park for three consecutive nights, October 1 through March 31, not to exceed forty days in a sixty-day time period. This limitation shall not apply to those individuals who meet the qualifications of WAC 352-32-280 and 352-32-285.

(8) A maximum of ~~((eight))~~ six people shall be permitted at a campsite overnight, unless otherwise authorized by a ranger. The number of vehicles occupying a campsite shall be limited to one car and one recreational vehicle: Provided, That one additional vehicle without built-in sleeping accommodations may occupy a designated campsite when in the judgment of a ranger the constructed facilities so warrant. The number of tents allowed at each campsite shall be limited to the number that will fit on the developed tent pad or designated area as determined by a ranger.

(9) Persons traveling by bicycles, motor bikes or other similar modes of transportation and utilizing campsites shall be limited to ~~((eight))~~ six persons per site, provided no more than four motorcycles may occupy a campsite.

(10) Water trail camping sites are for the exclusive use of persons traveling by human and wind powered beachable vessels as their primary mode of transportation to the areas. Such camping areas are subject to the campsite capacity limitations as otherwise set forth in this section. Exceptions for emergencies may be approved by the ranger on an individual basis. Water trail site fees, as published by state parks, must be paid at the time the site is occupied.

(11) Overnight stays (bivouac) on technical rock climbing routes will be allowed as outlined in the park's site specific climbing management plan. All litter and human waste must be contained and disposed of properly.

(12) Emergency camping areas may be used only when all designated campsites are full and at the park ranger's discretion. Persons using emergency areas must pay the applicable campsite fee and must vacate the site when directed by the park ranger.

(13) Designated overflow camping areas may be used only when all designated campsites in a park are full and the demand for camping in the geographic area around the park appears to exceed available facilities. Persons using overflow camping areas must pay the applicable campsite fee.

(14) Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

WAC 352-32-090 Games or activities. Playing games and/or engaging in activities in a manner and/or location which subjects people or personal property, the park resource or facilities to risk of injury or damage shall be prohibited. Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 03-01-079, filed 12/13/02, effective 1/13/03)

WAC 352-32-120 Firearms (~~and/or weapons~~). ~~((No person shall possess a firearm with a cartridge in any portion of the mechanism within any upland state park area, nor shall any person discharge or propel across, in, or into any upland state park area as defined in WAC 352-32-010, a firearm, bow and arrow, spear, spear gun, harpoon, or air or gas weapon, or any device capable of injuring or killing any person or animal, or damaging or destroying any public or private property, except where the commission for good cause has authorized a special recreational activity upon finding that it is not inconsistent with state parks use. This WAC does not apply to general authority Washington peace officers as defined in RCW 10.93.020. This WAC does not apply to other commissioned law enforcement officers who are in the performance of their official duties.))~~ (1) No person shall discharge or propel across, in, or into any upland state park area as defined in WAC 352-32-010 a firearm, except where the commission for good cause has authorized a special recreational activity upon finding that it is not inconsistent with state park use. Any violation of this section is a gross misdemeanor.

(2) The possession, display, carrying, discharge or use of a firearm is further regulated under chapter 9.41 RCW.

NEW SECTION

WAC 352-32-121 Other weapons. No person shall display, discharge or propel across, in, or into any upland state park area as defined in WAC 352-32-010, a bow and arrow, spear, spear gun, harpoon, or air or gas weapon, or any device capable of injuring or killing any person or animal, or damaging or destroying any public or private property, except where the commission for good cause has authorized a special recreational activity upon finding that it is not inconsistent with state park use.

AMENDATORY SECTION (Amending WSR 03-01-079, filed 12/13/02, effective 1/13/03)

WAC 352-32-250 Standard fees charged. Fees shall be charged in parks operated by the commission for use of lands, facilities, programs, services, and materials as published by state parks: Provided, however, That the commission may suspend any or all of these fees if revenues generated by the fees are not returned to the benefit of the parks:

Provided further, That the director or designee has the authority to discount fees in order to take advantage of marketing opportunities to encourage use and increase revenues. Any such discounts shall be effective for a limited period of time up to one year in duration. The director or designee may consider the following factors in temporarily establishing or discounting fees:

- Prevailing rates for comparable facilities;
- Day of the week;
- Season of the year;
- Amenities of the park area and site;
- Demand for facilities;
- Low-income eligibility requirements as adopted by state parks; and

Such other considerations as the director or designee deems appropriate. The director or designee shall prescribe the specific details and manner in which fees shall be applied. The director or designee may also waive fees for marketing or promotional purposes or to redress visitor complaints. The director or designee may also establish temporary fees for a maximum of one year for new facilities or services. An administrative fee, as published by state parks, will be assessed for replacement of lost, damaged, or destroyed passes or permits.

(1) The director or designee may authorize reciprocity or cooperative arrangements with other state and/or federal agencies for the use of annual permits ((ef)) for like services, provided, that Washington licensed vehicles and/or residents shall be required to have and/or display the appropriate Washington permit or other permit as approved by the director or designee;

(2) Overnight camping - standard campsite; utility campsite; emergency campsite; overflow campsite; hiker/biker campsite; walk-in campsite; primitive campsite for nonmotorized vehicle - fees will be charged as published by state parks. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger;

(3) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee and providing the required information on the occupants of the other sites. The multiple campsite fee will be calculated by multiplying the standard, utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite;

(4) Group camping area - certain parks: Individual camping units using these facilities must pay campsite fees as published by state parks;

(5) Conference center facilities - fees will be charged for use of facilities and services as set forth in the fee schedule published by state parks and will include, but not be limited to: Overnight accommodations in individual recreational housing units or dormitory units; use of meeting rooms, performance venues and rally areas; linen and janitorial services; group food services; and use of equipment, supplies, and staff time necessary to support group activities. Certain deposits, reservation and cancellation fees also apply as set forth in the fee schedule published by state parks and may not be refundable.

(6) Environmental interpretation:

(a) Service fees will be established by the director or designee in order to recover, to the maximum extent practicable, all direct and indirect costs of environmental interpretation services on a program-wide basis based on anticipated attendance.

(b) Material and publication fees will be established by the director or designee. All material and publication fees will be deposited in the parks improvement account to be used for purposes specified in RCW 79A.05.060.

(c) Facility use, including environmental learning center fees, will be established by the commission. A facility use fee schedule is available by contacting Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650;

(7) Adirondacks - not to include those located in ELC areas: Occupancy shall be limited to the number of built-in bunks provided;

(8) Extra vehicle overnight parking fee will be charged for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: Provided, An extra vehicle overnight parking fee shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(9) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must register and pay the nightly permit fee. The permit must be prominently displayed in the vehicle;

(10) Watercraft launch site permit fee - charged according to facilities provided. Watercraft launch permit shall not be required for:

(a) Vehicles, other than those registered as extra overnight parking vehicles, registered for camping or overnight mooring in the park containing the watercraft launch site;

(b) Vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park;

(c) Vehicles of persons holding limited-income senior citizen, disability or disabled veteran passes;

(d) Vehicles displaying a valid annual watercraft launch site permit;

(11) Annual watercraft launch site permit valid ((January 1—December 31)) for one year from month of purchase at any launch site designated by the director or designee. Permit must be displayed as instructed on permit backing;

(12) Trailer dump station fee - fee shall not be required for:

(a) Registered camping vehicles in the park containing the dump station;

(b) Vehicles of persons holding limited-income senior citizen, disability or disabled veterans passes;

(13) ((Popular destination park—a surcharge)) Variable pricing - variable prices will apply for use of ((standard or utility campsite located in a popular destination park)) campsites and/or facilities during such periods as the director may specify;

(14) Water trail site fees - for one day/night will be set by the commission;

(15) In addition to the regular fee, a ((per-night)) surcharge ((shall)) may be imposed for failure to pay the self-registration ((overnight facility)) fee;

(16) Group day use facilities - a minimum daily permit fee will be charged for groups of 20 or more;

(17) Reservation transaction - fee will be charged as published by state parks;

(18) Moorage facilities - fee will be charged as published by state parks;

(19) Hot showers, electric stoves - fees will be charged as published by state parks. Fees published by state parks do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended;

(20) Commercial recreation provider permit registration - a fee shall be charged, as published by state parks for registration as a commercial recreation provider;

(21) Commercial recreation provider permit - a fee shall be charged, as published by state parks for obtaining a permit to engage in commercial recreational use of state parks, as defined in WAC 352-32-010.

(22) Sno-park permit - seasonal and daily permit fees will be charged as published by state parks.

(23) Special groomed trail permit - a statewide special groomed trail permit will be required for use of special groomed trail areas. The fee charged will be as published by state parks.

(24) Wood debris collection permit - fee will be charged for collection and removal of wood debris from a state park area pursuant to RCW 4.24.210. The fee may be waived for volunteers assisting with emergency salvage and storm clean-up in the parks.

(25) Merchandise - prices for merchandise including but not limited to interpretive, recreational and historic materials, literature, food, beverage, grocery and other items at agency operated sales points will be based on market rates and practices.

(26) Back country camping permit - fee will be charged as published by state parks for selected state park areas as designated by the director.

(27) Group use registration - fee will be charged for groups of a size to be specified in the fee schedule on a park by park basis who have not otherwise reserved group facilities.

(28) Special event - fees will be charged based on the cost of providing events and market rates for comparable activities at other locations.

(29) Aquatic facilities - fees will be charged as published by state parks.

(30) Vehicle parking permit:

(a) The director or designee shall designate state parks where a vehicle parking permit shall be required for parking and shall publish a fee schedule to include any or all of the following:

(i) A single day or multiple day vehicle parking permit;

(ii) An annual vehicle parking permit;

(b) Vehicle parking permits shall not be required for:

(i) Vehicles registered for overnight accommodations, other than those registered as extra overnight parking vehicles;

(ii) Vehicles whose occupants hold a current pass authorized in WAC 352-32-251, Limited income senior citizen, disability, and disabled veteran passes;

(iii) Vehicles whose occupants hold a current watercraft launch site permit;

(iv) Vehicles whose occupants perform volunteer activities approved by the park ranger;

(v) Vehicles whose occupants engage in official business as authorized by agreement or otherwise approved by the park ranger;

(c) Any vehicle parking permit must be displayed as instructed on the permit.

(31) Checks dishonored by nonacceptance or nonpayment (NSF checks) - handling fee and interest:

(a) A handling fee may be assessed consistent with the maximum amount allowed in the office of state procurement, department of general administration's state contract and as published by state parks for checks as defined by chapter 62A.3-104 RCW, dishonored by nonacceptance or nonpayment.

(b) Interest at the maximum rate allowable may be charged on the NSF check as defined by chapter 62A.3-515 RCW, and as published by state parks for a check not paid within fifteen days after a statutory notice of dishonor is sent to maker's last known address.

AMENDATORY SECTION (Amending 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-32-310 Penalties. Any violation designated in this chapter as a civil infraction shall constitute a misdemeanor until the violation is included in a civil infraction monetary schedule adopted by rule by the state supreme court pursuant to chapter 7.84 RCW, except that a violation of WAC 352-32-220, 352-32-260, and 352-32-265 shall at all times constitute a civil infraction, and WAC 352-32-120 shall at all times be a gross misdemeanor.

WSR 03-21-173

PROPOSED RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Filed October 22, 2003, 11:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-18-036.

Title of Rule: Invasive aquatic species rules.

Purpose: Amend prohibited species list and infested aquatic lakes list.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Adds potentially invasive species and provides notification of infested lakes.

Reasons Supporting Proposal: Protect Washington aquatic wildlife from invasive species and noxious weeds.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street,

Olympia, 902-2651; 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: These rules are needed to protect Washington wildlife. The list includes species whose home range has climatic conditions that could allow for natural reproduction in Washington, and would pose a threat. The infested lakes list is expanded based on information from the Department of Ecology.

Proposal Changes the Following Existing Rules: Amend species and lakes lists.

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 is no reporting requirement in this proposal.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: It may be necessary to consult a professional to determine if a species is on the prohibited list.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: There is no cost.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? There is a potential loss of revenue if the pet industry intended to import species on the list and sell them in the pet trade. Extensive communications with the pet industry has been done, and only one species, the Australian crawfish, would be affected.

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:

- a. Cost per employee;
 - b. Cost per hour of labor; or
 - c. Cost per one hundred dollars of sales.
- There are no compliance costs.

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 costs.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The department has consulted with the pet industry. A large number of candidate species were removed, and consensus reached on the remaining, with the Australian crawfish as the lone species of disagreement.

8. A List of Industries That Will Be Required to Comply with the Rule: The pet trade.

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: Fort Worden State Park Conference Center, Port Townsend, Washington, on December 5-6, 2003, begins 8:00 a.m. on December 5, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by November 24, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by November 28, 2003.

Date of Intended Adoption: December 5, 2003.

October 22, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 02-223, filed 9/5/02, effective 10/6/02)

WAC 232-12-016 Nonnative aquatic species. The following provisions apply to nonnative aquatic species except nonnative species in ballast water, which are provided for in chapter 220-77 WAC. The definitions of invasive species, prohibited aquatic animal species, regulated aquatic animal species, unregulated aquatic animal species, unlisted aquatic animal species and aquatic plant species as used in this section are the same as in RCW 77.08.010.

(1) Request for designation of unlisted aquatic animal species prior to release. Unlisted nonnative aquatic animal species must be reviewed and designated for classification by the commission as either regulated aquatic animal species or unregulated aquatic animal species prior to approval for release into state waters. A request for classification of an unlisted nonnative aquatic animal species shall be treated as a petition to amend WAC 220-12-090, and made on the OFM-01 form. Upon receipt of a petition, the department shall initially classify the species as a prohibited species until the review is complete. In addition to the OFM-01 form, a person requesting classification must provide the following information in order to present a complete request for designation for classification:

(a) Common and scientific name, reason for release, source of the animals proposed for release, and number of animals proposed for release.

(b) Native range of the species, assessment of potential positive and negative impacts of the release, citation of available scientific literature on release of the species in other nonnative locales, known potential for displacement of native species, hybridization with or predation upon native species, and disease or parasite transmission.

(c) Estimate of technical and economic feasibility of eradicating or controlling spread of the species once it is introduced into state waters.

(2) Provisions applying to prohibited aquatic animal species.

(a) Zebra mussels: It is unlawful to import live aquatic organisms, including plants, for release into state waters from any state or Canadian province east of the Continental Divide without each importation being accompanied by a zebra mussel-free certificate issued by the department and signed by the supplier of the aquatic organisms. The original receiver in the state of Washington of the shipment of aquatic organisms is

required to retain the zebra mussel-free certificate for two years. Secondary receivers, while in possession of live aquatic organisms, are required to retain invoices or other records showing who was the original receiver.

(b) Scientific research or display: The director may authorize, by prior written permit, a person to possess prohibited aquatic animal species for scientific research or display, provided:

(i) Specimens are confined to a secure facility, defined as an enclosure that will prevent the escape or release of prohibited aquatic animal species into a natural watercourse, and specimens are inaccessible to wildlife or other animals that could transport prohibited aquatic animal species.

(ii) Specimens are not transferred to any other facility without written approval by the director or designee.

(iii) All zebra mussels are incinerated or chemically preserved at the conclusion of the project, and the enclosure, holding waters and all equipment are disinfected. All other prohibited aquatic animal species must be killed at the conclusion of the project and either chemically preserved or disposed of in a landfill.

(iv) The permittee provides an annual report to the department, no later than January 31 of the following year, on a form provided by the department, describing the number, size and location of prohibited aquatic animal species enclosures and general nature of the research.

(c) Monitoring and control programs: The director may authorize persons working within the scope and supervision of a department-sponsored monitoring and control program to capture, possess and destroy prohibited aquatic animal species, provided:

(i) The persons have completed a mandatory training program and are certified by the department;

(ii) The persons have a permit authorized by the director or designee in possession;

(iii) All prohibited aquatic animal species are disposed of in accordance with the monitoring and control program; and

(iv) Participants submit a report to the department within thirty days of any monitoring or control activity in accordance with the specifications outlined in the monitoring and control program.

(d) Capture of prohibited species in state waters. Prohibited aquatic animal species that are captured in state waters and not immediately returned to the water from which they were captured must be killed before removing the prohibited aquatic animal species from within the riparian perimeter of the body of water.

(e) It is lawful to possess dead vertebrate prohibited aquatic animal species taken from state waters, and it is lawful to possess chemically preserved nonvertebrate prohibited aquatic animal species from any source. No permit is required for possession under this subsection.

(f) Prohibited aquatic animals held in commercial and personal possession prior to classification. A person who possessed a prohibited aquatic animal species prior to the time the species was classified as prohibited may continue to hold the animal or animals for the life of the animals, provided:

(i) The person must maintain proof of possession prior to the classification.

(ii) The animals may not be transferred to another owner within the state.

(iii) The person must comply with all provisions of this section.

(iv) The animals must be prevented from reproducing, or if prevention is impracticable, the progeny must be destroyed.

(3) Infested waters.

(a) The following bodies of waters are infested with invasive aquatic plants or prohibited aquatic animal species. In these waters:

(i) It is unlawful to use aquatic animals from these waters for bait in the infested waters or any other waters with the exception of marine and estuarine waters.

(ii) All aquatic vegetation must be removed from lines, nets, motors, and all other equipment when the equipment is removed from the infested waters.

(iii) It is unlawful to transport water from these bodies of water, and bait containers, live wells, and bilges must be emptied before leaving the riparian perimeter of the body of water, except:

(A) Water may be transported in emergencies, such as a fire emergency.

(B) Water may be withdrawn and used under a water appropriation or public waters work permit issued by the department of ecology.

(b) List of infested waters:

Adams County: Herman lake.

Chelan County: Chelan, Cortez, Domke, Fish, Roses and Wapato lakes.

Clallam County: Sutherland Lake.

Clark County: Battleground, and Lacamas lakes, Caterpillar Slough, (~~Lake~~) Columbia River.

Columbia, Franklin and Walla Walla counties: Herbert G. West Lake, Snake River.

Cowlitz County: Kress and Silver lakes, Soho and Willow Grove sloughs.

Ferry County: Twin Lake.

Franklin County: Kahlotus and Sacajawea lakes, Scooteney Reservoir, Snake River.

Grant County: Babcock Ridge, Banks, Billy Clapp, Burke, Caliche, Canal, Corral, Corral Southwest, Moses, Priest Rapids, Quincy, Stan Coffin (~~and~~), Warden, and Windmill lakes, unnamed potholes at Dodson Frenchman and Frenchman Hills Nos. 1 through 4, Evergreen and Potholes reservoirs, Rocky Ford Creek and Winchester Waste-way.

Grays Harbor County: Duck and Failor lakes, Grays Harbor.

Island County: Crockett and Lone lakes.

Jefferson County: Crocker and Leland lakes.

King County: Alice, Angle, Bass, Desire, Fenwick, Geneva, Green, Killarney, Meridian, Otter, Phantom, Pine, Pipe, Sammamish, Sawyer, Shady, Spring, Steel, (~~and~~) Twelve, Union, Washington, and Wilderness lakes.

Kitsap County: Buck, Long, Mission, Square, and Wye lakes.

Kittitas County: Lavendar and (~~Matton~~) Mat Toon lakes.

Klickitat County: Celilo, Horsethief, and Spearfish lakes, Columbia River.

Lewis County: Carlisle, Mayfield ((and)), Plummer, and Riffe lakes, Swofford Pond, Chehalis River.

Mason County: Isabella, Island, Limerick, Mason, and Spencer lakes.

((~~Okanagan~~) Okanogan County: Conconully, Green, Osooyoos, Palmer, Pearrygin, and Whitestone lakes, Okanogan River.

Pacific County: Black ((and)), Island, Loomis, and O'Neil lakes, Willapa Bay.

Pend Oreille County: Davis, Diamond, Fan, Mashall, ((and ~~Sacheel~~)) Nile, Parker, Sacheen, Skookum, and Sullivan lakes, Little Spokane and Pend Oreille rivers.

Pierce County: Bay, Clear, Harts, Hidden, Kapowsin, Ohop, Rapjohn, Spanaway, Tanwax, Tapps, and Whitman lakes.

San Juan County: Sportsman Lake.

Skagit County: Beaver, Big, Campbell, Clear, Erie, Heart, McMurray, and Sixteen lakes.

Skamania County: Coldwater and Drano lakes, Columbia River.

Snohomish County: Blackman, Goodwin, Martha, Nina, Riley, Roesiger ((and)), Shoecraft, Silver, and Swartz lakes.

Spokane County: Eloika, Liberty, Long, Newman, and Silver lakes.

Stevens County: Black, Deep, Gillette, Heritage, Loon, McDowell, Sherry, Thomas, and Waitts lakes, Long Lake Reservoir.

Thurston County: Capitol, Hicks, Long, ((and)), Munn, Scott, Ski, Summitt, and Ward lakes, Black and Chehalis rivers.

Wahkiakum County: Columbia River and Brooks Slough.

Walla Walla County: Snake River.

Whatcom County: Silver, Terrell ((and)), Whatcom, and Wiser lakes.

Whitman County: Bryan and Lower Granite lakes, Snake River.

Yakima County: ((~~Myron~~)) Byron, Dog, Griffin, Morgan, and Wenas lakes, unnamed ponds at 12N - 19E - 20, Yakima River.

(4) Aquaculture provisions. It is unlawful to fail to comply with the following provisions regarding aquaculture and waters containing prohibited aquatic animal species or invasive aquatic plant species.

(a) When a natural body of water is designated by rule as infested, ongoing aquaculture operations in that body of water are restricted from transferring product, equipment or associated materials until such time as the operator of the aquaculture operation submits to the department a plan to prevent the spread of invasive aquatic plants and prohibited aquatic animal species, and has received approval from the department of such plan.

(b) Artificial water basins found to be infested with prohibited aquatic animal species are required to have the water sterilized before continuing aquaculture operations, and any private sector cultured products in such waters must be killed before sale or transfer.

(c) By permit from the department, water from bodies of water infested with invasive aquatic plants may be used in artificial water basins for aquaculture, provided that the water is treated to eliminate invasive aquatic plants prior to use.

(5) Violations of this section involving invasive aquatic animal species is punishable under RCW ((77.15... (section 4, chapter 281, Laws of 2002))) 77.15.253.

(6) Violations of this section involving invasive aquatic plants is punishable under RCW 77.15.290.

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.

AMENDATORY SECTION (Amending Order 02-223, filed 9/5/02, effective 10/6/02)

WAC 220-12-090 Classification—Nonnative aquatic animal species. (1) Prohibited aquatic animal species. The following species are classified as prohibited aquatic animal species:

(a) Amphibians:

(i) ((~~Family Pipidae: African clawed frog, *Xenopus laevis*.~~

(ii) ~~Family Ranidae: Bull frog, *Rana catesbeiana*.~~

(b)) In the family Hylidae: Cricket frog, in the genus *Hyla* species in the group *Arborea* including: *Hyla annectans*, *Hyla arborea*, *Hyla chinensis*, *Hyla hallowellii*, *Hyla immaculata*, *Hyla japonica*, *Hyla meridionalis*, *Hyla sanchiangensis*, *Hyla simplex*, *Hyla suweonensis*, *Hyla tsinlingensis*, *Hyla ussuriensis*, and *Hyla zhaopingensis*.

(ii) In the family Pelobatidae, spadefoots, all species of the genus *Pelobates* including *P. cultripes*, *P. fuscus*, *P. syriacus*, and *P. varaldii*. All species of the genus *Scaphiopus* including: *S. couchii*, *S. holbrookii*, and *S. hurterii*. All species of the genus *Spea* including: *S. hurterii*, *S. bombifrons*, *S. hammondii*, and *S. multiplicata* with the exception of the native species: *Spea intermontana* the great basin spadefoot.

(iii) In the family Pipidae: African clawed frog, all members of the genera *Silurana*, and *Xenopus*.

(iv) In the family Ranidae:

(A) Bull frog, *Rana catesbeiana*.

(B) Holarctic brown frogs and Palearctic green frogs of the genus *Rana*, including the following: *Rana arvalis* group (*R. arvalis*, *R. chaochiaoensis*, *R. chevronta*); *Rana chensinensis* group (*R. altaica*, *R. chensinensis*, *R. dybowskii*, *R. kukunoris*, *R. kunyuensis*, *R. ornativentris*, *R. pirica*); *Rana graeca* group (*R. graeca*, *R. italica*); *Rana japonica* group (*R. amurensis*, *R. aragonensis*, *R. japonica*, *R. omeimontis*, *R. zhenhaiensis*); the subgenus *Rugosa* (*Rana rugosa*, *Rana emeljanovi*, *Rana tientaiensis*); *Rana tagoi* group (*R. sakurarii*, *R. tagoi*); *Rana temporaria* group (*R. asiatica*, *R. dalmatina*, *R. honnorate*, *R. huanrenensis*, *R. iberica*, *R. latastei*, *R. macrocnemis*, *R. okinavana*, *R. pyrenaica*, *R. tsushimensis*, *R. zhengi*); and in the *Rana Pelophylax* section, the subgenus *Pelophylax* (*R. bedriagae*, *R. bergeri*, *R. cerigensis*, *R. chosenica*, *R. cretensis*, *R. demarchii*, *R. epeirotica*, *R. fukienensis*, *R. grafti*, *R. hubeiensis*, *R. lateralis*, *R. lessonae*, *R. nigrolineata*, *R. nigromaculata*, *R. perezi*, *R. plancyi*, *R. porosa*, *R. ridibunda*, *R. saharica*, *R. shqipericana*, *R. shuchinae*, *R. terentievi*, *R. tenggerensis*); and the *Rana*

ridibunda-Rana lessonae hybridogenetic complex species R. esculenta and R. hispanica.

(v) In the family Ambystomatidae: Mole salamanders. In the genus *Ambystomata*: *A. californiense*, *A. laterale*, *A. opacum*, *A. rosaceum*, *A. tigrinum*, except for the native species *A. tigrinum mavortium* Western tiger salamander, and *A. tigrinum melanostictum* Tiger salamander.

(vi) In the family Amphiumidae one, two, and three toed salamanders or congo eels: All members of the genus *Amphiuma*.

(vii) In the family Cryptobranchidae: Giant salamanders and hellbenders, all members of the genera *Andrias* and *Cryptobranchus*.

(viii) In the family Dicamptodontidae, American giant salamanders, all members of the genus *Dicamptodon*, except for the native species: *Dicamptodon tenebrosus*, Pacific giant salamander, and *Dicamptodon copei*, Cope's giant salamander.

(ix) In the family Hynobiidae: Mountain salamanders, all members of the genera *Batrachuperus*, *Hynobius*, *Liua*, *Onychodactylus*, *Pachyhynobius*, *Pseudohynobius*, *Ranodon*, and *Salamandrella*.

(x) In the family Plethodontidae, subfamily Desmognathinae: All members of the genus *Desmognathus*, dusky salamander.

(xi) In the family Plethodontidae, subfamily Plethodontinae: All members of the genera *Aneides* (climbing salamanders); *Batrachoseps* (slender salamanders); *Eurycea* (American brook salamanders); *Gyrinophilus* (cave salamanders); *Hemidactylium* (four-toed salamanders); *Hydromantes* (web-toed salamanders); *Plethodon* (woodland and slimy salamanders); *Pseudotriton* (mud or red salamanders), and *Speleomantes* (European salamanders).

(xii) In the family Proteidae, mudpuppies, all members of the genus *Necturus* and *Proteus*.

(xiii) In the family Salamandridae: Newts, all members of the genera *Chioglossa*; *Eichinotriton* (mountain newts); *Euproctus* (European mt. salamander); *Neurergus* (Kurdistan newts); *Notophthalmus* (red-spotted newts); *Pachytriton* (Chinese newts); *Paramesotriton* (warty newts); *Salamandrina* (speckled salamander); *Taricha* except for the native species *Taricha granulosa granulosa* the Northern rough-skinned newt, and *Triturus* (alpine newts).

(xiv) In the family Sirenidae, sirens, all species of the genera *Pseudobranchius* and *Siren*.

(b) Reptiles:

(i) In the family Chelydridae, snapping turtles, all species.

(ii) In the family Emydidae:

(A) Chinese pond turtles, all members of the genus *Chinemys*.

(B) Pond turtles, all members of the genus *Clemmys*.

(C) European pond turtle, *Emys orbicularis*.

(D) Asian pond turtle, all members of the genus *Mauremys*.

(iii) In the family Trionychidae, soft shell turtles, all species.

(c) Crustaceans:

(i) Family Cercopagidae:

(A) Fish hook water flea, *Cercopagis pengoi*.

(B) Spiny water flea, *Bythotrephes cederstroemi*.

(ii) Family Grapsidae: Mitten crabs: All members of the genus *Erochier*.

(iii) Family Cambaridae: Crayfish: All genera.

((A)) Red swamp crawfish, *Procambarus clarkii*.

(B) Rusty crawfish, *Oreonectes rusticus*.

(iv) Family Parastacidae: Crayfish: All genera.

(v) Family Portunidae: European green crab, *Carcinus maenas*.

((e)) (vi) Family Spheromatidae: Burrowing isopod, *Sphaeroma quoyanum*.

(d) Fish:

(i) Family Amiidae: Bowfin, grinnel, or mudfish, *Amia calva*.

(ii) Family Channidae: China fish, snakeheads: All members of the genus *Channa*.

(iii) Family Characidae: Piranha or caribe: All members of the genera *Pygocentrus*, ((Rooseveltiia)) *Rooseveltiella*, and *Serrasalmus*.

(iv) Family Clariidae: Walking catfish: All members of the family.

(v) Family Cyprinidae:

(A) Fathead minnow, *Pimephales promelas*.

(B) ((Grass)) Carp, Bighead, *Hypophthalmichthys nobilis*.

(C) Carp, Black, *Mylopharyngodon piceus*.

(D) Carp, Grass (in the diploid form), *Ctenopharyngodon idella*.

((C)) (E) Carp, Silver, *Hypophthalmichthys molitrix*.

(F) Ide, silver orfe or golden orfe, *Leuciscus idus*.

((D)) (G) Rudd, *Scardinius erythrophthalmus*.

(vi) Family Gobiidae: Round goby, *Neogobius melanostomus*.

(vii) Family Esocidae: Northern pike, *Esox lucius*.

(viii) Family ((Lepisosteidae)) *Lepisosteidae*: Gar-pikes: All members of the family.

((H)) (e) Mammals:

Family Myocastoridae: Nutria, *Myocastor coypu*.

((e)) (f) Molluscs:

(i) Family Dreissenidae: Zebra mussels: All members of the genus *Dreissena* and all species known as quagga.

(ii) Family Gastropoda: New Zealand mud snail, *Potamopyrgus antipodarum*.

(2) Regulated aquatic animal species. The following species are classified as regulated aquatic animal species:

(a) Crustaceans:

All nonnative crustaceans classified as shellfish.

(b) Fish:

(i) All nonnative fish classified as food fish and game fish.

(ii) Family Cichlidae: Tilapia: All members of the genera *Tilapia*, *Oneochromis*, and *Sartheradon*.

(iii) Family Clupeidae: Alewife, *Alosa pseudoharengus*.

(iv) Family Cyprinidae:

(A) Common carp, koi, *Cyprinus carpio*.

(B) Goldfish, *Carassius auratus*.

(C) Tench, *Tinca tinca*.

(D) Grass carp (in the triploid form), *Ctenopharyngodon idella*.

(v) Family Poeciliidae: Mosquito fish, *Gambusia affinis*.

(c) Molluscs:

(i) All nonnative molluscs classified as shellfish.

(ii) Family Psammobiidae: Mahogany clam or purple varnish clam, *Nuttalia obscurata*.

(3) Unregulated aquatic animal species. The following species are classified as unregulated aquatic animal species: None.

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.

WSR 03-21-174
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 22, 2003, 11:39 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-18-008.

Title of Rule: Personal use fishing rules and housekeeping changes.

Purpose: Provide seasons for 2004-2005 recreational fishery.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: WAC 220-12-020, the classified shellfish list is amended to delete the red abalone, which does not exist in Washington state, update the taxonomic names, add species that have become established (Mediterranean mussel, varnish clam), delete a noncommercial sea cucumber species, effectively reducing the daily limit from twenty-five to ten, and grouping species where listing an individual species is not helpful (all macoma clams, all squid).

WAC 220-16-270, the shrimp districts definition is amended to clarify the Port Townsend district stops at the north end of the Port Townsend ship canal.

WAC 220-16-550, Octopus Hole Conservation Area is amended to include tidelands, preventing a rock fish fishery from occurring from shore.

WAC 220-16-800, hardshell clams are defined. This term is used several times in the WACs, but was undefined. This is a housekeeping measure.

WAC 220-16-810, "in a wild state" is defined. This term is used in both WAC and RCW, but was not defined. This is a housekeeping measure and clarifies which marine clams are included in the recreational daily limit.

WAC 220-56-100, nonbuoyant lure restriction is clarified, and hooks are not allowed above a floating lure, in order to prevent snagging.

WAC 220-56-115, single barbless hooks are proposed for marine waters to prevent use of treble hooks to snag salmon.

WAC 220-56-118, a new rule is proposed on handling fish. This rule incorporates the current prohibition on removal of oversize sturgeon from the water, applies this to six-gill shark, and for salmon and steelhead provides either no removal from the water (freshwater) or no landing aboard

a boat (saltwater). These fish handling rules are intended to prevent damage to fish that have to be released.

WAC 220-56-150, this housekeeping rule clarifies that designated harvesters can take fish and shellfish other than razor clams.

WAC 220-56-215, the freshwater snagging prohibition is expanded to all fish, and what constitutes the head of the fish is clarified. This proposal is intended to protect steelhead.

WAC 220-56-232, this new rule proposes no vessel angling for bottomfish unless a halibut, lingcod, or salmon season is open, and no retention of bottomfish taken by shore angling unless such seasons are open. This rule is intended to allow bottomfish harvest only during periods that there are observers available.

WAC 220-56-235, this proposal is intended to protect rockfish, and proposes either a zero rockfish limit or a proposal for no spearfishing for rockfish. These proposals, together with WAC 220-56-232, form a series of options to protect rockfish.

WAC 220-56-250, a later lingcod season is proposed to coincide with salmon seasons, when department observers are available.

WAC 220-56-282, this proposal moves the sturgeon closures into WAC 232-28-619 and deletes the sturgeon handling rule now incorporated in new WAC 220-56-118, and establishes a seal and tag requirement to retain sturgeon. This is intended to provide a better accounting of sturgeon harvest.

WAC 220-56-310, this proposal changes the special limit in the Discovery Bay shrimp district, and clarifies the crab daily limit when fishing from the Columbia River north jetty.

WAC 220-56-315, the night closure on shellfish gear is clarified. This is a housekeeping measure.

WAC 220-56-325, the state shrimp seasons are amended to a standard Puget Sound season except for the shrimp districts, which have their own openings, and a standard ocean season. This proposal is intended to provide shrimpers with a date certain to plan shrimping activity.

WAC 220-56-330, crab season openings are reestablished for Puget Sound, using the knowledge of differential molting periods. This proposal is intended to provide crabbers with a date certain to plan crabbing activity. The Columbia River crab fishing season is clarified.

WAC 220-56-335, this proposal clarifies the size limit when fishing from the Columbia River north jetty.

WAC 220-56-350 and 220-56-380, preliminary clam and oyster seasons are proposed. This proposal will be modified as more information becomes available, and additional information will be available at the public hearing.

WAC 232-12-019, the tiger trout is classified. This trout now becomes part of the trout daily limit.

WAC 232-12-168, the vessel limit on lakes in bass and walleye contests is clarified. This is a housekeeping measure.

WAC 232-12-619, the limit on eastern brook trout is eliminated.

WAC 232-28-619, season and limits are amended to reflect expected harvest opportunity. Of particular note: A

trophy crappie fishery is established for fifteen lakes; the steelhead limit is expanded in six southeast Washington streams; a catch and release fishery is proposed for the Cedar River; a hatchery steelhead only fishery is established on eighteen rivers; motorized vessels are prohibited on the upper Satsop and Wynochee rivers.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; 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: See Summary above.

Proposal does not change existing rules. See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Fort Worden State Park Conference Center, Port Townsend, Washington, on December 5-6, 2003, begins 8:00 a.m. on December 5, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by November 24, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by November 28, 2003.

Date of Intended Adoption: December 5, 2003.

October 22, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 03-24, filed 2/14/03, effective 5/1/03)

WAC 220-12-020 Shellfish—Classification. The following species are classified as shellfish under RCW 75.08.080 and are subject to the provisions of this title:

Abalone

~~((Red abalone~~ *Haliotis refeseens*))

Pinto abalone *Haliotis kamtschatkana*

Mussel

Blue mussel ~~((*Mytilus edulis*))~~ *Mytilus trossulus*

California mussel ~~((*Mytilis*))~~ *Mytilus californianus*

Mediterranean mussel *Mytilus galloprovincialis*

Scallops

Pacific pink scallop *Chlamys rubida*

Rock scallop *Crassadoma gigantea*

Spiny scallop *Chlamys hastata*

Weathervane scallop *Patinopecten caurinus*

Clams

~~((Bent nose clam~~ *Macoma seeta*))

All ~~((other))~~ macoma clams *Macoma spp.*

Butter clam *Saxidomus giganteus*

Common cockle *Clinocardium* ~~((*nuttalli*))~~ *nuttalli*

Geoduck ~~((*Panope*))~~ *Panopea abrupta*

Horse or Gaper clam *Tresus* ~~((*nuttalli*))~~ *nuttalli*,
Tresus capax

Mud or soft shell clam *Mya arenaria*

Manila clam ~~((*Tapes*))~~ *Venerupis philippinorum*

Piddock *Zirfaea pilsbryi*

Razor clam *Siliqua patula*

Rock or native little neck clam *Protothaca staminea*

Varnish clam *Nuttallia obscurata*

All other ~~((native))~~ marine clams existing in Washington in a wild state

Oysters

~~((Eastern oyster~~ *Crassostrea virginica*

~~Olympia or native oyster~~ *Ostrea lurida*

~~Pacific oyster~~ *Crassostrea gigas*

~~Kumamoto oyster~~ *Crassostrea gigas (kumamoto)*

~~European oyster~~ *Ostrea edulis*))

All ~~((other))~~ oysters (*Ostreidae*)

Squid

~~((Pacific Coast squid~~ *Loligo opalescens*

~~Nail squid~~ *Onychoteuthis borealijaponica*

~~Flying squid~~ *Ommastrephes bartramai*))

All ~~((other))~~ squid ~~((*Sepioidea* or *Teuthoiden*))~~

Sepiolida or *Teuthida*

Octopus

Octopus ~~((*Octopus dofleini*))~~ *Enteroctopus dofleini*

Barnacles

Goose barnacle *Pollicipes polymerus*

Shrimp

Coonstripe shrimp *Pandalus danae*

Coonstripe shrimp *Pandalus hypsinotus*

Ghost or sand shrimp ~~((*Callinassa*))~~ *Neotrypaea spp.*

Humpy shrimp *Pandalus goniurus*

Mud shrimp *Upogebia pugettensis*

Ocean pink shrimp *Pandalus jordani*

Pink shrimp *Pandalus* ~~((*borealis*))~~ *eous*

Sidestripe shrimp *Pandalopsis dispar*

Spot shrimp *Pandalus platyceros*

PROPOSED

Crab

Dungeness or Pacific crab	<i>Cancer magister</i>
Red rock crab	<i>Cancer productus</i>
Tanner crab	<i>Chionoecetes tanneri</i>
King and box crab	<i>Lopholithodes spp.</i>

Crawfish

Crawfish	<i>Pacifastacus sp.</i>
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Sea cucumber

Sea cucumber	<i>Parastichopus californicus</i>
((Sea cucumber	<i>Cucumaria miniata</i>))

Sea urchin

Green urchin	<i>Strongylocentrotus droebachiensis</i>
Red urchin	<i>Strongylocentrotus franciscanus</i>
Purple urchin	<i>Strongylocentrotus purpuratus</i>

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.

AMENDATORY SECTION (Amending Order 03-180, filed 8/6/03, effective 9/6/03)

WAC 220-16-270 Puget Sound Shrimp Districts. The following areas shall be defined as Puget Sound Shrimp Districts:

(1) Discovery Bay Shrimp District - All waters south of a line from McCurdy Point on the Quimper Peninsula to the northern tip of Protection Island, then to Rocky Point on the Miller Peninsula, and including all waters of Discovery Bay.

(2) Port Angeles Shrimp District - All waters of Port Angeles Harbor west of a line from the eastern tip of Ediz Hook to the ITT-Rayonier dock.

(3) Sequim Bay Shrimp District - All waters of Sequim Bay south of a line projected west from Travis Spit on the Miller Peninsula.

(4) Hood Canal Shrimp District - All waters of Hood Canal south of the Hood Canal Floating Bridge.

(5) Carr Inlet Shrimp District - All waters of Carr Inlet north of a line from Penrose Point to Green Point.

(6) Port Townsend Shrimp District - All waters of Port Townsend Bay south and west of a line from Marrowstone Point to Point Hudson, and north of the Port Townsend ship canal including Kilisut Harbor.

AMENDATORY SECTION (Amending Order 99-102, filed 7/20/99, effective 8/20/99)

WAC 220-16-550 Octopus Hole Conservation Area. "Octopus Hole Conservation Area" is defined as those waters, tidelands, and bedlands of Hood Canal within a line projected due east from the western shore of Hood Canal on latitude 47°27'01"N for 200 yards, thence southerly 628 yards parallel to the high water mark to latitude 47°26'40", thence due west to shore ~~((, but excluding those tidelands, bedlands and waters within 100 feet of the high water mark))~~.

NEW SECTION

WAC 220-16-800 Hardshell clam. "Hardshell clam" means all clams classified as shellfish under WAC 220-12-020 except geoduck clams, horse clams, and mud or softshell clams.

NEW SECTION

WAC 220-16-810 In a wild state. "In a wild state," when used to describe a population of animals, means the population is naturally reproducing within the state.

AMENDATORY SECTION (Amending Order 03-211, filed 8/20/03, effective 9/20/03)

WAC 220-56-100 Definitions—Personal-use fishing. The following definitions apply to personal use fishing in Titles 220 and 232 WAC:

(1) "Bait" means any substance which attracts fish by scent or flavors. Bait includes any lure which uses scent or flavoring to attract fish.

(2) "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

(3) "Bow and arrow fishing" means any method of taking, or attempting to take, fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

(4) "Buoy 10 line" means a true north-south line projected through Buoy 10 at the mouth of the Columbia River. "Buoy 10 fishery" means a fishery between a line in the Columbia River from Tongue Point in Oregon to Rocky Point in Washington and the Buoy 10 line.

(5) "Channel Marker 13 line" means a true north-south line through Grays Harbor Channel Marker 13.

(6) "Daily limit" means the maximum number or pounds of fish, shellfish, or seaweed of the required size of a given species or aggregate of species which a person may retain in a single day.

(7) "Fresh" means fish or shellfish that are refrigerated, iced, salted, or surface glazed.

(8) "Freshwater area" means:

(a) Within any freshwater river, lake, stream or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream or pond.

(9) "Frozen" means fish or shellfish that are hard frozen throughout.

(10) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(11) "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish means a fish missing an adipose fin or a ventral fin with a healed scar at the location of the missing fin.

(12) "Hook" means one single, double or treble hook. A "single hook" means a hook having a single point. A "double hook" means a hook having two points on a common shank.

A "treble hook" means a hook having three points on a common shank.

(13) "Hook and line" or "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with three hooks attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottom fish, "angling" and "jigging" shall be identical in meaning.

(14) "In the field or in transit" means at any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motor home or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(15) "Juvenile" means a person under fifteen year of age.

(16) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent or flavoring to attract fish. "Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

(17) "Night closure" means closed to fishing from one hour after official sunset to one hour before official sunrise.

(18) "Nonbuoyant lure restriction" means nonbuoyant lures may have only one single hook measuring not more than 3/4 inch point to shank, no weights may be attached below or less than twelve inches above a buoyant lure, and all hooks must be attached to or no more than three inches below a buoyant lure or within three inches of ((the)) bait or a non-buoyant lure. No hook may be attached to the line above a buoyant lure.

(19) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(20) "Processed" means fish or shellfish which have been processed by heat for human consumption as kippered, smoked, boiled, or canned.

(21) "Seasonal wild steelhead limit" means the maximum number of wild steelhead trout any one angler may retain from April 1st through the following March 31st.

(22) "Selective gear rules" means terminal fishing gear is limited to artificial flies with barbless single hooks or lures with barbless single hooks, bait is prohibited, and fishing from a floating device equipped with a motor is prohibited unless otherwise provided. Up to three hooks may be used. In waters under selective gear rules, fish may be released until the daily limit is retained.

(23) "Slough" means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Waters called sloughs that are not connected to a river are considered lakes.

(24) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(25) "Spearing" or "spear fishing" means an effort to take fish or shellfish by impaling the fish or shellfish on a shaft, arrow or other device.

(26) "Stationary gear restriction" means the line and weight and lure or bait must be moving while in the water. The line and weight and lure or bait may not be stationary.

(27) "Whitefish gear rules" means terminal fishing gear is restricted to one single hook, maximum hook size three-sixteenths inch point to shank (hook size 14), and bait is allowed. All species: Release all fish except whitefish.

(28) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish means a fish with all fins intact.

AMENDATORY SECTION (Amending Order 02-53A, filed 4/3/02, effective 5/4/02)

WAC 220-56-115 Angling—Lawful and unlawful acts. (1) It is unlawful for any person to use more than one line with three hooks while angling for personal use except:

(a) It is unlawful to use more than 2 single barbless hooks while fishing in Marine Areas 1-4, except for forage fish jigger gear.

(b) It is unlawful to use more than two single barbless hooks while fishing in Marine Areas 5-13, except for forage fish jigger gear.

(c) It is lawful to use forage fish jigger gear as provided for in WAC 220-56-265 in Marine Areas 1-13 and the Columbia River downstream from a line between Rocky Point and Tongue Point, and squid jig gear as provided for in WAC 220-56-390 in Marine Areas 1-13.

(d) A second line using forage fish jigger gear is lawful while fishing in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13.

(2) It shall be unlawful for any person to take, fish for or possess fish taken for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel except as follows:

(a) It is lawful to leave the pole in a pole holder while playing or landing the fish if the pole is capable of being readily removed from the pole holder.

(b) It is lawful to use an electric power-operated reel designed for sport fishing attached to a pole.

(c) It is lawful to fish for or possess salmon taken for personal use with hand lines (lines not attached to a handheld pole) except use of hand lines is unlawful in those waters west of the mouth of the Sekiu River, the Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(3) It shall be unlawful for any person while angling to fail to keep his angling gear under his direct and immediate physical control.

(4) In areas where a saltwater license is valid, each fisher aboard a vessel may continue to deploy angling gear or shellfish gear until the daily limit of food fish or shellfish for all licensed and juvenile anglers aboard has been retained.

NEW SECTION

WAC 220-56-118 Fish handling rules—Removal from water. In order to protect fish that are required to be released:

PROPOSED

(1) It is unlawful to totally or partially remove oversize sturgeon from the water.

(2) It is unlawful to totally or partially remove six-gill shark from the water.

(3) In all freshwater areas, except the Columbia River downstream from a line between Rocky Point and Tongue Point, it is unlawful to totally remove salmon or steelhead from the water if it is unlawful to retain those salmon or steelhead.

(4) In Marine Areas 5 through 13, Grays Harbor, Willapa Bay, and in the Columbia River downstream from a line between Rocky Point and Tongue Point, it is unlawful to bring salmon or steelhead aboard a vessel if it is unlawful to retain those salmon or steelhead.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-56-150 Unlawful to take another's limit. It is unlawful for any person to catch, dig or possess food fish or shellfish for another person except (~~razor clams~~) designated harvesters as provided in WAC (~~220-56-370~~) 220-55-065.

NEW SECTION

WAC 220-56-232 Bottomfish seasons. (1) It is lawful to fish for and retain bottomfish from shore and from fishing piers the entire year, except that it is unlawful to retain rockfish unless a halibut, lingcod, or salmon season is open in the waters being fished.

(2) It is unlawful to fish for or retain bottomfish taken from a vessel unless a halibut, lingcod, or salmon season is open in those waters being fished.

AMENDATORY SECTION (Amending Order 03-178, filed 8/6/03, effective 9/6/03)

WAC 220-56-235 Possession limits—Bottomfish. It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time shall not exceed the equivalent of two daily limits in fresh, frozen or processed form. (~~Unless otherwise provided bottomfish fishing is open the entire year.~~)

(1) Coastal (Catch Record Card Areas 1 through 4) - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

- (a) Lingcod - 2 fish minimum length 24 inches.
- (b) Rockfish - 10 fish of which no more than 1 may be a canary rockfish. Release all yelloweye rockfish.
- (c) Surfperch (excluding shiner perch) - 15 fish.
- (d) Wolfeel - 0 fish from Catch Record Card Area 4.
- (e) Cabezon - 2 fish east of the Bonilla-Tatoosh line.

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card Areas 5 and 6 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish((, except canary and yelloweye rockfish except	1 fish
May 1 through September 30 in Marine Area 5 west of Slip Point	3 fish of which no more than 1 may be other than black rockfish, and release canary and yelloweye rockfish))
	0 fish
Surfperch	10 fish
Pacific cod	2 fish
Pollock	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pacific hake	2 fish

(b) Catch Record Card Area 7 - 15 fish in the aggregate of all species of bottomfish, which may include no more than:

Rockfish((, except canary and yelloweye rockfish	1)) 0 fish
Surfperch	10 fish
Pacific cod	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pollock	2 fish
Pacific hake	2 fish

(c) Catch Record Card Areas 8-1 through 13 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish((, except canary and yelloweye rockfish	1)) 0 fish
Surfperch	10 fish
Pacific cod	0 fish
Pollock	0 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pacific hake	0 fish

(d) It is unlawful to possess lingcod taken by angling less than 26 inches in length or greater than 40 inches in length.

(e) The daily limit taken by spear fishing may include no more than one lingcod. There is no size restriction on the one lingcod allowed in the daily limit if taken by spear fishing.

(f) It is unlawful to retain cabezon taken from Catch Record Card Areas 5 through 13 from December 1 through April 30.

(g) It is unlawful to retain six-gill shark taken from Catch Record Card Areas 5 through 13.

(h) It is unlawful to retain canary rockfish taken from Catch Record Card Areas 5 through 13.

(i) It is unlawful to retain yelloweye rockfish taken from Catch Record Card Areas 1 through 13.

(j) It is unlawful to take rockfish by spear fishing.

AMENDATORY SECTION (Amending Order 03-24, filed 2/14/03, effective 5/1/03)

WAC 220-56-250 Lingcod—Areas and seasons. It is unlawful to take, fish for or possess lingcod for personal use except during the seasons and within the areas herein provided:

(1) Coastal area (a) Catch Record Card Areas 1 through 3 - March 16 through October 15, (b) Catch Record Card Area 4 - April 16 through October 15.

(2) Catch Record Card Areas 5 through 13 - ~~((May))~~ August 1 through ((June)) September 15 by angling and ~~((May))~~ August 21 through ((June)) September 15 by spear fishing.

AMENDATORY SECTION (Amending Order 03-209, filed 8/20/03, effective 9/20/03)

WAC 220-56-282 Sturgeon—Areas, seasons, limits and unlawful acts. (1) It is lawful to fish for sturgeon the entire year in saltwater and open in freshwater concurrent with a salmon or gamefish opening unless otherwise provided ~~((except~~:

~~(a) It is unlawful to fish for sturgeon from a floating device May 1 through July 15 downstream from the boating deadline below Bonneville Dam to markers on the Oregon and Washington shores of the Columbia River at Beacon Reef;~~

~~(b) It is unlawful to fish for sturgeon inside the south navigation lock at Bonneville Dam from a marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore;~~

~~(c) It is unlawful to fish for sturgeon in those waters of the Columbia River between the upstream line of Bonneville Dam and the lowermost Bonneville power line crossing, except when fishing with hand-casted hook and line gear from the mainland shore downstream of a line from a fishing boundary on the Washington shore approximately three-quarters of a mile below the dam to the downstream end of Cascade Island, thence to the Oregon fishing boundary marker on Bradford Island, located approximately 850 feet downstream from the fish ladder entrance; and~~

~~(d) It is unlawful to retain sturgeon taken downstream from the Wauna power lines at River Mile 40 during the period July 10 through September 30).~~

(2) The daily limit is one sturgeon, with the following size restrictions:

(a) Minimum size 48 inches in length in the Columbia River and tributaries upstream from The Dalles Dam.

(b) Minimum size 42 inches in length in all other state waters.

(c) Maximum size 60 inches in length.

Once the daily limit has been retained, it is lawful to continue to fish for sturgeon in the mainstem of the Columbia River downstream from where the river forms the boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(3) The possession limit is two daily limits of fresh, frozen or processed sturgeon.

(4) There is an annual personal-use limit of ten sturgeon from April 1 through March 31, regardless of where the sturgeon were taken. After the annual limit of sturgeon has been taken, it is lawful to continue to fish for sturgeon in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(5) It is unlawful to fish for sturgeon with terminal gear other than bait and single barbless hooks. It is lawful to use artificial scent with bait when fishing for sturgeon.

(6) It is unlawful to fish for or possess sturgeon taken for personal use from freshwater, except the Chehalis River, from one hour after official sunset to one hour before official sunrise.

(7) It is unlawful to possess in the field sturgeon eggs without having retained the intact carcass of the fish from which the eggs have been removed.

(8) It is unlawful to use a gaff or other fish landing aid that penetrates the fish while restraining, handling or landing a sturgeon.

(9) It is unlawful to fail to immediately return to the water any undersize sturgeon.

~~((10) It is unlawful to totally or partially remove over-size sturgeon from the water.))~~

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 220-56-310 Shellfish—Daily limits. It is unlawful for any one person to take in any one day for personal use more than the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, other than razor clams, geoduck clams and horse clams, 40 clams in the aggregate, or 10 pounds, whichever is achieved first except:

(a) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance - diggers may additionally retain up to 20 pounds of eastern softshell clams in the shell.

(b) Willapa Bay - diggers may additionally retain up to twenty-four cockles.

(2) Razor clams: 15 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: 7 clams.

(5) Oysters: 18 oysters, shucked and the shells left on the beach. Minimum size before shucking two and one-half inches along the longest dimension of the shell.

(6) Rock scallops: 12 scallops.

(7) Sea scallops: 12 scallops (over 4 inches).

(8) Common or pink scallops: 10 pounds or 5 quarts in the shell.

(9) Shrimp:

(a) In all ~~((Puget Sound))~~ waters - total weight 10 pounds ~~((;))~~ and fishers must retain the heads of all shrimp taken while in the field except in the Hood Canal and Port Angeles Shrimp Districts. Spot shrimp: Maximum 80 shrimp as part of the 10 pound limit. Spot shrimp minimum size one and three-sixteenths inch from the base of the eyestalk to the top rear edge of the carapace except in the Hood Canal and Port Angeles Shrimp Districts.

(b) ~~((In the Discovery Bay Shrimp District - Spot shrimp: Maximum 50 shrimp as part of the 10 pound limit.~~

~~((e)))~~ In the Port Angeles Shrimp District - Spot shrimp: No minimum size.

~~((d)))~~ (c) In the Hood Canal Shrimp District - 80 shrimp regardless of weight. No minimum size for spot shrimp. Fishers are not required to retain the heads of shrimp.

(10) Octopus: 1 octopus.

(11) Pinto abalone: Closed statewide.

(12) Crawfish: 10 pounds in the shell. Minimum size 3 1/4 inches from tip of rostrum to tip of tail. Female crawfish with eggs or young attached to the abdomen must be released immediately.

(13) Squid: 10 pounds or 5 quarts.

(14) Sea cucumbers: 25 sea cucumbers.

(15) Red sea urchins: 18 sea urchins.

(16) Purple sea urchins: 18 sea urchins.

(17) Green sea urchins: 36 sea urchins.

(18) Dungeness crabs:

(a) In all waters except the Columbia River and when fishing from the north jetty of the Columbia River - 6 male crabs.

(b) In the Columbia River or when fishing from the north jetty of the Columbia River - 12 male crabs.

(19) Red rock crabs: 6 crabs.

(20) Blue mussels and sea mussels: 10 pounds in the shell.

(21) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

(22) Ghost and mud shrimp: 10 dozen.

(23) King and box crab: Closed statewide.

AMENDATORY SECTION (Amending Order 02-224, filed 9/6/02, effective 10/7/02)

WAC 220-56-315 Crabs, shrimp, crawfish—Unlawful acts. (1) It is unlawful to take and possess crabs, shrimp, and crawfish taken for personal use except by hand or with hand dip nets, ring nets, shellfish pots, and any hand-operated instrument that will not penetrate the shell.

(2) It is unlawful to use more than two units of gear at any one time except:

(a) In Puget Sound waters other than Hood Canal Shrimp District it is unlawful to use at any one time more than two units of crab gear and two additional units of shrimp gear.

(b) In Hood Canal Shrimp District it is unlawful to use more than one shrimp pot and a total of two star traps or ring nets during the Hood Canal shrimp season.

(c) It is unlawful for the operator of any boat from which shrimp pots are set or pulled in Catch Record Card Areas 4 through 13 to have on board or to fish more than four shrimp pots.

(d) In the Columbia River it is unlawful to use more than three units of crab gear.

(3) It is unlawful for any person to operate a shellfish pot not attached to a buoy bearing that person's name, except that a second person may assist the pot owner in operation of the gear.

(4) It is unlawful to salvage or attempt to salvage shellfish pot gear from Hood Canal that has been lost without first obtaining a permit authorizing such activity issued by the director, and it is unlawful to fail to comply with all provisions of such permit.

(5) It is unlawful to fish for or possess crab taken for personal use from the waters of Fidalgo Bay within 25 yards of the Burlington Northern Railroad trestle connecting March Point and Anacortes.

(6) It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Padilla Bay or Swinomish Slough within 25 yards of the Burlington Northern Railroad crossing the northern end of Swinomish Slough except from one hour before official sunrise to one hour after official sunset.

(7) It is unlawful to dig for or possess ghost or mud shrimp taken for personal use by any method except hand operated suction devices or dug by hand.

(8) One unit of gear is equivalent to one ring net or one shellfish pot.

(9) Each unit of gear must be attached to its own buoy line and have a separate buoy for each unit of gear.

(10) No fisher may set or pull shellfish pots ~~((except crawfish pots))~~, ring nets or star traps from a vessel in all state waters from one hour after official sunset to one hour before official sunrise except this subsection does not apply to crawfish pots.

(11) It is unlawful to possess soft-shelled crab for any personal use purpose. Violation of this subsection shall be an infraction, punishable under RCW 77.15.160.

AMENDATORY SECTION (Amending Order 03-24, filed 2/14/03, effective 5/1/03)

WAC 220-56-325 Shrimp—Areas and seasons. (1) ~~((The following areas shall be defined as shrimp fishing districts:~~

~~((a) Discovery Bay Shrimp District—All waters south of a line from McCurdy Point on the Quimper Peninsula to the northern tip of Protection Island, to Rocky Point on the Miller Peninsula, and including all waters of Discovery Bay;~~

~~((b) Port Angeles Shrimp District—All waters of Port Angeles Harbor west of a line from the eastern tip of Ediz Hook to the IFT Rayonier dock;~~

~~((c) Sequim Bay Shrimp District—All waters of Sequim Bay south of a line projected west from Travis Spit on the Miller Peninsula;~~

~~((d) Hood Canal Shrimp District—All waters of Hood Canal south of the Hood Canal Floating Bridge;~~

~~(e) Carr Inlet Shrimp District—All waters of Carr Inlet north of a line from Penrose Point to Green Point;~~

~~(f) Port Townsend Shrimp District—All waters of Port Townsend Bay south and west of a line from Marrowstone Point to Point Wilson, including Kilisut Harbor.~~

~~(2))~~ It shall be unlawful to fish for or possess shrimp taken for personal use from the following areas, except as otherwise provided in this section:

(a) Discovery Bay Shrimp District - Open ~~((7:00))~~ 9:00 a.m. through 1:00 p.m., beginning the first Saturday in June and open only on days set by emergency rule;

(b) Port Angeles Shrimp District - Open ~~((7:00))~~ 9:00 a.m. through 1:00 p.m., beginning the first Saturday in June ((through September 30)) and open only on days set by emergency rule;

(c) Hood Canal Shrimp District - Open 9:00 a.m. through 1:00 p.m., beginning on the third Saturday in May and open only on days set by emergency rule;

(d) Port Townsend Shrimp District ~~((and Marine Area 10))~~ - Open ~~((7:00))~~ 9:00 a.m. through 1:00 p.m., beginning the third Saturday in April and open only on days set by emergency rule;

(e) ~~((All other))~~ Marine Area(s) 4 east of the Bonilla-Tatoosh line and Marine Areas 5 through 13, except for Shrimp Districts - Open 7:00 a.m. the third Saturday in April through October 15 except:

(i) Closed in Sequim Bay Shrimp District and Carr Inlet Shrimp District.

(ii) Marine Areas 8-1, 8-2, and 9 closed Monday through Wednesday of each week during the open period;

(f) Marine Areas 1 through 3 and Marine Area 4 west of the Bonilla-Tatoosh line - Open year-round.

~~((3))~~ (2) During the general shrimp seasons described above, it is unlawful to retain spot shrimp except as provided below:

(a) Discovery Bay Shrimp District - Spot shrimp may be retained on Saturdays only.

(b) Port Angeles Shrimp District - Spot shrimp may be retained on Saturdays and Sundays only.

(c) Marine Areas 8-1, 8-2, and 9 - Spot shrimp may be retained only as set by emergency rule.

(d) All other areas - Spot shrimp may be retained each open day.

AMENDATORY SECTION (Amending Order 01-24, filed 3/5/01, effective 5/1/01)

WAC 220-56-330 Crab—Areas and seasons. (1) It is unlawful to fish for or possess crab taken for personal use ~~((with shellfish pot gear or to have in the water, set or fish any shellfish pot gear except during the open shellfish pot gear season. The open shellfish pot gear season for crab in Puget Sound is year-around.~~

~~The open shellfish pot gear season in waters of the Pacific Ocean, Grays Harbor, Willapa Harbor, and waters of the Columbia River is December 1 through September 15.~~

~~(2) It is lawful to fish for and possess male Dungeness crabs taken for personal use the entire year in state waters.~~

~~(3) It is lawful to fish for and possess red rock crabs of either sex taken for personal use the entire year in state~~

waters)) from Puget Sound except during the following seasons:

(a) Marine Areas 4 east of the Bonilla-Tatoosh line, 5, 6, 9, 10, 11, 12 and 13 - Open 7:00 a.m., June 1 through the last day in February.

(b) Those waters of Marine Area 7 south of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island, and east of a line that extends from the Anacortes ferry dock at Shannon Point, northward to the southeastern tip of Sinclair Island, thence from the northernmost tip of Sinclair Island through Lummi Rocks to Lummi Island - Open 7:00 a.m. June 16 through March 15.

(c) Those waters of Marine Area 7 north and east of a line projected from Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island, running along the northern shoreline of Patos Island and from the westernmost point of Patos Island due west to the international boundary and north of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island - Open 7:00 a.m. August 16 through April 15.

(d) Those waters of Marine Area 7 south and west of a line projected from Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island, running along the northern shoreline of Patos Island and from the westernmost point of Patos Island due west to the international boundary; and westerly of a straight line from the northernmost tip of Sinclair Island through Lummi Rocks to Lummi Island; and west of a line projected from the southeast point of Sinclair Island to the ferry dock at Shannon Point - Open 7:00 a.m. June 16 through last day in February.

(e) Marine Area 8-1 - Open 7:00 a.m., June 1 through September 30.

(f) Marine Area 8-2 - Open 7:00 a.m., May 16 through September 30.

(2) It is unlawful to fish for or possess crab taken for personal use with shellfish pot gear from Marine Areas 1, 2, 3, and Area 4 west of the Bonilla-Tatoosh line except during the period December 1 through September 15. Open to gear other than shellfish pot gear year-round.

(3) The Columbia River upstream from a line projected from the outermost end of the north jetty to the exposed end of the south jetty is open to crab fishing for personal use year-round.

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 220-56-335 Crab—Unlawful acts. (1) It is unlawful for any person to take or possess for personal use any female Dungeness crabs.

(2) It is unlawful to take or possess any male Dungeness crabs taken for personal use which measure less than the following sizes:

(a) In Puget Sound (all contiguous waters east of the Bonilla-Tatoosh Line) - 6 1/4 inch minimum size.

(b) In coastal waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters except when fishing from the north jetty of the Columbia River, Grays Harbor, Willapa Bay - 6 inch minimum size.

(c) In the Columbia River and when fishing from the north jetty of the Columbia River - 5 3/4 inch minimum size.

(3) It is unlawful to take or possess any red rock crabs taken for personal use that measure less than five inches.

(4) All measurement shall be made at the widest part of the shell (caliper measurement) immediately in front of the points (tips).

(5) It is unlawful to possess in the field any crab or parts thereof without retaining the back shell.

AMENDATORY SECTION (Amending Order 03-24, filed 2/14/03, effective 5/1/03)

WAC 220-56-350 Clams other than razor clams, cockles, borers, mussels—Areas and seasons. (1) It is lawful to take, dig for and possess clams, cockles, borers and mussels taken for personal use on Puget Sound the entire year except that public tidelands at the following beaches are closed unless otherwise provided:

(a) Ala Spit: Closed the entire year.

(b) Brown Point (DNR 57-B): Open January 1 through April 15.

(c) Cama Beach State Park: Closed the entire year.

(d) Camano Island State Park: Closed the entire year.

(e) Cline Spit: Closed the entire year.

(f) Cutts Island State Park: Open January 1 through June 15.

(g) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of clams the entire year except as follows:

(i) State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires.

(ii) State-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

(iii) State-owned tidelands from markers and signs posted immediately north of the community of Lindsays Beach north to a line immediately north of Broad Spit identified by markers and signs.

(h) Dosewallips State Park: Open March 1 through May 31 only in area defined by boundary markers and signs posted on the beach.

(i) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are open March 1 through December 31.

(j) Dungeness Spit and Dungeness National Wildlife Refuge Tidelands - Open May 15 through September 30.

(k) Eagle Creek: Open June 1 through July 15.

(l) Fort Flagler State Park including that portion of the spit west of the park boundary (Rat Island): Open April 1 through May 15.

(m) Freeland County Park - Open January 1 through June 30.

(n) Frye Cove County Park - Open January 1 through May 31.

(o) Garrison Bay: Tidelands at Guss Island and those tidelands at British camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed the entire year.

(p) Gertrude Island - All tidelands at Gertrude Island closed the entire year.

(q) Hoodspout: Tidelands at Hoodspout Salmon Hatchery are closed the entire year.

(r) Hope Island State Park (South Puget Sound): Open April 1 through April 30.

(s) Illahee State Park: Closed the entire year.

(t) Kayak Point County Park: Closed the entire year.

(u) Kitsap Memorial State Park: Open May 15 through June 15.

(v) Kopachuck State Park: Open June 1 through July 31.

(w) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.

(x) McNeil Island - All tidelands on McNeil Island are closed the entire year.

(y) Mukilteo State Park - Closed the entire year.

(z) Mystery Bay State Park: Open October 1 through April 30.

(aa) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of clams the entire year except state-owned Tidelands on the east side of North Bay north of the power transmission lines and south of the power transmission lines for 1,600 feet.

(bb) Oak Bay County Park: Open June 1 through June 15.

(cc) Oyster Reserves: Puget Sound and Willapa Bay state oyster reserves are closed the entire year except as follows:

(i) Case Inlet: Tidelands on the east side of North Bay at the north end of the inlet open the entire year.

(ii) North Bay: State-owned oyster reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of Case Inlet open the entire year.

(iii) Oakland Bay: Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers open the entire year.

(iv) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

(dd) Penrose Point State Park: Open April 1 through April 30.

(ee) Picnic Point County Park: Closed the entire year.

(ff) Pitship Point: Closed the entire year.

(gg) Pitt Island - All tidelands on Pitt Island are closed the entire year.

(hh) Point Whitney (excluding Point Whitney Lagoon): April 1 through April 30.

- (ii) Point Whitney Lagoon: Open May 1 through May 15.
- (jj) Port Townsend Ship Canal/Portage Canal: Open January 1 through April 30.
- (kk) Potlatch DNR tidelands: Closed the entire year.
- (ll) Potlatch East: Closed the entire year.
- (mm) Potlatch State Park: Closed the entire year.
- (nn) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.
- (oo) Quilcene Bay Tidelands - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed to the harvest of clams the entire year, except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open April 1 through December 31, daily from official sunrise to official sunset only.
- (pp) Rendsland Creek: Open January 1 through May 31.
- (qq) Saltwater State Park: Closed the entire year.
- (rr) Scenic Beach State Park - Open April 16 through June 15.
- (ss) Seahurst County Park: Closed the entire year.
- (tt) Sequim Bay State Park - Open May 1 through June 15.
- (uu) Shine Tidelands State Park: Open January 1 through May 15.
- (vv) South Indian Island County Park: Closed the entire year.
- (ww) Spencer Spit State Park: Open March 1 through July 31.
- (xx) Triton Cove Tidelands: Open July 15 through September 15.
- (yy) Triton Cove State Park: Open April 1 through June 30.
- (zz) Twanoh State Park: Closed the entire year.
- (aaa) West Dewatto: DNR Beach 44A is open January 1 through May 31.
- (bbb) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.
- (ccc) Wolfe Property State Park: Open January 1 through May 15.
- (2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.
- (3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

AMENDATORY SECTION (Amending Order 03-24, filed 2/14/03, effective 5/1/03)

WAC 220-56-380. Oysters—Areas and seasons.

((+)) It is lawful to take and possess oysters taken for personal use from public tidelands the entire year, except that public tidelands at the following beaches are closed unless otherwise provided:

- ((+)) (1) Brown Point (DNR 57-B): Closed the entire year.
- ((+)) (2) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of oysters the entire year, except as follows:
- ((+)) (a) State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires.
- ((+)) (b) State-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.
- ((+)) (c) State-owned tidelands from markers and signs posted immediately north of the community of Lindsays Beach north to a line immediately north of Broad Spit identified by markers and signs.
- ((+)) (3) Dosewallips State Park: Open March 1 through December 31 only in areas defined by boundary markers and signs posted on the beach.
- ((+)) (4) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are open to the harvest of oysters March 1 through December 31.
- ((+)) (5) Frye Cove County Park: Open January 1 through May 31.
- (6) Hoodspout: Tidelands at the Hoodspout Salmon Hatchery are closed the entire year.
- ((+)) (7) Hope Island State Park (South Puget Sound): Open April 1 through April 30.
- (8) Illahee State Park: Open May 1 through June 30.
- ((+)) (9) Kitsap Memorial State Park: Open May 15 through July 15.
- ((+)) (10) Kopachuck State Park: Open March 1 through July 31.
- ((+)) (11) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of oysters the entire year.
- ((+)) (12) Mystery Bay State Park: Open October 1 through April 30.
- ((+)) (13) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of oysters the entire year except for state-owned tidelands on the east side of North Bay north of the power transmission lines and south of the power transmission lines for 1,600 feet.
- ((+)) (14) Oyster Reserves: Puget Sound and Willapa Bay oyster reserves are closed the entire year except the following are open the entire year:
- ((+)) (a) Oakland Bay - Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bayshore Peninsula between department markers - open the entire year.
- ((+)) (b) North Bay - State-owned reserves on the east side of North Bay north of the power transmission lines.
- ((+)) (c) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

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~~((m))~~ (15) Penrose Point State Park: Open April 1 through April 30.

~~((n))~~ (16) Potlatch DNR Tidelands: Closed the entire year.

(17) Potlatch East: Open April 1 through June 30.

~~((o))~~ (18) Potlatch State Park: Open April 1 through June 30.

~~((p))~~ (19) Port Townsend Ship Canal/Portage Canal: Open January 1 through April 30.

(20) Quilcene Bay Tidelands - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open April 1 through December 31, daily from official sunrise to official sunset, only.

~~((q))~~ (21) Scenic Beach State Park: Open April 16 through July 30.

~~((r))~~ (22) Sequim Bay State Park: Open May 1 through June 15.

(23) Shine Tidelands State Park: Open January 1 through May 15.

(24) South Indian Island County Park: Closed the entire year.

(25) Triton Cove State Park: Open April 1 through June 30.

~~((s))~~ (26) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and the Nahcotta Tidelands Interpretive Site are open only between boundary markers and posted signs.

~~((t))~~ (27) Wolfe Property State Park: Open January 1 through May 15.

~~((2) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.))~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-370 Razor clams—Disability permits.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-56-215 Unlawful possession of snagged ~~((salmon))~~ fish taken in freshwater. It ~~((shall be))~~ is unlawful to possess ~~((salmon))~~ fish taken for personal use from freshwater areas that were not hooked inside the mouth or on the head, the head being defined as all parts of the fish anterior of the rear margin of the gill plate, except this rule does not apply to forage fish taken with forage fish jigger gear.

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 232-12-019 Classification of game fish. As provided in RCW 77.12.020 and in addition to those species identified in RCW 77.08.020 the following species of the class *Osteichthyes* are classified as game fish:

Scientific Name	Common Name
<i>Salvelinus confluentus</i>	Bull Trout
<i>Catostomus columbianus</i>	Bridgelip Sucker
<i>Catostomus macrocheilus</i>	Largescale Sucker
<i>Catostomus catostomus</i>	Longnose Sucker
<i>Catostomus platyrhynchus</i>	Mountain Sucker
<i>Ctenopharyngodon idella</i>	Grass Carp
<i>Esox lucius</i> and hybrids involving genus <i>Esox</i>	Northern Pike Tiger Muskellunge
<i>Meilocheilus caurinus</i>	Peamouth Chub
<i>Oncorhynchus tshawytscha</i> (in its landlocked form as defined in WAC 232-12-018)	Chinook salmon
<i>Oncorhynchus kisutch</i> (in its landlocked form as defined in WAC 232-12-018)	Coho salmon
<i>Pylodictus olivaris</i>	Flathead Catfish
<i>Ptychocheilus oregonensis</i>	Northern Pikeminnow
<i>Salmo trutta</i> and <i>Salvelinus</i> <i>fontinalis hybrid</i>	Tiger Trout

Northern pikeminnow lawfully taken may be offered for sale, sold, purchased or traded.

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 232-12-168 Fishing contests. (1) Contest defined: By definition, a fishing contest exists when 6 or more licensed persons fish competitively and determine winners, regardless of prize value.

(2) Application:

(a) Fishing contest permit applications should be submitted to the department by November 1 of each year for contests that are to take place the following calendar year. After November 1, applications must be submitted not less than 30 days prior to the date for which the contest is proposed.

(b) Applications must include the permit fee required by RCW 77.32.211. The fee will be returned if the permit is denied. No more than seven permits will be issued to any one permittee during a calendar year. The fee is \$24 per permit.

(c) For purposes of application for a fishing contest permit, "permittee" means a "person" as defined in RCW 77.08.010. All applications from a permittee must be in a single name.

(3) Approval:

(a) Fishing contests which adversely affect fish or wildlife resources or other recreational opportunity may be denied.

(b) Contests will not be allowed on sea-run cutthroat trout, Dolly Varden or bull trout.

(4) Prize value: Total prize value per contest will not exceed \$1,000 when trout, steelhead, char, whitefish, grayling, or kokanee are included as target species; provided that

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contests wherein other species not listed above are targeted, or where bass or walleye are the targeted species and at least 90 percent of bass or walleye are released alive and in good condition after the contest, may qualify for no limitation on amount of prize.

(5) Legal requirements, all contests:

(a) Fishing contest permits must be in the possession of the contest sponsor or official at the contest site.

(b) Contests are restricted to the species and waters approved on the permit. Only those species listed as a target of the contest may be retained by contest participants during bass or walleye contests where all contestants fish at the same time and place.

(c) Sponsors must report contest information requested by the department within 30 days after the contest has ended. Subsequent contest permits will not be issued for one year after the date of the contest for which the report was not returned if this requirement is not fulfilled.

(d) Contest participants may not restrict public access at boat launches.

(e) Contests for bass and walleye where ((aH)) participants expect to fish at the same time from boats on lakes or reservoirs will not last longer than three consecutive days and have the following limits per water:

ACRES	CONTESTS PER DAY	BOATS PER CONTEST DAY
Less than 300	1	15
301 - 3,000	1	35
3,001 - 6,000	2	50
6,001 - 10,000	2	100
More than 10,000	3	250

* No more than four weekend days per month nor more than two weekends per month may be scheduled on any water when contestants fish at the same time, and are allowed to fish from boats.

(f) It is unlawful for the fishing contest permittee or any of the contest participants to fail to comply with the conditions of the fishing contest permit, or of general fishing rules not specifically exempted by this permit. Failure of the permittee or any of the contestants to comply with all provisions of the contest permit or of other fishing regulations during a contest may lead to revocation of the permit and result in denial of fishing contest permits to the permittee and related organizations or individuals sponsoring contests for two years.

(6) Special regulations, bass and walleye contests:

(a) In any contest targeting either bass or walleye, all live bass or walleye must be released alive into the water from which they were caught after being weighed and/or measured. At the end of each day's competition, if the mortality of target fish caught that day exceeds 10%, the contest will be suspended. Suspended contests may be continued (within assigned permit dates) only if the cause of the high mortality can be positively identified, and the cause of the mortality

(high waves, equipment deficiency, etc.) ceases or is corrected by contest officials.

(b) During bass and walleye contests only, participants may continue to fish while holding up to five fish in possession, as long as one fish is released immediately upon catching a fish which would make the angler in excess of five fish if kept. The fish released may come either from the one just caught, or from the livewell, but at no time may the angler have more than five fish in the livewell.

(c) During bass contests, contestants may not use live bait.

(d) During bass and walleye contests participants may retain up to five bass and walleye of any size to be weighed in. A tournament angler may not be in possession of more than five bass or walleye from the water being fished, except as authorized under (6)(e) below.

(e) The contest director or director designee may exceed possession limits for bass or walleye for the purpose of transporting fish from a weigh-in site to an open-water area. During transportation, the transport boat must not leave the water the fish were caught from and a copy of the contest permit must be on board during actual fish transport.

(f) Livewell dimensions: During walleye tournaments, all livewells used to hold walleye must be at least 34 inches in length and have a water capacity of at least 20 gallons. Not more than 6 walleye may be placed in a single livewell. All livewells must have both a functional freshwater pump and backup aeration capability.

(g) Boat identification: All boats used for fishing in bass and walleye contests must be clearly identified according to criteria established by the department.

(7) Zebra mussel decontamination. Prior to participating in a Washington state fishing contest:

(a) All contest participants are required to sign a zebra mussel decontamination statement that their boats and/or boat trailers have or have not been in physical contact with any waters east of the Continental Divide for thirty days immediately preceding the contest and, if the boat and/or trailer has been in contact with such waters the participant must complete a decontamination report indicating that the following actions have been taken:

(i) A physical inspection has been made of the hull, motor, trailer, livewell and bilge by the contest director or designee, and any zebra mussels, if found, have been disposed of in a garbage container; and

(ii) The vessel has been decontaminated by the hull having been:

(A) Pressurized washed with hot soapy water; or

(B) Washed with a household bleach solution of one part bleach to 19 parts water, or the equivalent;

(iii) The motor has been run in a household bleach solution of one part bleach to 19 parts water, or the equivalent, for a minimum of one minute; and

(iv) The bilge and any livewells have been flushed, and the flush water disposed in such a manner that the wastewater will not directly enter state waters, either ground or surface.

(b) The zebra mussel decontamination statement and decontamination report shall be submitted to the department as part of the fishing contest report.

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 232-12-619 Permanent Washington statewide game fish rules. The following statewide rules apply to all waters unless modified under regional regulation exceptions.

(1) Fishing seasons open at 12:01 a.m. on the first day and close at 11:59 p.m. on the last day and fishing is allowed 24 hours per day.

(2) It is unlawful to:

(a) Use a gaff hook to land game fish.

(b) Take bullfrogs except by angling, hand dip netting, spearing (gigging) or with bow and arrow.

(c) Feed or use any substance to attract game fish unless specifically authorized by special regulations.

(d) Fish for game fish with a bow and arrow or spear.

(e) Possess fish which are under the minimum size or over the maximum size as shown in general or exceptions to state-wide rules.

(3) Seasonal steelhead limit: Each angler who possesses a valid steelhead catch record card may not retain more than thirty steelhead April 1st through the following March 31st of which no more than five may be wild steelhead from waters in which wild steelhead retention is allowed.

(4) Military personnel, regardless of the length of time in the state of Washington, who are permanently stationed at a military installation within the state, are entitled to purchase a resident license. Military personnel must have a license to fish for game fish anywhere in the state. Dependents must establish a ninety-day residency.

(5) Wild cutthroat release: In waters requiring a wild cutthroat release, it is unlawful to possess any cutthroat that does not have a missing adipose fin and a healed scar in the location of the missing fin.

(6) Wild steelhead release: In waters requiring wild steelhead release, it is unlawful to possess any steelhead trout that does not have a missing adipose or ventral fin and a healed scar at the location of the missing fin.

(7) Free fishing weekend: The Saturday and Sunday following the first Monday in June is declared as free fishing weekend in Washington. On this weekend a fishing license is not required for any person, regardless of residency or age, to fish for or possess game fish and a fish and wildlife lands vehicle use permit is not required to utilize department parking facilities, except that it is unlawful to fish for or possess steelhead trout without the required catch record card. During free fishing weekend only the licensing requirement is affected, and all other rules remain in effect.

(8) Trout taken with bait: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily limit, whether kept or released, except steelhead trout may be caught and released while using bait until the daily limit is retained.

(9) Fish taken with artificial flies and lures: Where use of bait is prohibited, or where artificial flies or lures are used voluntarily, fish may be released until the daily limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.

(10) Burbot taken with set line: Where use of a set line is allowed for burbot, a single set line identified with the

fisher's name and address and a maximum of five hooks may be used.

(11) Rainbow trout taken from landlocked lakes: Rainbow trout taken from landlocked lakes shall not be considered steelhead and no catch record card is required.

(12) OPEN SEASONS:

LAKES, PONDS, AND RESERVOIRS: YEAR AROUND, unless specified otherwise under exceptions to state-wide rules.

RIVERS, STREAMS AND BEAVER PONDS: JUNE 1 THROUGH OCTOBER 31, unless specified otherwise under exceptions to state-wide rules.

Note: The date set for "traditional" April openers for Lakes, Ponds, and Reservoirs for this year and future years is the last Saturday in April.

(13) Daily limits and minimum sizes:

GAME FISH SPECIES	DAILY LIMIT	MINIMUM SIZE LIMIT
BASS	Five - release bass greater than twelve but less than seventeen inches in length, only one over seventeen inches may be retained Bass may be caught, retained, and released alive from a livewell until a daily limit is in possession.	None
GRASS CARP... TROUT (except Eastern Brook trout)	It is unlawful to fish for or retain grass carp. A total of five trout, of which no more than two may be from Rivers, Streams, and Beaver Ponds.	None in Lakes, Ponds, and Reservoirs.
EASTERN BROOK TROUT (Salvelinus fontinalis)	No more than two of the trout daily catch limit of 5 may be Steelhead. ((Five to be considered part of the trout daily catch)) <u>No limit.</u>	Eight inches in Rivers, Streams, and Beaver Ponds.
BURBOT	Five	None
CHANNEL CATFISH	Five.	None.

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(a) The following game fish species are managed as trout:

- Eastern brook trout
- Brown trout
- Cutthroat trout
- Dolly Varden/Bull trout
- Golden trout
- Grayling
- Kokanee/Silver trout
- Lake trout
- Landlocked Atlantic salmon
- Rainbow trout/Steelhead
- Landlocked chinook and coho
- Tiger trout

(b) Wild steelhead release is required year-round except as provided in exceptions to statewide rules.

(c) All waters, statewide, are CLOSED YEAR AROUND to fishing for or retaining Dolly Varden/Bull Trout.

Where exceptions to the above closure for Dolly Varden/Bull Trout occur under individual listings in the exceptions to statewide rules, Dolly Varden/Bull Trout count as part of the combined trout daily limit of five.

WALLEYE	Five, not more than one over twenty-two inches Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.	Sixteen inches
WHITEFISH	Fifteen	None
ALL OTHER GAME FISH	No Limit	None
BULLFROGS	No Limit	None

(14) Daily wild steelhead limit: It is unlawful for any person to retain more than one wild steelhead per day from those waters in which wild steelhead retention is allowed.

(15) Possession limit. Except as otherwise provided, the possession limit is two daily limits in fresh, frozen or processed form.

(16) Marine waters rules: These rules apply to all marine waters contained within the boundaries of Washington state, within Puget Sound, Hood Canal, the Strait of Juan de Fuca, the San Juan Islands, the Strait of Georgia, and the Pacific Ocean, including estuaries (river mouths) from salt water upstream to a line between the outermost headlands measured at the highest high tide (usually the debris line furthest inshore on surrounding beaches), unless otherwise described under area regulations (see individual areas, below):

(a) Fishing hours: Twenty-four hours per day year around except those waters of Area 10 west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed waters.

(b) License requirements: A valid current Washington state department of fish and wildlife saltwater license, and, if appropriate, a sport catch record card, is required to fish for game fish including steelhead in marine waters. All steelhead taken from marine areas shall be entered on the catch record card using the words Marine Area and followed by the appropriate marine area code number.

(c) Gear restrictions: Angling gear only, and in those waters of Area 10 downstream of the First Avenue South Bridge to an east-west line through southwest Hanford Street on Harbor Island and parallel to southwest Spokane Street where it crosses Harbor Island, nonbuoyant lure restriction July 1 through November 30. In all areas, underwater spearfishing, spearing, gaffing, clubbing, netting, or trapping game fish is unlawful.

(d) All species: Release all fish except up to two hatchery steelhead may be retained per day.

AMENDATORY SECTION (Amending Order 03-181, filed 8/6/03, effective 9/6/03)

WAC 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules. (1) All freshwater streams and lakes not listed as open for salmon fishing are closed.

(2) County freshwater exceptions to statewide rules:

(a) Adams and Grant counties: All seasons in specific freshwater exceptions to statewide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.

(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River): Lawful to fish to base of all dams.

(c) Benton County: Rivers, streams and beaver ponds open year around.

(d) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to statewide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby and Nancy creeks: Trout: Daily limit 5, no minimum size.

(e) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.

(3) Specific freshwater exceptions to statewide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through August 31 and November 1 through March 15 season. Trout: ~~((Minimum length fourteen inches. Release wild cutthroat.))~~ Release all ~~((steelhead June 1 through August 31))~~ fish except up to two hatchery steelhead may be retained per day.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a

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floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Aldrich Lake (Mason County): Last Saturday in April through October 31 season.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with a motor permitted. Trout: Daily limit two, minimum length twelve inches.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: ~~((Not more than five greater than eight inches in length))~~ Daily limit ten, minimum length nine inches. Bluegill: Not more than five greater than six inches in length.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules, except electric motors allowed. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout missing adipose fin. Additional season October 1 through November 30 and March 1 through last Saturday in April. Selective gear rules except electric motors allowed. All species: Release all fish.

American Lake (Pierce County): Chumming permitted.

American River (Yakima County): Selective gear rules.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and all species: Release all fish.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): Mouth to Highway 20 Bridge: September 1 through October 31 season. Nonbuoyant lure restriction and night closure. Trout: Minimum length fourteen inches, except Dolly Varden/Bull Trout. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only July 1 through July 31. Nonbuoyant lure restriction and night closure. Daily limit 2 sockeye salmon.

Highway 20 Bridge to Baker River fish barrier dam: Closed waters.

Banks Lake (Grant County): Chumming allowed. Perch: Daily limit twenty-five.

Barnaby Slough (Skagit County): Closed waters.

Battle Ground Lake (Clark County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

Bear Lake (Spokane County): Juveniles, holders of disability licenses, and licensed adults accompanied by a juvenile only.

Bear River (Pacific County): June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 downstream from the Lime Quarry Road. Upstream from the Lime Quarry Road: Selective gear rules June 1 through March 31. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from mouth to Lime Quarry Road. Daily limit 6 fish of which no more than 2 may be adult fish and of these two fish no more than one may be a wild adult coho. Release adult chinook.

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Clallam County): Selective gear rules except electric motors allowed. Trout: ~~((Daily limit one))~~ Maximum size 12 inches in length.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Beda Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Benson Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Big Beaver Creek (Whatcom County):

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through August 31 season. ~~((Trout: Release all cutthroat trout.))~~ Selective gear rules. All species: Release all fish.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches. Salmon: Landlocked salmon rules apply.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground: June 1 through last day in February season. Closed waters: August 16 through October 31 from mouth to Rodgers Street. Rodgers Street to the Highway 101 Bridge: Selective gear rules June 1 through last day in February and night closure August 16 through December 31. From electric weir to upper boundary of Falls View Campground: Selective gear rules June 1 through last day in February. All game fish: Release all fish from mouth to campground. Salmon: Open only August 16 through October 31 from Rodgers Street to the Highway 101 Bridge. Daily limit 4 coho salmon.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

Big River (Clallam County): June 1 through last day in February season. ~~((Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.))~~ Selective gear rules. All species: Release all fish.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules except electric motors permitted. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Dempsey Creek, Beaver Creek, Salmon Creek and Blooms Ditch: Selective gear rules. Trout: Minimum length fourteen inches. Crappie: Daily limit ten, minimum length nine inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters except December 1 through December 31 season from mouth to posted sign at rearing pond outlet. Closed waters: Upstream from cable crossing to posted signs at fence. Nonbuoyant lure restriction and night closure. Only wheelchair-bound anglers may fish from posted signs above rearing pond to posted signs approximately 40 feet downstream at fence including the rearing pond outlet. Trout: Daily limit five. Minimum size 12 inches no more than two fish over 20 inches. Release wild cutthroat, wild steelhead and hatchery steelhead with missing right ventral fin.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): April 1 through September 30 season.

Bogachiel River (Clallam County), from mouth to Olympic National Park boundary: June 1 through April ~~((30))~~ 15 sea-

son. December 1 through April ((30)) 15, selective gear rules from Highway 101 to Olympic National Park boundary. Trout: Minimum length fourteen inches. December 1 through April ((30)) 15, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to waterfall approximately 2 miles upstream: Closed waters. From waterfall approximately 2 miles upstream of mouth to USFS Road #4930 Bridge: Selective gear rules.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bradley Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Browns Creek (Pend Oreille County): Fly fishing only.

Browns Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: No more than one fish greater than 11 inches in length may be retained.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules June 1 through October 31. Whitefish: Additional December 1 through March 31 season. Whitefish gear rules apply.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, mouth to confluence of East and West Forks (Okanogan County): Closed waters.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April ((30)) 15 season. December 1 through April ((30)) 15, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches. December 1 through April ((30)) 15, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Calawah River, South Fork (Clallam County) from mouth to Olympic National Park boundary: June 1 through last day in February season. December 1 through last day in February, selective gear rules. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):

From mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective gear rules.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish.

Campbell Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches.

Canyon Creek (Clark County): Trout: Daily limit five.

Canyon River (Mason County and Grays Harbor County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through March 31 season. Non-buoyant lure restriction and night closure August 1 through November 30. Trout: June 1 through July 31 daily limit five, minimum length eight inches. August 1 through March 31 daily limit two, minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Carbon River (Pierce County), from its mouth to Voight Creek: June 1 through ~~((March 31))~~ last day in February season. Nonbuoyant lure restriction, night closure and single barbless hooks August 1 through November 30. Trout: Minimum length fourteen inches. Voight Creek to Highway 162 Bridge: June 1 through August 15 and December 1 through ~~((March 31))~~ last day in February season: Trout: Minimum length 14 inches. Salmon: Open only September 1 through November 30 mouth to Voight Creek. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish no more than 2 may be adult hatchery chinook. Release wild adult chinook and chum salmon.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. ~~((Bass: Minimum length fourteen inches.))~~ Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through November 30 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only September 16 through November 30. Daily limit 4 hatchery coho salmon.

From the Rockport-Cascade Road Bridge upstream: June 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

Cases Pond (Pacific County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Cassidy Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Castle Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): April 1 through September 30 season.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to 100 feet upstream of the falls: From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. June 1 through March 15 season. Trout: ~~((Minimum length twelve inches.))~~ Release ~~((wild cutthroat))~~ all fish except up to two hatchery steelhead may be retained per day.

Cedar Creek (Jefferson County): June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches. ~~((December 1 through last day in February wild steelhead may be retained.))~~

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Closed waters.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County), from mouth to Landsburg Road: June 1 through August 31 season. All species: Release all fish. Landsburg Road to Cedar Falls: Closed waters.

Chain Lake (Pend Oreille County): Last Saturday in April through October 31 season. Release kokanee.

Chambers Creek Estuary (downstream from markers 400 feet below the Boise-Cascade Dam to the Burlington Northern Railroad Bridge) (Pierce County): July 1 through November 15 season. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules, except electric motors allowed. Trout: Release all trout.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from Highway 101 Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): June 1 through April 15 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only April 16 through July 31 from mouth to high bridge, October 1 through January 31 from mouth to Porter Bridge, and October 16 through last day in February from Porter Bridge to high bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. October 1 through November 30, mouth to Porter Bridge, release adult chinook. October 16 through November 30, Porter Bridge to High Bridge, release adult chinook. December 1 through January 31, mouth to Porter Bridge, the daily limit may contain no more than one wild adult coho, and release adult chinook. December 1 through last day in February, Porter Bridge to High Bridge, release adult chinook and wild adult coho. Sturgeon: Open year-round from mouth to high bridge on Weyerhaeuser 1000 line.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort School: June 1 through April 15 season. Trout: Minimum length fourteen inches.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): Closed waters: Within 400 feet of all tributaries south of a line from Purple Point at Stehekin and Painted Rocks. Trout except kokanee and lake trout: Daily limit 5. Release wild cutthroat. Lake trout not counted in daily trout limit. Lake trout no minimum size, no daily limit. Kokanee not counted in daily trout limit. Kokanee daily limit five, no minimum length. Burbot: Set line gear allowed. North of a line between Purple Point at Stehekin and Painted Rocks: April 1 through July 31: All species: Release all fish. Salmon: Open only May 1 through May 31 south of a line from Purple Point to Painted Rocks: Daily limit 1, minimum length 15 inches.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: August 1 through September 30 season. Selective gear rules. Trout: Release wild cutthroat.

Chelan River (Chelan County): ~~((Closed waters-))~~ From the railroad bridge to the Chelan P.U.D. safety barrier below the power house: May 15 through August 31 season. Nonbuoyant lure restriction. Trout: Release all trout.

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish.

Upstream from Eight Mile Creek to Pasayten Wilderness boundary: Closed waters June 1 through October 31.

From mouth to Pasayten Wilderness boundary: Additional December 1 through March 31 season. Whitefish gear rules apply.

Chikamin Creek (Chelan County): Selective gear rules.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: June 1 through August 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

From Ness's Corner Road to headwaters: Selective gear rules. Trout: Minimum length fourteen inches.

Chiwaukum Creek (Chelan County): Mouth to Fool Hen Creek: Closed waters.

Chiwawa River (Chelan County): Mouth to Buck Creek: Closed waters.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Cispus River (Lewis County), from mouth to North Fork: Trout: Release all cutthroat. Additional season November 1 through May 31, release all game fish other than steelhead. Salmon: Open year around. Daily limit 6 fish, of which no more than 2 fish may be adult salmon. Salmon minimum size 8 inches. Release wild coho at all times and release wild chinook January 1 through July 31.

Cispus River, North Fork (Lewis County): Trout: No more than one over twelve inches in length. Release cutthroat.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Creek (Chelan County): Closed waters.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Salmon: Landlocked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size. Burbot: Set line gear allowed.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Year-round season. Selective gear rules. Trout: Release all trout. Above Cle Elum Lake to outlet of Hyas Lake except Tucquala Lake: Selective gear rules. ~~((Additional December 1 through March 31 season mouth to Cle Elum Dam. Whitefish gear rules apply-))~~

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length fourteen inches.

Clough Creek (North Bend) (King County): Closed waters.

Clover Creek (Pierce County), within the boundaries of McChord Air Force Base: Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Trout: ~~((Minimum length fourteen inches-))~~ Release ((wild cutthroat)) all fish except up to two hatchery steelhead may be retained per day.

Coal Creek (tributary of Lake Washington) (King County): Closed waters.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coffee Pot Lake (Lincoln County): March 1 through September 15 season. Selective gear rules except motors allowed. Trout: Daily limit two. Bass: Daily limit two, maximum length fourteen inches. Crappie: Daily limit ten, minimum length nine inches.

Coldwater Lake (Cowlitz County): Selective gear rules except use of electric motors allowed. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Collins Lake (Mason County): Last Saturday in April through October 31 season.

Columbia Basin Hatchery Creek (Grant County): Hatchery outflow to confluence with mainstem Hatchery Creek: ~~((Open year-round-))~~ April 1 through September 30 season. Juveniles and holders of reduced fee disability licenses only. Mainstem Hatchery Creek: ~~((Open year-round-))~~ April 1 through September 30 season. Juveniles and ~~((licensed adults accompanied by a juvenile))~~ holders of reduced fee disability licenses only.

Columbia Park Pond (Benton County): Juveniles and holders of reduced fee disability licenses only. All species: Daily limit of five fish combined.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: Year-round season unless otherwise provided. General species provisions (unless otherwise provided for in this section): Bass: Below Priest Rapids Dam: Daily limit five fish, not more than three of which may be over 15 inches. Trout: Daily limit two fish, minimum length 12 inches, except release all Dolly Varden/Bull Trout. Walleye: Daily limit five fish of which not more than one may be over 24 inches, minimum length 18 inches. Whitefish: Daily limit 15 fish. All other game fish: No daily limit, except release all grass carp.

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

From a true north-south line through Buoy 10 to a line between Rocky Point in Washington to Tongue Point in Oregon: Trout: Release wild cutthroat. Release all trout April 1 through July 31. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Fishing from the north jetty is allowed during salmon season openings. Salmon: Open only August 1 through March 31. August 1 through August 15, daily limit 2 salmon of which not more than one may be a chinook salmon. Release chum, sockeye, wild coho, chinook less than 24 inches in length, and coho less than 16 inches in length. August 16 through September 30, daily limit 3 salmon of which not more than one may be a chinook salmon. Release sockeye, chum, wild coho, chinook less than 24 inches in length and coho less than 16 inches in length. October 1 through December 31, daily limit 6 fish of which no more than 3 may be adult salmon and not more than one of which may be a chinook salmon. Release chum, sockeye, and wild coho. January 1 through March 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, wild coho and wild chinook. Fishing from the north jetty for salmon open during both Area 1 and Buoy 10 fishery openings. Sturgeon: Closed to sturgeon fishing from floating devices May 1 through September 30 from mouth to Wauna powerlines.

From the Rocky Point - Tongue Point line to the I-5 Bridge: Trout: Release wild cutthroat. Release all trout April 1 through May 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Salmon: Open only May 16 through March 31. May 16 through July 31 daily limit 6 hatchery jack chinook. August 1 through March 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho. Release wild chinook January 1 through March 31.

From the I-5 Bridge to the Highway 395 Bridge at Pasco: Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. August 1 through October 15: Nonbuoyant lure restriction and night closure from Bonneville Dam to The Dalles Dam. Trout: Release wild cutthroat from I-5 Bridge to Bonneville Dam and release all cutthroat in the waters of Drano Lake. Release all trout April 1 through June 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Sturgeon: (1) Sturgeon fishing is closed from Bonneville Dam to a line from a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder to the downstream end of Cascade Island to an Oregon angling boundary on Bradford Island. (2) It is unlawful to fish for sturgeon except with hand-casted lines from shore from Bonneville Dam to a line from the Hamilton Island boat ramp to an Oregon boundary marker on Robins Island. (3) It is unlawful to fish for sturgeon or possess sturgeon taken from a floating device May 1 through July 15 downstream from the Bonneville Dam boating deadline to a north-south line ((between markers on the shore at Beacon Rock)) through the east tip of Skamania (Prindle) Island. (4) Release sturgeon September 1 through December 31 from the upstream line of Bonneville Dam and 400 feet below McNary Dam. Salmon: Open only June 16 through December 31 except closed November 1 through December 31 from Beacon Rock to Bonneville Dam. June 16 through July 31, daily limit 6 hatchery jack chinook. August 1 through December 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and sockeye. Release wild coho downstream of Bonneville Dam.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E except Ringold Hatchery waters: Closed waters: Ringold Springs Creek (Hatchery Creek). Trout: Release all trout except hatchery steelhead having both adipose and ventral fin clips may be retained October 1 through March 31. Release hatchery steelhead having only adipose fin clips. Salmon: Open only August 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Ringold Springs Rearing Facility waters (from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Spring Creek): Open only April 1 through April 15 to fishing from the bank on the hatchery side of the river. Trout: Release all fish except hatchery steelhead hav-

ing both adipose and ventral fin clips. Release hatchery steelhead having only adipose fin clips.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): All species: February 1 through October 22 season. Trout: Release all trout. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open only August 16 through October 22. Daily limit 6 fish of which no more than 2 fish may be adult salmon.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: June 1 through March 31 season. Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to midstream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. Trout: Release all trout. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open only August 16 through October 22. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device from the boundary marker to the Corps of Engineers safety zone marker. Trout: Release all trout. Sturgeon: Release all sturgeon.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year-round season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: No minimum size. Daily limit five fish not more than one of which may be longer than 18 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

From bridge at Valley upstream and tributaries: Selective gear rules.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Cooper River (Kittitas County): Mouth to Cooper Lake: Selective gear rules.

Coot Lake (Grant County): April 1 through September 30 season.

Copalis River (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through January 31 from mouth to Carlisle Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Cottage Lake (King County): Last Saturday in April through October 31 season.

Cottonwood Creek (Lincoln County): Year-round season.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): June 1 through August 31 season.

Cougar Lake (near Winthrop) (Okanogan County): September 1 through March 31 season.

Coulter Creek (Kitsap/Mason counties): Trout: Minimum length fourteen inches.

County Line Ponds (Skagit County): Closed waters.

Coweeman River (Cowlitz County), from mouth to Mulholland Creek: June 1 through March 15 season. Trout: ~~((Minimum length twelve inches.))~~ Release ~~((wild cutthroat))~~ all fish except up to two hatchery steelhead may be retained per day.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Salmon: Daily limit 6 fish, of which not more than 2 may be adult salmon. Release wild coho. Release wild chinook June 1 through July 31.

Cowlitz River (Lewis County):

From mouth to Mayfield Dam: Year-round season except closed to fishing from south bank May 1 through June 15 from Mill Creek to the barrier dam. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. Lawful to fish up to Tacoma Power safety signs at Onion Rock below Mossyrock Dam. Lawful to fish up to Lewis County P.U.D. safety signs below Cowlitz Falls Dam. From the barrier dam downstream to a line from the mouth of Mill Creek

to a boundary marker on the opposite shore, it is unlawful to fish from any floating device. Nonbuoyant lure restriction and night closure April 1 through October 31 from mouth of Mill Creek to the barrier dam. All game fish: Release all fish except steelhead April 1 through May 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat. ~~((Below Barrier Dam))~~ Release all steelhead missing right ventral fin. Salmon: Open year-round. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon, except January 1 through April 30 the daily limit may contain no more than 2 adult salmon and May 1 through July 31 the daily limit may contain no more than one adult salmon. Release chum and wild coho August 1 through April 30. Release wild chinook January 1 through July 31. Mill Creek to Blue Creek - release all chinook October 1 through December 31.

From posted PUD sign on Peters Road to mouth of Ohanepecosh River and mouth of Muddy Fork: ~~((Year-round season.))~~ Trout: Release cutthroat. Additional November 1 through May 31 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round from upstream boundary of Lake Scanewa. Daily limit 6 fish of which no more than 2 may be adult salmon. Salmon minimum size 8 inches. Release wild coho. Release wild chinook January 1 through July 31.

Cowlitz River, Clear and Muddy Forks (Lewis County): Trout: Release cutthroat.

Coyote Creek and Ponds (Adams County): April 1 through September 30 season.

Crab Creek (Adams/Grant counties):

From Highway 26 to Morgan Lake Road in Section 36: March 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln/Grant counties) and tributaries: Year-round season. March 1 through May 31 terminal gear restricted to one single hook measuring 3/4 inch or less point to shank in those waters from Grant County Road 7 to the fountain buoy and shoreline markers or 150 feet downstream of the Alder Street fill, and from Moses Lake downstream to the confluence of the outlet streams.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

Cranberry Creek (Mason County), mouth to Lake Limerick: Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Crescent Lake (Pierce County): Last Saturday in April through October 31 season.

Crocker Lake (Jefferson County): Closed waters.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Curl Lake (Columbia County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Curley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Cushman Reservoir (Mason County): Salmon: Landlocked salmon rules apply.

Dakota Creek (Whatcom County): Salmon: Open only October 1 through December 31 from mouth to Giles Road Bridge. Daily limit 2 salmon.

Damon Lake (Grays Harbor County): June 1 through October 31 season.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Davis Lake (Lewis County): Last Saturday in April to last day in February season.

Davis Lake (Okanogan County): April 1 through August 31: Selective gear rules except electric motors allowed, and all species: Release all fish.

Davis Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only.

Deadman Lake (Adams County): April 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Deep Creek (Clallam County): December 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead may be retained.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season.

Deep River (Wahkiakum County): Year-round season. Trout: ~~((Minimum length 14 inches.))~~ Release ~~((wild cutthroat))~~ all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round only from mouth to town bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31.

Deer Creek (Mason County): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout: No more than two over twenty inches in length may be retained.

De Roux Creek (Yakima County): Selective gear rules.

Deschutes River (Thurston County): Closed waters: From 400 feet below lowest Tumwater Falls fish ladder to Old Highway 99 Bridge. From old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From Henderson Boulevard Bridge upstream: Year-round season. Selective gear rules. All game fish: Release all fish except hatchery steelhead. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): Mouth to Bear Creek-Dewatto Road ~~((June 1 through last day in February season.))~~; Selective gear rules ~~((except September 16 through October 31 single point barbless hooks only from mouth to Dewatto-Holly Road Bridge)).~~ ~~((All))~~ Game fish ~~((species))~~: Release all fish. Salmon: Open only September 16 through October 31 mouth to Dewatto-Holly Road Bridge. Daily limit two coho. Release all salmon other than coho.

Upstream from Bear Creek-Dewatto Road: Selective gear rules. Game fish: Release all fish.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (includes all forks) (Clallam County): June 1 through April ~~((30))~~ 15 season. Trout: Minimum length fourteen inches. December 1 through April ~~((30))~~ 15, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to East Fork Dickey, including Olympic National Park. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon Septem-

ber 1 through November 30. July 1 through August 31 release wild adult coho and wild adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Dillacort Creek (Klickitat County): Trout: Release all trout.

Dog Lake (Yakima County): Trout: Daily limit may contain not more than 1 fish over 14 inches in length.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Highway 101 Bridge. Daily limit 2 chum salmon.

Dot Lake (Grant County): March 1 through July 31 season.

Downs Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season. Crappie: Daily limit ten, minimum length nine inches.

Dry Falls Lake (Grant County): April 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Duck Lake (Grays Harbor County): Crappie: Daily limit ten, minimum length nine inches.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Daily limit 2 chum salmon.

Dungeness River (Clallam County):

From mouth to hatchery intake pipe at river mile 11.3: October 16 through March 15 season. From hatchery intake pipe to junction of Gray Wolf and Dungeness rivers(??): October 16 through last day in February season. Trout: Minimum length fourteen inches during all open seasons. Salmon: Open only October 16 through December 31 from mouth to the hatchery intake pipe at river mile 11.3. Daily limit 4 hatchery coho salmon.

From junction of Gray Wolf River upstream to Gold Creek - Closed waters.

From junction of Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through ~~((July 31))~~ November 30 season. Selective gear rules. Trout: Daily limit one fish.

Early Winters Creek (Okanogan County): Closed waters.

East Twin River (Clallam County): Trout: Minimum length fourteen inches.

Easton Lake (Kittitas County): Saturday before Memorial Day through October 31 season. Trout: Daily limit five fish of which no more than 2 may be trout other than Eastern brook trout. Minimum length 8 inches.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Echo Lake (Snohomish County): Last Saturday in April through October 31 season.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season. Single point barbless hooks required August 16 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from Highway 105 Bridge to the confluence of the East and Middle Branches. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: June 1 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 31. ~~((Fishers may not allow their line, lure or bait to remain stationary in the water))~~ Stationary gear restriction September 1 through October 31. Trout: ~~((Minimum length fourteen inches.))~~ Release ((wild cut-throat)) all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult chinook. Release chum and wild coho. October 1 through December 31 release chinook upstream of Highway 4 Bridge.

Eloika Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet

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and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through last day in February season, except closed June 1 through September 30 mouth to marker at outfall of rearing channel at about river mile 3.2. Fishing from any floating device prohibited. August 1 through September 30, fly fishing only from mouth to the marker at the outfall of the WDFW rearing channel. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 15. Daily limit 6 coho salmon of which no more than 4 may be adult coho salmon.

From Lake Aldwell upstream to Olympic National Park boundary, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: December 1 through March 31 season. Whitefish gear rules apply.

Ephrata Lake (Grant County): Closed waters.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County):

From mouth to Highway 530 Bridge: Year-round season. Trout: Minimum length fourteen inches.

Upstream from Highway 530 Bridge: Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): March 1 through October 31 season. Fishing from any floating device prohibited.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: June 1 through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Pond (Lewis County): Last Saturday in April through last day in February season. Juveniles (~~and licensed adults accompanied by a juvenile~~) only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Gadwall Lake (Grant County): April 1 through September 30 season.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): June 1 through August 31 and November 1 through March 15 season. Trout: (~~Minimum length fourteen inches.~~) Release (~~wild cutthroat. Release steelhead June 1 through August 31~~) all fish except up to two hatchery steelhead may be retained per day.

Gibbs Lake (Jefferson County): Selective gear rules except electric motors allowed. Trout: Release all trout.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Pond, North (Snohomish County): Juveniles only.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): June 1 through March 15 season. Trout: (~~Minimum length twelve inches. Release wild cutthroat.~~) Release (~~steelhead~~) all fish except up to two hatchery steelhead may be retained per day.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.

Goldsborough Creek (Mason County): Trout: Minimum length fourteen inches.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches. December 1 through last day in February one wild steelhead per day may be retained.

Goodwin Lake (Snohomish County): Chumming permitted.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of disability licenses only.

Goose Lake, Lower (Adams County): Crappie: ~~((Not more than five over eight inches in length.))~~ Daily limit ten, minimum length nine inches. Bluegill: Not more than five over six inches in length.

Goose Lake (Skamania County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year-round season. Selective gear rules September 1 through May 31. Trout: Minimum length ten inches, maximum length twenty inches.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through October 31 season. Selective gear rules, June 1 through August 31 and barbless hooks required September 1 through October 31. Additional season November 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and hatchery steelhead. Trout: Daily limit three hatchery steelhead.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Grass Lake (Mason County): Last Saturday in April through October 31 season.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: September 1 through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: September 1 through October 15 and December 15 through March 15 season. Nonbuoyant lure restriction ~~((and)),~~ night closure and stationary gear restriction September 1 through October 15. ~~((Fishers may not allow their line, lure or bait to remain stationary in the water September 1 through October 15.))~~ All game fish: Release all fish except hatchery steelhead. Salmon: Open only September 1 through October 15 from mouth to South Fork. Daily limit 6 fish of which no more than two may be adult salmon. Release chinook, chum, and wild coho.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Trout: ~~((Minimum length fourteen inches.))~~ Release ((cutthroat)) all fish except up to two hatchery steelhead may be retained per day.

Grays River, West Fork (Wahkiakum County), downstream from hatchery intake footbridge: June 1 - August 31 season. Trout: Additional December 15 through March 15 season downstream from hatchery intake footbridge. Release all fish other than hatchery steelhead.

Green Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Green Lake (Lower) (Okanogan County): April 1 through November 30: Selective gear rules, and all species: Release all fish.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: April 1 through November 30 season except closed from 400 feet above to 400 feet below the water intake at the upper end of the hatchery grounds during the period September 1 through November 30 and from 400 feet or posted signs above and below the salmon hatchery rack when the rack is installed in the river. Nonbuoyant lure restriction and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All game fish: Release all fish except steelhead. Salmon: Open only April 1 through May 31 from mouth to 400 feet below the water intake at the upper end of the hatchery grounds and June 1 through November 30 from mouth to 2800 Bridge. April 1 through July 31: Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild chinook. August 1 through November 30: Daily limit 6 salmon not more than 3 of which may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. Release chum and wild coho. October 1 through November 30 release chinook.

From 2800 Bridge to source: Closed waters.

Green (Duwamish) River (King County):

From the First Avenue South Bridge to SW 43rd Street/South 180th Street Bridge: June 1 through July 31 and September 16 through last day in February season. Nonbuoyant lure restriction and night closure September 16 through November 30. Fishing from any floating device prohibited November 1 through last day in February. Trout: Minimum

length fourteen inches. One wild steelhead per day may be retained July 1 through July 31 and September 16 through November 30. Salmon: Open only September 16 through December 31. Daily limit 6 fish of which not more than 2 may be adult salmon. Release chinook salmon.

From the SW 43rd Street/South 180th Street Bridge to South 277th Street Bridge in Auburn: June 1 through July 31 and October 1 through last day in February season. Nonbuoyant lure restriction and night closure October 1 through November 30. Fishing from any floating device prohibited November 1 through last day in February. Trout: Minimum length fourteen inches. One wild steelhead per day may be retained July 1 through July 31 and October 1 through November 30. Salmon: Open only October 1 through December 31. Daily limit 6 fish of which not more than 2 may be adult salmon. Release chinook salmon.

From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: June 1 through July 31 and October 16 through March 15 season. Nonbuoyant lure restriction and night closure October 16 through November 30. Fishing from a floating device prohibited November 1 through March 15. Trout, minimum length fourteen inches. One wild steelhead per day may be retained July 1 through July 31 and October 16 through November 30. Salmon: Open only October 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook.

From the Auburn-Black Diamond Road Bridge to the Tacoma Headworks Dam: June 1 through March 15 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Closed waters: Within 150 feet of the Palmer Pond outlet rack and within 150 feet of the mouth of Keta Creek. Trout: Minimum length 14 inches. One wild steelhead per day may be retained July 1 through November 30. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

Greenwater River (King County), from mouth to Greenwater Lakes: Selective gear rules. Trout: Minimum length twelve inches.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

Halfmoon Lake (Adams County): April 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Hamilton Creek (Skamania County): Trout: ~~((Minimum length twelve inches.))~~ Release ~~((wild cutthroat))~~ all fish except up to two hatchery steelhead may be retained per day. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in Feb-

ruary season. Selective gear rules. All species: Release all fish.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond (Skagit County): Closed waters.

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective gear rules.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek and tributaries (Lincoln County): Year-round season.

Hays Creek and Ponds (Adams County): April 1 through September 30 season.

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles, seniors and holders of disability licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): Closed waters.

Hen Lake (Grant County): April 1 through September 30 season.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Herman Lake (Adams County): April 1 through September 30 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Creek (Spokane County): Hog Canyon Dam to Scroggie Road: Year-round season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), from mouth to Olympic National Park boundary below mouth of South Fork: June 1 through April 15 season. Selective gear rules June 1 through October 15 from Willoughby Creek to Morgan's Crossing Boat Launch, June 1 through November 30 from Morgan's Crossing Boat Launch to the mouth of south fork, and December 1 through April 15 from DNR Oxbow Campground Boat Launch to mouth of south fork. Trout: Minimum length fourteen inches. December 1 through April 15, from mouth to DNR Oxbow Campground Boat Launch: Trout: Minimum length fourteen inches and one wild steelhead per day may be retained. Salmon: Open only May 16 through November 30 mouth to Willoughby Creek and October 16 through November 30 Willoughby Creek to Morgan's Crossing Boat Launch. Daily limit 6 fish of which no more than 2 may be adult salmon except May 16 through August 31 from mouth to Willoughby Creek open Wednesday through Sunday only of each week and daily limit may contain no more than one adult salmon.

Hoh River South Fork (Jefferson County), outside Olympic National Park: June 1 through April 15 season. Selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): From mouth to upper Hoko Bridge: Fly fishing only September 1 through October 31. Additional November 1 through March 15 season. Trout: Minimum length fourteen inches. One wild steelhead per day may be retained December 1 through March 15.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): ~~((Additional November))~~ June 1 through March 31 season. Fly fishing only. ~~((All species))~~ Trout: Release all ~~((fish))~~ trout except that up to two hatchery steelhead per day may be retained.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Selective gear and all species: Release all fish, from March 1 through March 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to bridge on Dekay Road on mainstem and East Fork mouth to the abandoned flat car bridge downstream of the mouth of Berryman Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except release adult chinook.

Horseshoe Lake (Clark/Cowlitz counties): Trout: No more than 2 trout 20 inches or greater in length may be retained. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout except kokanee:

Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit five.

Horseshoe Lake (Skamania County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): April 1 through September 30 season.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howell Lake (Mason County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humtulpis River (Grays Harbor County), from mouth to forks: June 1 through March 31 season except closed March 1 through March 31 from Highway 101 Bridge to forks. Night closure and single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through January 31 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho. October 16 through October 31 the daily limit may contain no more than 1 adult chinook. November 1 through January 31 release adult chinook.

Humtulpis River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humtulpis Guard Station and Gridale: Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Humtulpis River, West Fork (Grays Harbor County), from mouth to Donkey Creek: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Hutchinson Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion engines prohibited.

Icehouse Lake (Skamania County): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: Closed waters. From Leavenworth National Fish Hatchery rack upstream to Leland Creek: Selective gear rules.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective gear rules. Trout: Minimum length twelve inches.

Indian Creek (Yakima County): From mouth to waterfall approximately 5 and three-quarters miles upstream: Closed waters. Upstream of waterfall: Eastern brook trout do not count as part of trout daily limit. Eastern brook trout: No minimum size and no daily limit.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Ingall's Creek (Chelan County): Mouth to Wilderness boundary: Closed waters.

Issaquah Creek (King County): Closed waters.

Jackson Lake (Pierce County): Last Saturday in April through October 31 season.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Year-round season. Juveniles only.

Jefferson Park Pond (Walla Walla County): Juveniles only.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

Jimmy-Come-Lately Creek (Clallam County): June 1 through August 31 season. Trout: Minimum length fourteen inches.

Joe Creek (Grays Harbor County): Upstream from State Highway 109 Bridge to Ocean Beach Road Bridge: June 1 through November 30 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Johns Creek (Mason County): Closed waters.

Johns River, mouth to Ballon Creek including North and South Forks (Grays Harbor County): June 1 through last day in February season. Waters above Ballon Creek, including North and South Forks, are closed. Single point barbless hooks required August 16 through November 30 from mouth to Ballon Creek. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon, except release adult chinook.

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout

limit. Kokanee daily limit sixteen. Burbot: Set line gear allowed.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. Selective gear rules. From Kachess Lake (Reservoir) upstream to waterfall approximately one-half mile above Mineral Creek: Closed waters.

Kalaloch Creek (Jefferson County), outside Olympic National Park: Closed waters: Those waters within the section posted as the Olympic National Park water supply June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches. ~~((One wild steelhead per day may be retained December 1 through last day in February.))~~

Kalama River (Cowlitz County): Release wild cutthroat.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year-round season except during the period the temporary fish rack is installed. Waters from two hundred feet above to one thousand five hundred feet below the rack are closed waters. Nonbuoyant lure restriction, night closure, and stationary gear restriction September 1 through October 31 from mouth to one thousand five hundred feet below the rack. Fishing from a floating device equipped with a motor prohibited upstream of Modrow Bridge. September 1 through October 31: Fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery. Trout: ~~((Minimum length 20 inches.))~~ Release all trout except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31. October 1 through December 31 release chinook upstream from natural gas pipeline crossing.

From one thousand feet below to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year-round season. Fishing from a floating device equipped with a motor prohibited. Selective gear rules. Trout: Minimum length 14 inches. Release steelhead in mainstem and tributaries.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fishing from a floating device equipped with a motor prohibited. Fly fishing only. Trout: Minimum length 14 inches. Release steelhead in mainstem and tributaries.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained. Burbot: Set line gear allowed.

Kelsey Creek (tributary of Lake Washington) (King County): Closed waters.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure October 1 through December 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to northbound Highway 101 Bridge. Barbless hooks required. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

June 1 through October 31 season. ~~(Trout)~~ All species: Selective gear rules~~(;)~~. Trout: Minimum length 12 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

Additional season: November 1 through May 31. Whitefish gear rules apply.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

Kiwanis Pond (Kittitas County): Juveniles and holders of disability licenses only.

Klaus Lake (King County): Last Saturday in April through October 31 season. Closed waters: The inlet and outlet to first Weyerhaeuser spur.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: May 1 through January 31 season. Nonbuoyant lure restriction and night closure May 1 through May 31. Nonbuoyant lure restriction August 1 through January 31. Game fish: Closed December 1 through January 31. Release game fish other than steelhead May 1 through May 31. Trout: Minimum length twelve inches. Steelhead and salmon: May 1 through May 31 Mondays, Wednesdays and Saturdays only, daily limit 2 hatchery steelhead or 2 salmon or one of each. Salmon: June 1 through January 31 daily limit 6 fish of which no more than 2 may be adult salmon.

From Fisher Hill Bridge to four hundred feet above # 5 fishway: Closed waters.

From four hundred feet above # 5 fishway to Pitt Bridge: June 1 through November 30 season. Trout: Minimum length 12 inches. From Pitt Bridge to the Yakama Indian Reservation boundary: June 1 through ~~(November 30)~~ last day in February season, except waters from boundary markers above Klickitat salmon hatchery to boundary markers below hatchery are closed waters. Trout: Minimum length twelve inches. Salmon: Open only June 1 through November 30 from 400 feet above No. 5 Fishway to boundary markers below Klickitat Salmon Hatchery. June 1 through July 31:

Daily limit 6 salmon. Release adult salmon. August 1 through November 30: Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook November 1 through November 30. Additional ~~(December)~~ March 1 through March 31 season. Whitefish gear rules apply.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds (Clark County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Kress Lake (Cowlitz County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches in length or greater may be retained. Salmon: Landlocked salmon rules apply.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through last day in February season. Trout: ~~((Minimum length fourteen inches.))~~ Release ~~((cutthroat))~~ all fish except up to two hatchery steelhead may be retained per day.

Lake Creek (Okanogan County): Mouth to Black Lake: Closed waters. Black Lake to Three Prong Creek: Selective gear rules.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year-round season.

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than ~~((two))~~ one over ~~((twelve))~~ 14 inches in length.

Lemna Lake (Grant County): April 1 through September 30 season.

Lenice Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season: Selective gear

rules, except fishing from a floating device equipped with an electric motor permitted. All species: Release all fish. Additional season June 1 through November 30: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year-round season. Trout: ~~((Minimum length twelve inches.))~~ Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. January 1 through July 31 daily limit six fish of which not more than 2 may be adult salmon. August 1 through December 31, daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. Release chum and wild coho August 1 through April 30. Release wild chinook January 1 through July 31.

Lewis River, East Fork (Clark/Skamania counties): Closed waters: From the posted markers at the lower end of Big Eddy to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls upstream including all tributaries above Horseshoe Falls.

Mouth to 400 feet below Horseshoe Falls: June 1 through March 15 season. Trout: Release all trout except up to two hatchery steelhead per day may be retained. Mouth to top boat ramp at Lewisville Park: Additional April 16 through May 31 season. Selective gear rules. Release all fish except up to two hatchery steelhead may be retained per day.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Colvin Creek: Year-round season except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. Fishing from a floating device prohibited from May 1 through July 31 from Johnson Creek to Colvin Creek. Nonbuoyant lure restriction and night closure April 1 through ~~((October 31))~~ November 30 upstream from Johnson Creek. Trout: ~~((Minimum length twenty inches. Release wild cutthroat.))~~ Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. January 1 through July 31 daily limit six fish of which not more than 2 may be adult salmon. August 1 through December 31 daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. Release chum and wild coho August 1 through April 30. Release wild chinook January 1 through July 31.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: June 16 through September 30 and December 16 through April 30 season. Nonbuoyant lure restriction and night closure April 1 through September 30. Trout: ~~((Minimum length twenty inches. Release wild cutthroat.))~~ Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only August 1 through September 30 and January 1 through April 30. August 1 through September 30: Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. January 1 through April 30: Daily limit 6

salmon not more than 2 of which may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through April 30.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within Lewis River Power Canal: Closed waters.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective gear rules. All species: Release all fish.

Liberty Lake (Spokane County): Last Saturday in April through September 30 season.

Lilliwaup River (Mason County): Mouth to 200 feet below falls: June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Limerick Lake (Mason County): Last Saturday in April through October 31 season.

Lincoln Pond (Clallam County): Juveniles only. Salmon: Landlocked salmon rules apply.

Lions Park Pond (Walla Walla County): Juveniles only.

Little Ash Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Little Hoko River (Clallam County): Selective gear rules. All species: Release all fish.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Naches River (Yakima County): Selective gear rules.

Little Nisqually River (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Little Pend Oreille River (Stevens County) from the Little Pend Oreille wildlife refuge boundary about 1 mile downstream from the refuge headquarters office to Crystal Falls: Selective gear rules, and all species: Release all fish except up to five Eastern brook trout may be retained.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road, June 1 through last day in February season. Closed waters: Mouth to Highway 101 Bridge September 1 through October 31. Trout: Minimum length fourteen inches.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year-round season.

From SR 291 Bridge upstream to the West Branch: Last Saturday in April through October 31 season. Additional December 1 through March 31 season. Whitefish gear rules apply.

Upstream from bridge at Frideger Road: Closed waters: From the inlet to Chain Lake upstream one-quarter mile to the railroad crossing culvert. Trout: Release kokanee taken upstream from bridge.

Little Twin Lake (Okanogan County): April 1 through November 30: Selective gear rules and all species: Release all fish.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County): From Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Closed waters.

Little White Salmon River (Skamania County): Closed waters: From the orange fishing boundary markers at Drano Lake upstream to the intake near the Little White Salmon National Fish Hatchery north boundary. Trout: Daily limit five. Drano Lake (waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery): May 1 through March 15 season, except closed Wednesdays May 1 through May 31. Night closure and nonbuoyant lure restriction May 1 through June 30. Nonbuoyant lure restriction August 1 through December 31. May 1 through June 30 daily limit of two fish, of which two fish one or both may be hatchery steelhead or one or both may be chinook salmon. Trout and salmon: May 1 through June 30 release all fish except hatchery steelhead and chinook salmon. Trout: July 1 through March 15 (~~minimum size twelve inches~~) release ((wild cutthroat)) all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only August 1 through December 31. Daily limit six fish of which no more than two may be adult salmon.

Lone Lake (Island County): Selective gear rules, except electric motors allowed. Trout: Daily limit one, minimum length 18 inches.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Spokane River Reservoir) (Spokane County): Bass: Release all bass May 1 through June 30.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

~~((Lost Lake (Mason County): Last Saturday in April through October 31 season.))~~ Lost Lake (Kittitas County): Trout: Not more than 1 fish over 14 inches in length.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From mouth to mouth of Monument Creek: Closed waters.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucas Slough (Skagit County): Closed waters.

Lucky Duck Pond (Stevens County): Juveniles only.

Ludlow Lake (Jefferson County): Last Saturday in April through October 31 season.

Lyle Lake (Adams County): April 1 through September 30 season.

Lyre River (Clallam County):

From mouth to falls near river mile 3: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From falls to source: Selective gear rules. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

Mattoon Lake (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

May Creek (tributary of Lake Washington) (King County): Closed waters.

Mayfield Lake (Reservoir) (Lewis County): Mayfield Dam to 400 feet below Mossyrock Dam: Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

McAllister Creek (Thurston County): Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to Olympia - Steilacoom Road Bridge. Daily limit 6 fish of which no more than 4 may be adult salmon.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): Trout: Minimum length fourteen inches.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Last Saturday in April through October 31 season.

McLane Creek (Thurston County), from a line 50 feet north of and parallel to the Mud Bay Road Bridge to a line 100 feet upstream and parallel to the south bridge on Highway 101: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Release game fish November 1 through November 30. Trout: Minimum length fourteen inches upstream from the south bridge. Salmon: Open only July 1 through November 30. Closed to salmon fishing: Waters within 400 feet of Allison Springs Pond outfall. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From a line 100 feet upstream and parallel to the south bridge on Highway 101 upstream: Nonbuoyant lure restrictions and night closure August 1 through October 31. Trout: Minimum length fourteen inches.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McManaman Lake (Adams County): April 1 through September 30 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31. Salmon: Landlocked salmon rules apply.

Medical Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): Closed waters.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Merwin Lake (Reservoir) (Clark/Cowlitz County): Salmon: Landlocked salmon rules apply.

Methow River (Okanogan County):

Mouth to Gold Creek: Closed waters June 1 through October 31. Gold Creek to Weeman Bridge: June 1 through September 30 season: Selective gear rules. All species: Release all fish. Upstream from Weeman Bridge to the falls above Brush Creek: Closed waters June 1 through October 31: From mouth upstream to the falls above Brush Creek. Additional season: December 1 through March 31. Whitefish gear rules apply.

Methow River tributaries not otherwise provided for: Selective gear rules. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): June 1 through August 31 and November 1 through March 15 seasons. Trout: ((Minimum length fourteen inches.)) Release ((wild cutthroat)) all fish except up to two hatchery steelhead may be retained per day.

Mill Creek (Lewis County): Additional season December 1 through December 31, mouth to hatchery road crossing culvert. Nonbuoyant lure restriction and night closure. All species: Release all fish except that up to two hatchery steelhead with intact ventral fins may be retained per day.

Mill Creek (Mason County): Trout: Minimum length fourteen inches.

Mill Creek (Walla Walla County):

From mouth to ((9th)) Gose St. Bridge: June 1 through April 15 season. All species: Barbless hooks required and release all fish except hatchery steelhead September 1 through April 15. Trout: Daily limit three hatchery steelhead.

From ((9th)) Gose St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge upstream, including all tributaries: All tributaries: Closed waters. Selective gear rules. Trout: Maximum length twenty inches.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only.

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Mineral Creek (tributary to upper Kachess River) (Kittitas County), from mouth to Wilderness Boundary: Closed waters.

Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Closed waters: Area from department intake dam downstream to mouth June 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only November 1 through December 31 from mouth to 50 feet downstream of the hatchery rack. Daily limit 4 chum.

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season.

Moclips River (Grays Harbor County), from mouth to the Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Molson Lake (Okanogan County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Monte Christo Lake (Snohomish County): June 1 through October 31 season. Selective gear rules.

Mooses Pond (Pacific County): June 1 through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): April 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Moses Lake (Grant County): Crappie: Daily limit five, only crappie more than ten inches in length may be retained. Bluegill: Daily limit five, only bluegill more than eight inches in length may be retained. Bass: Fish twelve to seventeen inches in length may be retained as part of the daily limit. No more than 3 bass over fifteen inches in length may be retained. Walleye: Minimum length eighteen inches. Up to five fish eighteen to twenty-four inches in length may be retained in the daily limit. No more than one walleye over 24 inches in length may be retained.

Mosquito Creek (Jefferson County), outside Olympic National Park: June 1 through last day in February season.

Selective gear rules. Trout: Minimum length fourteen inches. ~~((One wild steelhead per day may be retained December 1 through last day in February.))~~

Mosquito Lake (Skamania County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mudget Lake (Stevens County): Last Saturday in April through October 31 season.

Munn Lake (Thurston County): Last Saturday in April through October 31 season.

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two.

Myron Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mystic Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Little Naches River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Release trout June 1 through October 31 from confluence with Tieton River to mouth of Rattle Snake Creek. Additional December 1 through March 31 season. Whitefish gear rules apply.

Naneum Creek (Kittitas County): Selective gear rules.

Naneum Pond (Kittitas County): Juveniles only.

Napeequa River (Chelan County): Mouth to Twin Lakes Creek: Closed waters.

Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls, and waters within four hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery attraction channel.

Mainstem: June 1 through ~~((March 31))~~ April 15 season, except sturgeon. Single point barbless hooks required August 16 through November 30 upstream from Highway 4 Bridge to Crown Main Line (Salme) Bridge. Nonbuoyant lure restriction and night closure August 16 through November 30 downstream from North Fork. Stationary gear restrictions downstream from the Crown Main Line Bridge ~~((fishers may not allow their line, lures or bait to remain stationary in the water during the period))~~ August 16 through November 30. Selective gear rules March 1 through April 15 from mouth to North Fork. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through January 31 from Highway 101 Bridge

to Highway 4 Bridge and October 16 through January 31 from the Highway 4 Bridge to the Crown Main Line Bridge. Daily limit 6 fish of which no more than 3 may be adult salmon and of these 3 adult fish no more than 1 may be a wild adult coho and not more than 2 may be adult chinook no more than 2 chum may be retained.

Sturgeon: Open year-round from mouth to Highway 4 Bridge.

From mouth of North Fork to source: Selective gear rules. All species: Release all fish.

South Fork, from mouth to Bean Creek: June 1 through last day in February season, except sturgeon. Game fish: Selective gear rules except nonbuoyant lure restriction and night closure August 16 through November 30. Release game fish. Sturgeon: Open year-round.

Nason Creek (Chelan County): From the mouth upstream to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules.

Negro Creek (Lincoln County): Year-round season from mouth at Sprague Lake to ~~((town of Sprague))~~ the fish barrier dam at Fishtrap Lake.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: June 1 through March 31 season. Single point barbless hooks required on North Nemah upstream to the lower bridge on dead end lower Nemah Road October 1 through November 30, on Middle Nemah upstream to the Department of Natural Resources Bridge on Middle Nemah A-line Road August 16 through November 30, and on South Nemah upstream to confluence with Middle Nemah August 16 through November 30. Selective gear rules on Middle Nemah above DNR Bridge. Night closure August 16 through November 30 on South and Middle Nemah and October 1 through November 30 on North Nemah. Nonbuoyant lure restriction on North Nemah upstream from bridge on dead end lower Nemah Road August 16 through November 30. On the North Nemah from the mouth to the lower bridge on dead end lower Nemah Road, fishers may not allow their line, lures or bait to remain stationary in the water during the period August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained in the North Nemah. Salmon: Open only August 1 through January 31 on Middle Nemah from mouth to DNR Bridge and South Nemah from mouth to confluence with Middle Nemah and October 1 through January 31 on North Nemah from mouth to the lower bridge on dead end Lower Nemah Road. Middle and South Nemah: Daily limit 6 fish of which no more than 2 may be adult salmon and of the two adult fish no more than one may be a wild adult coho. North Nemah: Daily limit 6 salmon of which not more than 3 may be adult salmon and of the adult fish no more than one may be a wild adult coho and no more than two may be adult chinook. No more than two chum may be retained.

Newhalem Ponds (Whatcom County): Closed waters.

Newaukum River, main river and South Fork upstream to Highway 508 Bridge near Kearny Creek (Lewis County): June 1 through March 31 season. Night closure and single point barbless hooks required August 16 through November 30 from mouth to Gheer Creek. Trout: Minimum length fourteen inches mouth to Highway 508 Bridge near Kearny Creek. Salmon: Open only October 16 through last day in February from mouth to Gheer Creek. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook. Release wild adult coho December 1 through last day in February.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): June 1 to March 31 season. Trout: Minimum length fourteen inches.

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout: Minimum length fourteen inches.

From 400 feet below Chehalis city water intake upstream: Closed waters.

Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge: Night closure and single point barbless hooks required August 16 through November 30. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from Highway 101 Bridge to South Bend/Palix Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult chinook.

Nile Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Nisqually River (Pierce County), from mouth to four hundred feet below LaGrande Powerhouse: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Closed December 1 through January 31. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through January 31 from mouth to Military Tank Crossing Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: June 1 through last day in February season except closed June 1 through September 30 in mainstem from Mount Baker High School bus barn at Deming to confluence of the North and South Forks. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through last day in February. Nonbuoyant lure restriction and night closure August 1 through November 30 on mainstem and North Fork to Maple Creek. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31 in mainstem from Lummi Indian Reservation boundary to Mount Baker High School bus barn. Open only October 16 through December 31 in mainstem from the bus barn to the confluence of the North and South Forks, and October 1 through October 31 on the North Fork from confluence to Maple Creek. Daily limit 2 salmon, except release chinook and wild coho.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: June 1 through last day in February season. Selective gear rules. Night closure August 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31. Daily limit 2 salmon, except release chinook and wild coho.

From Skookum Creek upstream: Closed waters.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (Okanogan County): From mouth to falls at river mile 0.8: Selective gear rules.

North Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream to Falls River: June 1 through last day in February season, except sturgeon. Night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 upstream to Salmon Creek. Nonbuoyant lure restriction from Salmon Creek to Falls River August 16 through November 30. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from Highway 105 Bridge to Salmon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult chinook. Sturgeon: Open year-round from Highway 105 Bridge to Salmon Creek.

Upstream from Falls River: Selective gear rules. All species: Release all fish.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through November 30 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Trout: Daily limit one.

Oakland Bay freshwater tributaries (Mason County), except Goldsborough Creek (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Oasis Park Pond (Grant County): Third Saturday in April through Labor Day season. Juveniles and holders of reduced fee disability licenses only.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Trout: Minimum length twelve inches.

Ohop Lake (Pierce County): Last Saturday in April through October 31 season.

Okanogan River (Okanogan County):

From the mouth to the highway bridge at Malott: Year-round season. Trout: Release all trout. Upstream from the highway bridge at Malott: June 1 through August 31 season. Trout: Release all trout.

Closed waters: From Zosel Dam downstream to one-quarter mile below the railroad trestle.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: ~~((Minimum length fourteen inches-))~~ Release ~~((outthroat))~~ all fish except up to two hatchery steelhead may be retained per day.

Ollalie Lake (Skamania County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): June 1 through October 31 season.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through March 31 season, except sturgeon. Single point barbless hooks and night closure August 16 through November 30 upstream to the confluence of the South and Middle Forks. Above the confluence of the South and Middle Forks: Selective gear rules. Nonbuoyant lure restriction and night closure August 16 through November 30. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from the Highway 101 Bridge to the confluence of the South and Middle Forks. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be a wild adult coho. Release adult chinook. Sturgeon: Open year-round from the Highway 101 Bridge to the confluence of the South and Middle Forks.

Palouse River and tributaries, except Rock Creek (Whitman County): Year around season.

Palmer Lake (Okanogan County): Burbot: Set line gear allowed.

Pampa Pond (Whitman County): March 1 through September 30 season. Fishing from any floating device prohibited.

Panhandle Lake (Mason County): Last Saturday in April through October 31 season.

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Closed waters.

Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Para-Juvenile Lake (Adams/Grant counties): April 1 through September 30 season. Juveniles only.

Park Lake (Grant County): Last Saturday in April through September 30 season.

Parker Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Pataha Creek (Garfield County):

 Within the city limits of Pomeroy: Juveniles only.

 From city limits of Pomeroy upstream: Selective gear rules.

Patterson Lake (Okanogan County): Last Saturday in April through October 31 season.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): Juveniles only.

Pearrygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Pend Oreille River (Pend Oreille County): Year-round season. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

Peshastin Creek (Chelan County): Mouth to Ruby Creek: Closed waters.

Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Phalon Lake (Stevens County): Closed waters.

Pheasant Lake (Jefferson County): Last Saturday in April through October 31 season.

Phelps Creek (Chelan County): From mouth to falls at river mile 1: Selective gear rules.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Mason County): Last Saturday in April through October 31 season.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches.

Pilchuck River (Snohomish County)

 From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

 From 500 feet below diversion dam upstream: Closed waters.

Pillar Lake (Grant County): April 1 through September 30 season.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pine Lake (Mason County): Last Saturday in April through October 31 season.

Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Pipers (Carkeek) Creek (King County), from its mouth to its source, including tributaries: Closed waters.

Pit Lake (Douglas County): Juveniles only.

Pleasant Lake (Clallam County): Trout: Kokanee minimum length eight inches, maximum length twenty inches.

Plummer Lake (Lewis County): Last Saturday in April through last day in February season.

Poacher Lake (Grant County): April 1 through September 30 season.

Portage Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Potholes Reservoir (Grant County): Crappie: Minimum length nine inches. Crappie and bluegill: Combined daily limit twenty-five fish. Perch: Daily limit twenty-five fish.

Potter's Pond (Stevens County): Last Saturday in April through October 31 season.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Prices Lake (Mason County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through August 15 season. Selective gear rules. All species: Release all fish.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30 from the mouth to the Carbon River. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to Carbon River. Daily limit 6 fish of which no more than 2 may be adult salmon.

From mouth to the Soldier's Home Bridge in Orting: Additional February 1 through ~~((March 31))~~ last day in February season. Trout: Minimum length fourteen inches.

Pysht River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. One wild steelhead per day may be retained December 1 through last day in February.

Pysht River South Fork (Clallam County): Trout: Minimum length fourteen inches.

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Quigg Lake (Grays Harbor County): June 1 through April 15 season. Trout: Daily limit 2. Minimum length fourteen inches. Salmon: Open only October 1 through January 31. Daily limit 6 hatchery coho salmon of which no more than 4 may be adult hatchery coho.

Quillayute River (Clallam County): Open year-round. ~~((May 1))~~ April 16 through May 31 release all fish except up to two hatchery steelhead per day may be retained. Trout: Minimum length fourteen inches. December 1 through April ~~((30))~~ 15, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon March 1 through August 31 and 3 may be adult salmon September 1 through November 30. September 1 through November 30 the 3 adult salmon may contain no more than 2 adult chinook or 2 adult wild coho or 1 adult chinook and 1 adult wild coho. March 1 through August 31 release wild adult coho and wild adult chinook.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through ~~((March 31))~~ April 15 season. Trout: Minimum length fourteen inches. One wild steelhead per day may be retained December 1 through ~~((March 31))~~ April 15. Salmon: Open only July 1 through October 31. Daily limit 6 fish except release adult salmon.

Quincy Lake (Grant County): March 1 through July 31 season.

Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

Raging River (King County), from its mouth to the Highway 18 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Railroad Pond (Franklin County): Selective gear rules. Trout: Daily limit two.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season.

Rat Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Rattlesnake Creek (Yakima County): Selective gear rules. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Riffe Lake (Reservoir) (Lewis County): Mossyrock Dam to 400 feet below Cowlitz Falls Dam. Lawful to fish up to the base of Swofford Pond Dam. Salmon: Landlocked salmon rules apply.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length ~~((fourteen))~~ twelve inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (Adams/Whitman counties): Mouth to Endicott Road year-round season.

Endicott Road to bridge on George Knott Road at Revere: Selective gear rules. All species: Release all fish.

Upstream from bridge on George Knott Road: Year-round season.

Rock Creek (Chelan County): Selective gear rules.

Rock Creek (Cedar River tributary below Landsburg Dam) (King County): Closed waters.

Rock Creek (Skamania County): June 1 through March 15 season. Trout: ~~((Minimum length twelve inches.))~~ Release

~~((wild cutthroat))~~ all fish except up to two hatchery steelhead may be retained per day.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules and all species: Release all fish.

Roesiger Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): Chumming allowed. All species: Closed February 1 through May 31 in San Poil arm upstream from outlet of French Johns Lake, and April 1 through May 31 in Kettle arm upstream to Barstow Bridge. Trout except kokanee: Daily limit five. No more than two over twenty inches in length. Kokanee daily limit two. Walleye: No minimum size. Daily limit 5 fish not more than one of which may be longer than 18 inches. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon from Roosevelt Lake and tributaries.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective gear rules, except fishing from a floating device equipped with a motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Closed waters.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Rufus Woods Lake (Douglas County): Chumming allowed. Trout: Daily limit two. Sturgeon: Unlawful to fish for or retain sturgeon from Rufus Woods Lake and tributaries.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): April 1 through September 30 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through March 15 season. Trout: ~~((Minimum length twelve inches.))~~ Release ~~((wild cutthroat))~~ all fish except up to two hatchery steelhead may be retained per day. ~~((Release all steelhead June 1 through October 31.))~~

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules.

Salmon Creek (tributary of Naselle River) (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Salmon River (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. ~~((One wild steelhead per day may be retained November 1 through last day in February.))~~ Hatchery steelhead in this river are steelhead with a dorsal fin height of less than 2-1/8 inches or with an adipose or ventral fin clip. Salmon: Open only September 1 through November 30 from mouth to Q 1000 Bridge. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the Hickson Bridge: June 1 through March 15 season. From Highway 99 Bridge to department salmon rack: Closed waters. Stationary gear restriction July 1 through July 31. Nonbuoyant lure restriction ~~((and)),~~ night closure and stationary gear restriction August 1 through December 31.

Trout: Minimum length fourteen inches. Salmon: Open only July 1 through December 31 from mouth to Thomas Road Bridge and October 1 through December 31 from Thomas Road Bridge to I-5 Bridge. Daily limit two salmon.

Sammamish Lake (King County): Trout: ~~((No more than two over fourteen inches in length.))~~ Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length. Salmon: Closed to salmon fishing within 100 yards of the mouth of Issaquah Creek. Open only August 16 through November 30. Daily limit two salmon. Release sockeye.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters: All tributaries. ~~((June))~~ January 1 through August 31 season. Selective gear rules. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

San Poil River (Ferry County): Unlawful to fish for or retain sturgeon.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of disability licenses only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River, (Grays Harbor County): Trout: Minimum length 14 inches in mainstem and all forks. Mainstem and East Fork, single point barbless hooks and night closure August 16 through November 30 except only August 16 through October 31 on East Fork upstream from bridge at Schafer State Park. Middle and West forks downstream from Cougar Smith Road nonbuoyant lure restriction and night closure August 16 through November 30. Middle and West Forks upstream from Cougar Smith Road night closure and nonbuoyant lure restriction August 16 through October 31. ~~((All open periods: Trout: Minimum length fourteen inches:))~~ Fishing from a floating device equipped with an internal combustion engine prohibited upstream from mouth of East Fork, Middle Fork and West Fork.

From mouth to bridge at Schafer Park: Additional November 1 through March 31 season, and East Fork above bridge at Schafer Park: Additional November 1 through November 30 season. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except release adult chinook.

Middle Fork (Turnow Branch), from mouth to Cougar Smith Road: Additional November 1 through last day in February season.

West Fork, from mouth to Cougar Smith Road: Additional November 1 through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the mouth of the White Chuck River to headwaters, including North Fork and South Fork upstream to Elliot Creek: Selective gear rules. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

South Fork upstream from Elliot Creek: June 1 through August 31 season. Selective gear rules.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective gear rules. All species: Release all fish.

Sawyer, Lake (King County): Chumming permitted. Crappie: Daily limit ten, minimum length nine inches.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Sekiu River (Clallam County): All open periods: Trout: Minimum length fourteen inches.

From mouth to forks: Additional November 1 through last day in February season.

Serene Lake (Snohomish County): Last Saturday in April through October 31 season.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

Shoveler Lake (Grant County): April 1 through September 30 season.

Shye Lake (Grays Harbor County): June 1 through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: Minimum length fourteen inches.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Silvas Creek (Klickitat County): Trout: Release all trout.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Trout: Minimum length twelve inches.

Silver Lake (Pierce County): Last Saturday in April through October 31 season.

Silver Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Silver Lake, North (Spokane County): March 1 through September 30 and November 1 through December 31 season.

Selective gear rules. March 1 through September 30: Trout: Daily limit 2 fish, minimum length 14 inches, except release fish with clipped adipose fin. November 1 through December 31: All species: Release all fish.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Silvernail Lake (Okanogan County): Juveniles only.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: December 1 through March 31 season. Whitefish gear rules apply.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season. Whitefish gear rules apply.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective gear rules. Additional December 1 through March 31 season. Whitefish gear rules apply.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year-round season. Selective gear rules March 1 through May 31 except lawful to fish from a floating device equipped with a motor. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only August 16 through December 31. August 16 through October 31: Daily limit four salmon of which not more than three may be coho salmon or two may be chum salmon and release chinook. November 1 through December 31: Daily limit 2 salmon and release chinook.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek: June 1 through March 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only August 16 through December 31. August 16 through October 31: Daily limit four salmon of which not more than three may be coho salmon or two may be chum salmon and release chinook. November 1 through December 31: Daily limit 2 salmon and release chinook.

From Gilligan Creek to Bacon Creek: June 1 through March 15 season except closed June 16 through June 30 and August 1 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only September 16 through December 31 Gilligan Creek to the Dalles Bridge at Concrete. September 16 through October 31: Daily limit four salmon of which not more than three may be coho salmon or two may be chum salmon and release chinook. November 1 through December 31: Daily limit two salmon and release chinook.

From the Dalles Bridge at Concrete to the Cascade River - Salmon open July 1 through July 31, except closed from 200 feet above the mouth of the Baker River to the Cascade River. Daily limit two sockeye salmon. Release all salmon except sockeye salmon. Salmon open September 16 through December 31. September 16 through October 31: Daily limit four salmon of which not more than three may be coho salmon or two may be chum salmon and release chinook. November 1 through December 31: Daily limit two salmon and release chinook.

From Bacon Creek to Gorge Powerhouse: June 1 through last day in February season. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Selective gear rules, except lawful to fish from a floating device equipped with a motor but not while under power. All species: Release all fish.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length.

Skokomish River (Mason County), mouth to forks: Night closure, nonbuoyant lure restriction and single point barbless hooks required August 1 through November 30 mouth to Highway 101. June 1 through last day in February season. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through December 15 mouth to Highway 101 Bridge. Daily limit 1 salmon August 1 through September 30. Release chum salmon. Daily limit 6 salmon October 1 through December 15, except daily limit may contain no more than 4 adult fish and of these adults not more than one may be an adult chinook. October 1 through October 15 release chum salmon.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective gear rules. Trout: Release all fish.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

From mouth of Church Creek to mouth of Rule Creek: Closed waters.

From mouth of Rule Creek to headwaters: Selective gear rules. Trout: Minimum length twelve inches.

Skookum Creek (Mason County): Trout: Minimum length fourteen inches.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Creek (Klickitat County): Trout: Release all trout.

Skookumchuck Reservoir (Thurston County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Single point barbless hooks and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through last day in February. Daily limit 6 fish of which no more than 2 may be adult salmon, except December 1 through the last day in February release adult wild coho. Release adult chinook.

From Skookumchuck Reservoir upstream and all tributaries: Selective gear rules. Trout: Minimum length twelve inches.

Skykomish River (Snohomish County):

From mouth to mouth of Wallace River: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30 mouth to Lewis Street Bridge in Monroe and June 1 through November 30 from Lewis Street Bridge in Monroe to Wallace River. Fishing from any floating device prohibited November 1 through last day in February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Additional season March 1 through April 30 mouth to Sultan River: Selective gear rules and all species - Release all fish. Salmon: Open June 1 through July 31 Lewis Street Bridge in Monroe to Wallace River. Daily limit 1 hatchery chinook. Open September 1 through December 31. Daily limit four salmon of which a total of not more than two may be coho and chum salmon. Release chinook.

From the mouth of the Wallace River to the forks: June 1 through last day in February season, except closed June 1 to 8:00 a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds August 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through December 31. Daily limit four salmon of which a

total of not more than two may be coho and chum salmon. Release chinook.

Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From one thousand feet below Bear Creek Falls to Deer Falls: Closed waters.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season, except sturgeon. Single point barbless hooks, and night closure August 16 through November 30 upstream to the Highway 101 Bridge. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be an adult wild coho. Release adult chinook. Sturgeon: Open year-round from mouth to Highway 101 Bridge.

Snake River: Year-round season. Closed to the taking of all trout April 1 through June 15. Trout: Daily limit six, minimum length ten inches, no more than ~~((two))~~ three over twenty inches. Release all steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead. Sturgeon: Unlawful to retain sturgeon in mainstem and tributaries upstream from Lower Granite Dam. Bass: Fish twelve to seventeen inches in length may be retained as part of the daily limit. No more than 3 bass over fifteen inches in length may be retained. Walleye: ~~((Minimum length eighteen inches. Up to five fish eighteen to twenty four inches in length may be retained in the daily limit. No more than one walleye over 24 inches in length may be retained.))~~ Daily limit 10 fish. No minimum size. No more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Channel catfish: No daily limit.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Snipe Lake (Grant County): April 1 through September 30 season.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: June 1 through last day in February season, except sturgeon. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only August 16 through December 31. Daily limit four salmon of which no more than a total of two salmon may be coho and chum salmon. Release chinook. Sturgeon: Open year-round from mouth to Highway 2 Bridge.

Snoqualmie River (King County):

From mouth to the falls: June 1 through last day in February season, except waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant # 2 building (north bank) are closed waters. June 1 through November 30 selective gear rules, except fishing from a floating device equipped with a motor allowed. Fishing from any floating device prohibited November 1 through last day in February from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Night closure September 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit 2 fish. Release chinook and pink.

From Snoqualmie Falls upstream, including the North and South Forks: Selective gear rules. Trout: Minimum length ten inches. Additional November 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snoqualmie Middle Fork from mouth to source including all tributaries except Pratt and Taylor rivers: Year-round season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries: Closed waters.

Snyder Creek (Klickitat County): Trout: Release all trout.

Sol Duc River (Clallam County): Open year-round. ((May 4)) April 16 through May 31 release all fish except up to two hatchery steelhead per day may be retained. Selective gear rules from the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream of Snider Creek November 1 through April ((30)) 15, and from the Highway 101 Bridge to Olympic National Park June 1 through October 31. Trout: Minimum length fourteen inches. December 1 through April ((30)) 15, from mouth to the concrete pump station at the Soleduck Hatchery, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30 from mouth to concrete pump station. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Sooes River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to bridge near hatchery residence: June 1 through August 31 season except salmon. Trout: Minimum length fourteen inches. Salmon: Open only October 11 through November 2 to fishing by juveniles only. Night closure October 11 through October 31. Terminal gear restricted to one single hook. Daily limit two coho salmon.

Bridge near hatchery residence to Salmon hatchery rack: June 1 through August 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), mouth to Page Creek: Closed waters.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an electric motor permitted. Trout: Maximum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year-round season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Okanogan County): March 1 through July 31 season.

Spirit Lake (Skamania County): Closed waters.

Spokane River (Spokane County):

From SR 25 Bridge upstream to the Seven Mile Bridge, except Long Lake, formed by Long Lake Dam (see also Long Lake): Year-round season except walleye. Trout: Daily limit five, no more than two over twenty inches in length. Walleye: Daily limit five, no minimum length, no more than one over eighteen inches in length. April 1 through May 31 release all walleye. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year-round season. Selective gear rules. Trout: Daily limit one. Release wild trout. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From Monroe Street Dam upstream to Upriver Dam: Year-round season. Salmon: Landlocked salmon rules apply.

From Upriver Dam upstream to the Idaho/Washington state line: Selective gear rules, except fishing from a floating device equipped with a motor permitted. All species: Release all fish.

Sprague Lake (Adams/Lincoln counties):

Waters south of the lakeside edge of the reeds and waters of Cow Creek south to Danekas Road: July 1 through Sep-

tember 15 season. Crappie: Daily limit ten, minimum length nine inches.

Spring Creek (Klickitat County): Trout: Daily limit five.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Stan Coffin Lake (Grant County): Bass: Release all bass.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Trout: Minimum length fifteen inches. Release cut-throat. Additional March 1 through June 30 season. Selective gear rules. All species: Release all fish.

Stetattle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Kokanee: Kokanee not included in trout daily limit. Kokanee daily limit ten fish.

Steves Lake (Mason County): Last Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Last Saturday in April through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to (~~Warm Beach Stanwood Highway~~) Marine Drive, including all sloughs: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit four salmon of which a total of not more than two may be coho and chum salmon. Release chinook.

From (~~Warm Beach Stanwood Highway~~) Marine Drive to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters: June 1 through last day in February season. Night closure August 1 through November 30. Selective gear rules June 1 through November 30 except fishing from a floating device equipped with a motor allowed. Game fish: June 1 through November 30 release all fish except hatchery steelhead. Trout: Minimum length fourteen inches December 1 through last day in February. Salmon: Open only September 1 through December 31. Daily limit four salmon of which a

total of not more than two may be coho and chum salmon. Release chinook.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). Fishing from any floating device equipped with a motor prohibited downstream from the Highway 530 Bridge. March 1 through November 30: All species: Release all fish except hatchery steelhead. April 16 through November 30 fly fishing only. December 1 through last day in February: Trout: Minimum length fourteen inches.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suiattle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream: Selective gear rules.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season.

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swale Creek (Klickitat County): Trout: Release all trout.

Swamp Creek (tributary to Sammamish River) (Snohomish/ King counties): Closed waters.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules.

Swift Reservoir (Skamania County): Last Saturday in April through October 31 season. From posted markers below Eagle Cliff Bridge to Bridge: Selective gear rules except fishing from a floating device equipped with a motor is allowed. Salmon: Landlocked salmon rules apply.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Tahklakh Lake (Skamania County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Tahuya River (Mason County): Mouth to Bear Creek-Dewatto Road crossing: ~~((June 1 through last day in February season. Game fish:))~~ Selective gear rules ~~((except single point barbless hooks required September 16 through October 31))~~ and release all fish except salmon. Salmon: Open only September 16 through October 31 mouth to marker one mile above North Shore Road Bridge. ~~((Single point barbless hooks required.))~~ Daily limit 2 coho salmon.

Bear Creek-Dewatto Road crossing upstream: Selective gear rules and release all fish.

Taneum Creek (Kittitas County): Selective gear rules.

Tanwax Lake (Pierce County): Last Saturday in April through October 31 season. Crappie: Daily limit ten, minimum length nine inches.

Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year-round season.

Tarboo Lake (Jefferson County): Last Saturday in April through November 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Salmon: Landlocked salmon rules apply.

Tate Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Teal Lakes (North and South) (Grant County): April 1 through September 30 season.

Teal Lake (Jefferson County): Last Saturday in April to ~~((October))~~ August 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Additional September 1 through March 30 season. Selective gear rules. All species: Release all fish.

Teanaway River, including North Fork (Kittitas County): Selective gear rules.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from October 1 through January ~~((15))~~ 31 except fishing from floating dock permitted.

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): Closed waters.

Thread Lake (Adams County): April 1 through September 30 season.

Tibbetts Creek (tributary to Lake Sammamish) (King County): Closed waters.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Additional December 1 through March 31 season: Whitefish gear rules apply.

Tieton River, North Fork (Yakima County), upstream from Rimrock Lake: Closed waters: Spillway channel. June 1 through August 15 season.

Tieton River, South Fork (Yakima County): From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Tilton River (Lewis County), from mouth to West Fork: June 1 through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length. Release cutthroat. Salmon: Open only June 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult fish. Release wild coho.

Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. Nonbuoyant lure restriction. Trout: Minimum length fourteen inches.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective gear rules. Trout: Minimum length fourteen inches.

From the USGS trolley cable to the falls in Sec. 21, Twp 26N., R 8 E. on the North Fork, and to the dam on the South Fork: Closed waters.

From falls upstream on North Fork: Selective gear rules. All species: Release all fish.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

Touchet River (Columbia/Walla Walla counties):

From confluence of north and south forks upstream, including Robinson and Wolf Forks: Selective gear rules. Trout: Release all steelhead. Bass: No minimum or maximum size. No more than three bass over fifteen inches in length may be retained. Tributaries other than North Fork, South Fork, Robinson Fork, and Wolf Fork: Closed waters.

North Fork: Upstream of Spangler Creek June 1 through August 31 season.

South Fork: Upstream from Griffin Creek June 1 through August 31 season.

Wolf Fork: Upstream from Coates Creek June 1 through August 31 season.

From mouth to confluence of north and south forks: Additional season: November 1 through April 15. Barbless hooks required. All species: Release all fish except hatchery steelhead and brown trout. Trout: Daily limit three fish.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Nonbuoyant lure restriction and night closure September 1 through October 15 on North Fork from confluence with South Fork to mouth of Green River. All game fish: Release all fish except hatchery steelhead. Salmon: Open only August 1 through November 30. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. Release chum and wild coho. Release all chinook October 1 through November 30 in North Fork upstream from Kidd Valley Bridge.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries, but excepting Castle and Coldwater Lakes: Closed waters.

Toutle River, South Fork (Cowlitz County), mouth to source: Closed waters: All tributaries. June 1 through November 30 season. All species: Release all fish except hatchery steelhead. Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except hatchery steelhead.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the mouth upstream to Turner Road Bridge: Additional November 1 through April 15 season. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the Turner Road Bridge upstream to the ((~~Cummings Creek~~)) Tucannon Hatchery Bridge: Selective gear rules June 1 through October 31. Additional season November 1 through April 15. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the ((~~Cummings Creek~~)) Tucannon Hatchery Bridge upstream to 500 feet above the Rainbow Lake intake: Closed waters.

From 500 feet above the Rainbow Lake intake to the Cow Camp Bridge: Selective gear rules. Release steelhead.

From Cow Camp Bridge upstream: Closed waters.

Tucquala Lake (Kittitas County): June 1 through October 31 season.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish. War Creek to South Fork Twisp River: Closed waters.

Tye River (King County): Foss River to Alpine Falls June 1 through October 31 season: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County): Mouth to ((~~lower~~)) North Shore Road Bridge ((~~on Old Belfair Highway, June 1 through last day in February season~~)). All species: Release all fish except sturgeon.

From North Shore Road Bridge to lower bridge on Old Belfair Highway: ((~~Closed waters August 16 through Octo-~~

~~ber 31-))~~ June 1 through August 15 season. Selective gear rules. All species: Release all fish except sturgeon.

From ~~((North Shore Road Bridge))~~ lower bridge on Old Belfair Highway upstream to watershed boundary: Selective gear rules. All species: Release all fish except sturgeon ~~((from mouth to watershed boundary))~~.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through November 30 season. Juveniles, holders of a senior license and holders of a department disability license only. Salmon: Landlocked salmon rules apply. Pond Two: Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Closed waters: April 1 through May 30 the Vancouver Lake flushing channel is closed and it is closed to fishing from the lake shoreline within 400 feet east and west of the channel exit. Chumming permitted. Trout: Daily limit two, minimum length twelve inches.

Vanes Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Van Winkle Creek (Grays Harbor County): Mouth to 400 feet below outlet of Lake Aberdeen Hatchery: Game fish: Minimum length 14 inches. Salmon: Open only September 1 through January 31. Daily limit 6 fish of which not more than 2 may be adult fish. Release chum, adult chinook and wild adult coho.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Vogler Lake (Skagit County): Last Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Wahkiacus Creek (Klickitat County): Trout: Release all trout.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to 200 feet upstream of the water intake of the salmon hatchery: June 1 through last day in February season. Closed waters: From the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery during the period June 1 through August 31. Fishing from any floating device prohibited November 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through November 30. Daily limit 2 coho.

From 200 feet upstream of the water intake of the salmon hatchery to mouth of Olney Creek: November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Walla Walla River (Walla Walla County):

From mouth to the Touchet River: Year-round season. Trout: Barbless hooks required when fishing for steelhead. Trout: Release trout April 1 through May 31. Daily limit three hatchery steelhead. Bass: No minimum or maximum size. No more than three fish over fifteen inches in length may be retained.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Bass: No minimum or maximum size. No more than three fish over fifteen inches in length may be retained. Additional season November 1 through April 15. All species: Barbless hooks required and release all fish except hatchery steelhead. Trout: Daily limit three hatchery steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from devices equipped with motors permitted. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. Trout: Release all trout. From August 1 through October 31: Selective gear rules except fishing from a device equipped with an internal combustion engine permitted. ~~((Trout: Release all trout.))~~

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season.

Warden Lake and Warden Lake, South (Grant County): Last Saturday in April through September 30 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washburn Lake (Okanogan County): Last Saturday in April through October 31 season. Trout: Daily limit two.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February, daily limit 5, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit 5, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. Salmon: Open only September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge. Daily limit two coho salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year-round. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County):

From mouth to bridge at Salmon Falls: June 1 through March 15 season. Nonbuoyant lure restriction, night closure and stationary gear restriction September 1 through October 31. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained. Salmon: Open only August 1 through March 15. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. Release chum and wild coho. Upstream of Little Washougal River, release chinook October 1 through December 31.

From mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. Selective gear rules. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

From bridge at Salmon Falls to its source, including tributaries: Closed waters.

Washougal River, West (North) Fork (Clark/Skamania counties):

From mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

Watson Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Waughop Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Wenas Lake (Yakima County): Trout: Daily limit five, of which not more than two may be brown trout.

Wenaha River tributaries within Washington: June 1 through August 31 season.

Wenatchee Lake (Chelan County): Selective gear rules except fishing from a floating device equipped with a motor allowed. Trout except kokanee: Daily limit two, minimum length twelve inches. Release kokanee. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River (Chelan County):

December 1 through March 31 season, from mouth to Highway 2 Bridge at Leavenworth only. Whitefish gear rules apply.

West Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through December 31. Closed waters: Woburn Street Bridge upstream to the stone bridge. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to markers below Dupont Street. Daily limit 6 fish of which not more than 2 may be adult salmon.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Nonbuoyant lure restriction and night closure August 1 through October 31. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the Electric Avenue Bridge and the outlet dam are closed waters: Trout: Release cutthroat trout.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

Wheeler Creek (Klickitat County): Trout: Release all trout.

White River (Chelan County), from mouth upstream to White River Falls: Closed waters.

White (Stuck) River (Pierce County):

From mouth to R Street Bridge in Auburn: October 1 through last day in February season: Nonbuoyant lure restriction and night closure October 1 through November 30. Trout: Minimum length fourteen inches.

From R Street Bridge to Highway 410 Bridge at Buckley: October 1 through October 31 season. Closed waters:

Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin. Nonbuoyant lure restriction and night closure. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Nonbuoyant lure restriction and night closure October 1 through November 30. Whitefish: Additional November 1 through January 31 season. Release all fish except whitefish.

Whitechuck River (Snohomish County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

From mouth to powerhouse: Open year-round. Bank fishing only downstream from the Highway 14 Bridge. August 1 through December 31: Nonbuoyant lure restriction. Trout: Minimum length fourteen inches. Salmon and steelhead: Open April 1 through June 30, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead. Salmon: Open July 1 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. October 1 through December 31 release chinook upstream from posted markers upstream of Highway 14 Bridge.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to April 30 season except salmon and steelhead. Trout: Minimum length fourteen inches. Salmon: Open November 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. November 16 through December 31 release chinook. Salmon and steelhead: Open April 1 through June 15, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Trout: Minimum length twelve inches.

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): April 1 through September 30 season.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season.

Wilderness Lake (King County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County): Mouth to Fork Creek: June 1 through March 31 season, except sturgeon. Night closure, single point barbless hooks, and stationary gear restriction August 16 through November 30 mouth to Fork Creek. November 1 through March 31 fishing from any floating

device prohibited from the bridge on Willapa Road to Fork Creek.

All game fish: Release all fish except that up to two hatchery steelhead may be retained. Salmon: Open only August 1 through January 31 from mouth to Highway 6 Bridge approximately 2 miles below mouth of Trap Creek and open October 16 through January 31 from Highway 6 Bridge to Fork Creek. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than one may be a wild adult coho and not more than two may be adult chinook and not more than two may be chum.

Sturgeon: Open year-round from mouth to Highway 6 Bridge.

Upstream from Fork Creek: Selective gear rules. August 16 through October 31, nonbuoyant lure restriction and night closure. All species: Release all fish.

South Fork: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 16 through November 30. All species: Release all fish except up to two hatchery steelhead may be retained.

Williams Creek (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Open year-round. Juveniles only. Trout: Daily limit five, no minimum length.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: July 1 through March 15 season, except salmon and steelhead. May 1 through June 30: Nonbuoyant lure restriction and night closure. August 1 through October 31: Nonbuoyant lure restriction. Salmon and steelhead: Open May 1 through June 30 daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead. Trout: Minimum length fourteen inches. Salmon: Open August 1 through October 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook from Burlington-Northern Railroad Bridge upstream.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source, including all tributaries: May 1 through June 30 season. Closed waters: From 400 feet below to 100 feet above the Coffey Dam and from a boundary marker approximately 800 yards downstream from Carson National Fish Hatchery upstream, including all tributaries. Night closure and nonbuoyant lure restriction. Salmon and steelhead: Daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Wishkah River (Grays Harbor County), including all forks: Closed waters: Mainstem from four hundred feet below outlet of dam at Wishkah Rearing Ponds (formerly Mayr Bros.) to dam. Trout: Minimum length fourteen inches. Release wild cutthroat. Mouth to West Fork: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Selective gear and all species: Release all fish, March 1 through March 31. Salmon: Open only October 1 through November 30 from mouth to West Fork. Daily limit 6 fish of which no more than 2 may be adult salmon., Release adult chinook.

From the West Fork to four hundred feet below outlet: June 1 through March 31 season. Trout: Minimum length fourteen inches.

Wolf Creek, mouth to mouth of south fork (Okanogan County): Closed waters.

Wood Lake (Mason County): Last Saturday in April through October 31 season.

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake (Mason County): Last Saturday in April through October 31 season.

Wye Lake (Kitsap County): Last Saturday in April through October 31 season.

Wynoochee River (Grays Harbor County): Trout: Minimum length fourteen inches. Fishing from a floating device equipped with an internal combustion engine prohibited upstream from the city of Aberdeen water intake dam. Mouth to 7400 line bridge above mouth of Schafer Creek: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except daily limit may contain no more than 1 wild adult coho December 1 through January 31. Release adult chinook.

7400 line bridge upstream: ~~((Selective gear rules.))~~ Additional December 1 through March 31 season. Selective gear rules. Fishing from a floating device prohibited. All species: Release all fish except up to two hatchery steelhead may be retained.

Wynoochee Reservoir (Grays Harbor County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches. Salmon: Landlocked salmon rules apply.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries. Channel catfish: No daily limit.

From mouth to Prosser Dam: Chumming permitted. ~~((Channel catfish: No daily limit.))~~ Salmon: Open only September ~~((16))~~ 1 through October ~~((31))~~ 22. Daily limit 6 fish of which not more than 2 may be adult salmon. Nonbuoyant lure restriction and night closure.

From mouth to Highway 223 Bridge: Bass: No daily limit of bass under 12 inches in length. Release bass 12 to 17

inches in length. Unlawful to retain more than one bass per day greater than 17 inches in length.

From Highway 223 Bridge to 400 feet below Sunnyside Dam: Salmon: Open only September 1 through October 22. Daily limit 6 fish of which not more than 2 may be adult salmon. Nonbuoyant lure restriction and night closure.

From mouth to thirty-five hundred feet below Roza Dam: Year-round season. Closed waters: From Yakima Avenue-Terrace Heights Bridge upstream 400 feet. March 1 through November 30, closed from thirty-five hundred feet below Roza Dam to Roza Dam. Trout: Minimum length twelve inches and maximum length twenty inches. Release all trout April 1 through May 31. Thirty-five hundred feet below Roza Dam to four hundred feet below Roza Dam: December 1 through last day in February season. Whitefish gear rules apply.

From Roza Dam to four hundred feet below Easton Dam and from Lake Easton to the base of Keechelus Dam: Year-round season. Fishing from floating devices equipped with motors allowed only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile). ~~Selective gear rules ((except bait and one single point barbed hook three sixteenths or smaller point to shank may be used for whitefish December 1 through last day in February)).~~ Trout: From Roza Dam to 400 feet below Easton Dam: Release all trout. Lake Easton to the base of Keechelus Dam. Release all trout except eastern brook trout. Eastern brook trout: No daily limit and no minimum size.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Yellowjacket Ponds (Lewis County): Last Saturday in April through last day in February season. Trout: No more than one over twelve inches in length.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

**WSR 03-21-175
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

[Filed October 22, 2003, 11:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-043 [03-17-043].

Title of Rule: Distribution and use of funds from the mortgage lending fraud prosecution fund.

Purpose: To establish procedures to guide prosecutorial agencies in making application for grants from the mortgage lending fraud prosecution fund, as directed by the legislature,

and to guide the Department of Financial Institutions in processing the applications.

Statutory Authority for Adoption: RCW 36.22.181 and 43.320.040.

Summary: The director of the Department of Financial Institutions is authorized to disburse funds directly from the mortgage fraud lending account for prosecutorial functions listed. Methods for disbursing the funds are provided. Procedure for approval or denial of applications for funds is established.

Reasons Supporting Proposal: The rule is necessary to implement the statute. The rule gives adequate guidance and notice to prosecutors and the disbursing agency.

Name of Agency Personnel Responsible for Drafting: David Cheal, 150 Israel Road, Olympia, WA 98504-1200, (360) 902-0512; **Implementation:** Chuck Cross, 150 Israel Road, Olympia, WA 98504-1200, (360) 902-8733; and **Enforcement:** Kwadwo Boateng, 150 Israel Road, Olympia, WA 98504-1200, (360) 902-8725.

Name of Proponent: Washington Association of Prosecuting Attorneys; Office of the Attorney General.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes methods and procedures for making grant applications for funds from the mortgage lending fraud prosecution fund. Direction is given to the Department of Financial Institutions in processing grant applications and disbursing funds. A list of prosecutorial activities is provided that may be the subject of a grant application.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule involves transactions between governmental agencies. The rule does not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. Rules adopted by the Department of Financial Institutions are not subject to RCW 34.05.328, except as voluntarily made applicable.

Hearing Location: Department of Financial Institutions, 150 Israel Road, Olympia, WA 98504-1200, on December 3, 2003, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact David Cheal by December 1, 2003, TDD (360) 664-8126 or (360) 902-0512.

Submit Written Comments to: David Cheal, Department of Financial Institutions, 150 Israel Road, Olympia, WA 998501 [98504], by December 3, 2003.

Date of Intended Adoption: December 10, 2003.

October 22, 2003

Chuck Cross

Assistant Director

Consumer Services

Chapter 208-700 WAC

PROCESSING APPLICATIONS FOR GRANTS FROM THE MORTGAGE LENDING FRAUD PROSECUTION ACCOUNT

DEFINITIONS

NEW SECTION

WAC 208-700-010 Definitions. The definitions in this section apply throughout the chapter unless the context clearly requires otherwise.

(1) "Department" means the Department of Financial Institutions.

(2) "Director" means the Director of the Department.

(3) "Mortgage lending fraud prosecution account" or "account" means the account established under RCW 36.22.181, RCW 40.320.140, and RCW 43.320.1401 (chapter 289, Laws of 2003).

(4) "Mortgage lending process" means the process through which a person seeks or obtains a residential mortgage loan including, but not limited to, solicitation, application or origination, negotiation of terms, third party provider services, underwriting, signing and closing, and funding of the loan.

(5) "Person" means a natural person, corporation, company, limited liability corporation, partnership, or association.

(6) "Prosecutorial agency" means the office of the Washington Attorney General, the office of the United States Attorney, or the office of any county prosecutor in the State of Washington.

(7) "Residential mortgage loan" means any loan primarily for personal, family, or household use secured by a mortgage or deed of trust on residential real estate upon which is constructed or intended to be constructed a single family dwelling or multiple family dwelling of four or fewer units.

(8) "Third-party provider" means any person other than a mortgage broker or lender who provides goods or services in connection with the preparation of a borrower's loan and includes, but is not limited to, credit reporting agencies, title companies, appraisers, structural and pest inspectors, or escrow companies.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

NEW SECTION

WAC 208-700-020 Authorization for use of funds. The Director is authorized to disburse funds held under this chapter to cover the expenses of any prosecutorial agency for the purposes of prosecuting fraudulent activities in the mortgage lending process. Such prosecution expenses may include, but are not limited to:

(1) Investigation.

(2) Discovery.

(3) Trial preparation and trial.

(4) Witness expenses.

(5) Sentencing.

(6) Appeal.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 208-700-030 Application and approval for disbursement of funds. (1) At the Director's discretion, the Department may establish any of the following means for application, approval and disbursement of funds:

a. A written agreement or memorandum of understanding with a prosecutorial agency covering expenses for a set period of time or the expenses for a particular prosecution. Each agreement or memorandum of understanding shall identify the effective period, the expenses to be covered, the dollar limit, the manner and form of billing expenses and the process for disbursement of the funds, and shall be signed by an authorized representative of the prosecutorial agency, and the Director or the Director's designee.

b. A written application submitted to the Department for payment of prosecution expenses. Such written application shall be in a form acceptable to the Director and shall include at a minimum the following information:

i. The prosecutorial agency applicant name, address and contact information.

ii. The case name and description including the details of persons and crimes under consideration.

iii. The court and county where the charges are or may be filed.

iv. The expenses or range of expenses to be reimbursed.

c. An invoice and voucher submitted after the prosecutorial expenses have been incurred, which shall include all the information required under "b", above.

(2) The Department will approve or deny the application in a written letter. The letter of approval shall contain the terms of payment including the maximum amount to be reimbursed, the billing process to be followed by the prosecutorial agency, reporting requirements to the Department and the procedures by which the Department shall disburse the funds.

(3) A completed invoice or voucher in a form acceptable to the Director shall be submitted for all prosecution expenses for which payment or reimbursement from the account is sought.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 208-700-040 Disbursement limitation The Director is not required to disburse any funds unless the mortgage lending fraud prosecution account contains sufficient funds to cover planned disbursements under an agreement, memorandum of understanding or approved application. At no time shall the Director or the Department be required to make disbursements from the Department's own operating funds.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

PROPOSED



WSR 03-21-072

EXPEDITED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed October 15, 2003, 8:37 a.m.]

Title of Rule: WAC 390-20-0101 Forms for lobbyist registration and 390-20-110 Forms for lobbyist employers report.

Purpose: To include e-mail addresses on the forms for electronic communication with filers.

Other Identifying Information: Minor changes to PDC Form L-1 Lobbyist Registration and PDC Form L-3 Employer's Lobbying Expenses.

Statutory Authority for Adoption: RCW 42.17.370.

Statute Being Implemented: Chapter 42.17 RCW.

Summary: To facilitate electronic communications with filers by including e-mail addresses on the L1 and L3 forms.

Reasons Supporting Proposal: Cost savings to agency in printing and postage and ease of communication with current and future filers.

Name of Agency Personnel Responsible for Drafting and Implementation: Doug Ellis, 711 Capitol Way, Room 206, Olympia, WA 98504, (360) 664-2735; Enforcement: Phil Stutzman, 711 Capitol Way, Room 206, Olympia, WA 98504, (360) 664-8853.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 390-20-0101 Forms for lobbyist registration and 390-20-110 Forms for lobbyist employers report, are designed to allow the public information as to who and how much money is being expended in an attempt to influence state legislation or state agency rule making.

The effect of the proposed changes would provide a space on the forms to include an e-mail address.

Proposal Changes the Following Existing Rules: This proposal would add a location for an e-mail address on PDC Form L-1 Lobbyist Registration and PDC Form L-3 Employer's Lobbying Expenses.

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 Doug Ellis, Public Disclosure Commission, 711 Capitol Way, Room 206, Olympia, WA 98504, AND RECEIVED BY December 23, 2003.

October 13, 2003

Vicki Rippie
Executive Director

AMENDATORY SECTION (Amending WSR 00-24-041, filed 11/29/00)

WAC 390-20-0101 Forms for lobbyist registration. The official form for lobbyist registration as required by RCW 42.17.150 is designated "L-1," revised ((12/00)) 12/03. 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.

EXPEDITED



PUBLIC DISCLOSURE COMMISSION
711 CAPITOL WAY RM 208
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111
1-877-601-2323

LOBBYIST REGISTRATION

THIS SPACE FOR OFFICE USE
L1

1. Lobbyist Name
Permanent Business Address
City State Zip
2. Temporary Thurston County address during legislative session
3. Employer's name and address (person or group for which you lobby)
4. Name and address of person having custody of accounts, receipts, books or other documents which substantiate lobbyist reports.
5. What is your pay (compensation) for lobbying?
6. Are you reimbursed for lobbying expenses?
7. How long do you expect to lobby for this organization?
8. Is your employer a business or trade association or similar organization which lobbies on behalf of its members?
9. Does your employer have a connected, related or closely affiliated political action committee which will provide funds for you to make political contributions including purchase tickets to fund raising events?
10. If lobbyist is a company, partnership or similar business entity which employs others to perform actual lobbying duties, list name of each person who will lobby.
11. Areas of interest. Lobbying is most frequent before legislative committee members or state agencies concerned with following subjects:
12. LOBBYIST'S SIGNATURE
EMPLOYER'S AUTHORIZATION: Confirming the employment authority to lobby described in this registration statement.
EMPLOYER'S SIGNATURE, NAME TYPED OR PRINTED, AND TITLE

EXPEDITED

NOT VALID UNLESS SIGNED BY BOTH



LOBBYIST REGISTRATION

L1	THIS SPACE FOR OFFICE USE
	(12/03)

<p>1. Lobbyist Name</p> <hr/> <p>Permanent Business Address</p> <hr/> <p>City State Zip</p> <hr/> <p>2. Temporary Thurston County address during legislative session</p> <hr/> <p>3. Employer's name and address (person or group for which you lobby)</p> <hr/> <p>4. Name and address of person having custody of accounts, receipts, books or other documents which substantiate lobbyist reports. (Person responsible for producing the annual L3 report)</p> <hr/>	<p>Business Telephone Numbers</p> <p>Permanent ()</p> <p>Temporary ()</p> <p>Cell Phone () or Pager</p> <hr/> <p>E-Mail Address</p> <hr/> <p>Employer's occupation, business or description of purpose of organization</p> <hr/> <p>E-Mail Address</p> <hr/>																																						
<p>5. What is your pay (compensation) for lobbying?</p> <p>\$ _____ per _____ (hour, day, month, year)</p> <p>Other: Explain:</p> <hr/> <p>6. Are you reimbursed for lobbying expenses? Explain which expenses.</p> <p><input type="checkbox"/> Yes: \$ _____ per _____</p> <p><input type="checkbox"/> Yes: I am reimbursed for expenses.</p> <p><input type="checkbox"/> No: I am not reimbursed for expenses.</p> <hr/> <p>7. How long do you expect to lobby for this organization?</p> <p><input type="checkbox"/> Permanent lobbyist <input type="checkbox"/> Only during legislative session <input type="checkbox"/> Other, Explain:</p> <hr/> <p>8. Is your employer a business or trade association or similar organization which lobbies on behalf of its members? If "yes," attach a list showing the name and address of each member who has paid the association fees, dues or other payments over \$500 during either of the past two years or is expected to pay over \$500 this year.</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes. However, no member has paid, pays, or is expected to pay over \$500.</p> <p><input type="checkbox"/> Yes. The list is attached</p> <hr/> <p>9. Does your employer have a connected, related or closely affiliated political action committee which will provide funds for you to make political contributions including purchase tickets to fund raising events? If so, list the name of that political action committee.</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. Name of the committee is:</p> <hr/> <p>10. If lobbyist is a company, partnership or similar business entity which employs others to perform actual lobbying duties, list name of each person who will lobby. (See WAC 390-20-143 and 144 for instructions.)</p> <hr/>	<p>Description of employment (check one or more boxes)</p> <p><input type="checkbox"/> Full time employee <input type="checkbox"/> Sole duty is lobbying</p> <p><input type="checkbox"/> Part time or temporary employee <input type="checkbox"/> Lobbying is only a part of other duties</p> <p><input type="checkbox"/> Contractor, retainer or similar agreement</p> <p><input type="checkbox"/> Unsalariated officer or member of group</p> <hr/> <p>Does employer pay any of your lobbying expenses directly? If yes, explain which ones.</p> <hr/> <p>Remarks:</p> <hr/>																																						
<p>11. Areas of interest. Lobbying is most frequent before legislative committee members or state agencies concerned with following subjects:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> <table style="width: 100%; border: none;"> <tr><td style="width: 10%;">CODE</td><td style="width: 80%;">SUBJECT</td></tr> <tr><td>01 <input type="checkbox"/></td><td>Agriculture</td></tr> <tr><td>02 <input type="checkbox"/></td><td>Business and consumer affairs</td></tr> <tr><td>03 <input type="checkbox"/></td><td>Constitutions and elections</td></tr> <tr><td>04 <input type="checkbox"/></td><td>Education</td></tr> <tr><td>05 <input type="checkbox"/></td><td>Energy and utilities</td></tr> <tr><td>06 <input type="checkbox"/></td><td>Environmental affairs - natural resources - parks</td></tr> <tr><td>07 <input type="checkbox"/></td><td>Financial institutions and insurance</td></tr> <tr><td>08 <input type="checkbox"/></td><td>Fiscal</td></tr> </table> </td> <td style="width: 50%; border: none;"> <table style="width: 100%; border: none;"> <tr><td style="width: 10%;">CODE</td><td style="width: 80%;">SUBJECT</td></tr> <tr><td>09 <input type="checkbox"/></td><td>Higher education</td></tr> <tr><td>10 <input type="checkbox"/></td><td>Human services</td></tr> <tr><td>11 <input type="checkbox"/></td><td>Labor</td></tr> <tr><td>12 <input type="checkbox"/></td><td>Law and justice</td></tr> <tr><td>13 <input type="checkbox"/></td><td>Local government</td></tr> <tr><td>14 <input type="checkbox"/></td><td>State government</td></tr> <tr><td>15 <input type="checkbox"/></td><td>Transportation</td></tr> <tr><td>16 <input type="checkbox"/></td><td>Other - Specify:</td></tr> </table> </td> </tr> </table> <hr/> <p>CERTIFICATION: I hereby certify that the above is a true, complete and correct statement.</p>	<table style="width: 100%; border: none;"> <tr><td style="width: 10%;">CODE</td><td style="width: 80%;">SUBJECT</td></tr> <tr><td>01 <input type="checkbox"/></td><td>Agriculture</td></tr> <tr><td>02 <input type="checkbox"/></td><td>Business and consumer affairs</td></tr> <tr><td>03 <input type="checkbox"/></td><td>Constitutions and elections</td></tr> <tr><td>04 <input type="checkbox"/></td><td>Education</td></tr> <tr><td>05 <input type="checkbox"/></td><td>Energy and utilities</td></tr> <tr><td>06 <input type="checkbox"/></td><td>Environmental affairs - natural resources - parks</td></tr> <tr><td>07 <input type="checkbox"/></td><td>Financial institutions and insurance</td></tr> <tr><td>08 <input type="checkbox"/></td><td>Fiscal</td></tr> </table>	CODE	SUBJECT	01 <input type="checkbox"/>	Agriculture	02 <input type="checkbox"/>	Business and consumer affairs	03 <input type="checkbox"/>	Constitutions and elections	04 <input type="checkbox"/>	Education	05 <input type="checkbox"/>	Energy and utilities	06 <input type="checkbox"/>	Environmental affairs - natural resources - parks	07 <input type="checkbox"/>	Financial institutions and insurance	08 <input type="checkbox"/>	Fiscal	<table style="width: 100%; border: none;"> <tr><td style="width: 10%;">CODE</td><td style="width: 80%;">SUBJECT</td></tr> <tr><td>09 <input type="checkbox"/></td><td>Higher education</td></tr> <tr><td>10 <input type="checkbox"/></td><td>Human services</td></tr> <tr><td>11 <input type="checkbox"/></td><td>Labor</td></tr> <tr><td>12 <input type="checkbox"/></td><td>Law and justice</td></tr> <tr><td>13 <input type="checkbox"/></td><td>Local government</td></tr> <tr><td>14 <input type="checkbox"/></td><td>State government</td></tr> <tr><td>15 <input type="checkbox"/></td><td>Transportation</td></tr> <tr><td>16 <input type="checkbox"/></td><td>Other - Specify:</td></tr> </table>	CODE	SUBJECT	09 <input type="checkbox"/>	Higher education	10 <input type="checkbox"/>	Human services	11 <input type="checkbox"/>	Labor	12 <input type="checkbox"/>	Law and justice	13 <input type="checkbox"/>	Local government	14 <input type="checkbox"/>	State government	15 <input type="checkbox"/>	Transportation	16 <input type="checkbox"/>	Other - Specify:	<p>EMPLOYER'S AUTHORIZATION: Confirming the employment authority to lobby described in this registration statement.</p> <hr/> <p>EMPLOYER'S SIGNATURE, NAME TYPED OR PRINTED, AND TITLE DATE</p>
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<p>12. LOBBYIST'S SIGNATURE DATE</p>	<p>EMPLOYER'S SIGNATURE, NAME TYPED OR PRINTED, AND TITLE DATE</p>																																						

(PDC Form L-1 (rev. 12/07))

NOT VALID UNLESS SIGNED BY BOTH

EXPEDITED

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 02-03-018, filed 1/4/02)

WAC 390-20-110 Forms for lobbyist employers report. The official form for statement by employers of registered lobbyists as required by RCW 42.17.180 is designated "L-3," revised ((1/02)) 12/03. Copies of this form are available at the Commission Office 711 Capitol Way, Room 206, Evergreen Plaza Building, PO Box 40908, Olympia, Washington, 98504-0908. Any paper attachments shall be on 8-1/2" x 11" white paper.

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PUBLIC DISCLOSURE COMMISSION
711 CAPITOL WAY RM 208
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111
TOLL FREE 1-877-601-2828

Employer's Lobbying Expenses

L3
1/02

THIS SPACE FOR OFFICE USE

1. Employer's Name (Use complete company, association, union or entity name.)
Attention (Identify person to whom inquiries about the information below should be directed; NOT the lobbyist.)
Mailing Address Telephone
City State Zip + 4

THIS REPORT MUST BE FILED BY THE LAST DAY OF FEBRUARY. Include expenditures made and accrued during the previous calendar year for lobbying the Washington State Legislature and/or any state agency. Complete all sections. Use "none" or "0" when applicable.

2. Identify each of your lobbyists/lobbying firms below. In column 1, show the full amount of salary or fee each earned for lobbying. In column 2, show the full amount paid (plus obligated) for other lobbying related expenses that were made by or through the lobbyist and reported by the lobbyist on the monthly L-2 report (e.g., contributions to legislative candidates, reimbursement for entertainment expenses, etc.). Compute the subtotals across and down the columns; put the grand total of expenses incurred by or through lobbyists in the space designated.

Table with 4 columns: Names of Registered Lobbyists (if payments were to lobbying firm, list firm name), Col 1-Salary, Col 2-Other, Total Amount. Includes a row for 'Total From Attached Page' and a row for 'Total Expenses By or Through Lobbyists'.

Information continued on attached pages

DO NOT INCLUDE EXPENDITURES ALREADY ACCOUNTED FOR IN ITEM 2 ABOVE when completing Items 3 through 7 below.

- 3. Other expenditures made by the employer for lobbying purposes. Show total expenditures made/accrued:
a. to vendors on behalf of or in support of registered lobbyists (e.g., entertainment, credit card purchases);
b. to or on behalf of expert witnesses or others retained to provide lobbying services who offer specialized knowledge or expertise that assists the employer's lobbying effort;
c. for entertainment, tickets, passes, travel expenses (e.g., transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families; (Also complete Item 9.)
d. for composing, designing, producing and distributing informational materials for use primarily to influence legislation; and
e. for grass roots lobbying expenses, including those previously reported by employer on Form L-6, and payments for lobbying communications to clients/customers (other than to corporate stockholders and members of an organization or union).
4. Political contributions to candidates for legislative or statewide executive office, committees supporting or opposing these candidates, or committees supporting or opposing statewide ballot measures. (Also complete Item 10.)
a. Contributions made directly by the employer, including those previously reported on PDC Form L-3c.
b. If contributions were made by a political committee associated, affiliated or sponsored by the employer, show the PAC name below. (Information reported by the PAC on C-4 reports need not be again included as part of this L-3 report.)
Name of PAC
5. Independent expenditures supporting or opposing a candidate for legislative or statewide executive office or a statewide ballot measure. (Also complete Item 11.)
6. Expenditures to or on behalf of legislators, state officials, their spouses and dependents for the purpose of influencing, honoring or benefiting the legislator or official. (Normal course of business payments are not reportable.) (Also complete Item 14.)
7. Other lobbying-related expenditures, whether through or on behalf of a registered lobbyist. Attach list itemizing each expense (i.e., show date, recipient, purpose and amount). Do not include payments accounted for above.
Total Lobbying Expenses (Items 2 thru 7)

8. This report must be certified by the president, secretary-treasurer or similar office of lobbying employer.

Certification: I certify that this report is true, complete and correct to the best of my knowledge.
Signature of Employer Officer Date
Printed Name and Title of Officer:

CONTINUE ON REVERSE

EXPEDITED

Employer's Name

Year report covers:

9. Entertainment, tickets, passes, travel expenses (including transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families. See instruction manual for details.

Name and Title

Cost or Value

Date and Description of Expense

\$

Information continued on attached pages

10. Contributions (not reported by the lobbyist) totalling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure. Do not list employer-affiliated PAC contributions.

Name of Recipient

Amount

Date (and, If In-Kind, Description)

\$

Information continued on attached pages

11. Independent expenditures in support of or opposition to a) a legislative or statewide executive office candidate or b) a statewide ballot proposition. See instruction manual for definition of "independent expenditure."

Candidate's Name, Office Sought & Party or Ballot Proposition Number & Brief Description

Amount

Date and Description of Expense (Note if Support or Oppose)

\$

Information continued on attached pages

12. Compensation of \$1,500 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate family.

Name

Relationship to Candidate or Elected Official if Member of Family

Amount (Code)**

Description of Consideration or Services Exchanged for Compensation

Information continued on attached pages

13. Compensation of \$1,500 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which state elected official, successful state candidate or member of their immediate family hold office, partnership, directorship or ownership interest of 10% or more.

Firm Name

Person's Name

Amount (Code)**

Description of Consideration or Services Exchanged for Compensation

Information continued on attached pages

14. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of their immediate family, if made to honor, influence or benefit the person because of his or her official position.

Name

Amount

Date and Purpose

\$

Information continued on attached pages

**DOLLAR CODE AMOUNT

A - \$1 to \$2,999
B - \$3,000 to \$14,999
C - \$15,000 to \$29,999

**DOLLAR CODE AMOUNT

D - \$30,000 to \$74,999
E - \$75,000 or more

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Page

Employer's Name

Year report covers:

9. Entertainment, tickets, passes, travel expenses (including transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families. See instruction manual for details.

Name and Title	Cost or Value	Date and Description of Expense
	\$	

Information continued on attached pages

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Name of Recipient	Amount	Date (and, if In-Kind, Description)
	\$	

Information continued on attached pages

11. Independent expenditures in support of or opposition to a) a legislative or statewide executive office candidate or b) a statewide ballot proposition. See instruction manual for definition of "Independent expenditure."

Candidate's Name, Office Sought & Party or Ballot Proposition Number & Brief Description	Amount	Date and Description of Expense (Note if Support or Oppose)
	\$	

Information continued on attached pages

12. Compensation of \$1,500 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate family.

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Name	Amount	Date and Purpose
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****DOLLAR CODE AMOUNT**
 D - \$30,000 to \$74,999
 E - \$75,000 or more

EXPEDITED

WSR 03-21-084
EXPEDITED RULES
COMMUNITY COLLEGES
OF SPOKANE

[Filed October 16, 2003, 3:04 p.m.]

Title of Rule: WAC 132Q-01-006, 132Q-01-010, 132Q-01-020, 132Q-01-040, 132Q-01-050, 132Q-113-010, 132Q-136-030, 132Q-136-040, 132Q-276-020, 132Q-276-030, 132Q-276-040, 132Q-276-090, and 132Q-276-110.

Purpose: Housekeeping changes; amending WAC 132Q-01-006 Organization and operation, 132Q-01-010 Bylaws of the board of trustees, 132Q-01-020 Regular meetings of the board of trustees, 132Q-01-040 Office of the board of trustees, 132Q-01-050 Correspondence for the board of trustees, 132Q-113-010 Designation of legislative liaisons, 132Q-136-030 Users, 132Q-136-040 Limitations, 132Q-276-020 Definitions, 132Q-276-030 Central and field organization, 132Q-276-040 Operations and procedures, 132Q-276-090 Copying, and 132Q-276-110 Appeal of decisions.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: None.

Summary: To update district policies with current addresses, wording etc.

Reasons Supporting Proposal: To improve district efficiency.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Linda McDermott, 501 North Riverpoint Boulevard, P.O. Box 6000, Spokane, WA 99217-6000, (509) 434-5190.

Name of Proponent: Community Colleges of Spokane, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed changes primarily are for housekeeping purposes.

Proposal does not change existing rules. The proposed changes do not affect any current rule in a substantive manner. Changes are primarily for housekeeping purposes and clarification.

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 Linda McDermott, Community Colleges of Spokane, 501 North Riverpoint Boulevard, P.O. Box 6000, Mailstop 1006, Spokane, WA 99217-6000, AND RECEIVED BY December 22, 2003.

Linda McDermott
Chief Financial Officer

AMENDATORY SECTION (Amending WSR 90-21-014, filed 11/8/90 [10/8/90])

WAC 132Q-01-006 Organization and operation. (1) Organization: Washington State Community College District 17, ~~((the community colleges))~~ Community Colleges of Spokane~~((s))~~ including Spokane Community College, Spokane Falls Community College and ~~((The))~~ the Institute for Extended Learning~~((s))~~, is established in Title 28B RCW as a public institution of higher education. ~~((The institution))~~ District 17 is governed by a five-member board of trustees, appointed by the governor. The board employs a chancellor/chief executive officer who establishes the structure of the administration.

(2) Operation: The administrative office is located at ~~((N-2000 Greene Street))~~ 501 North Riverpoint Boulevard, P.O. Box 6000, Spokane, Washington ((99207-5499)) 99217-6000. Spokane Community College is located at ~~((N-1810))~~ 2000 North Greene Street, Spokane, Washington ((99207-5399)) 99217-5499; Spokane Falls Community College is located at ~~((W-))~~ 3410 West Fort George Wright Drive, Spokane, Washington ((99204-5288)) 99224-5288; ~~((The))~~ the Institute for Extended Learning is located at ~~((W-))~~ 3305 West Fort George Wright Drive, Spokane, Washington ((99204-5228)) 99224-5228. The office hours are 8:00 a.m. to 5:00 ~~((4:30))~~ p.m. Monday through Friday, except for legal holidays. During ~~((the))~~ summer months, ~~((the))~~ sections of the district may operate on an alternate schedule and throughout the year, evening services are provided. Specific information is available through each campus. ~~((the office of communications)).~~

(3) Additional and detailed information concerning the educational offerings may be obtained from the college catalog, available at various locations including ~~((the))~~ college libraries, ~~((or for purchase at the college bookstores.))~~ cashier's offices and district website.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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 86-04-010, filed 1/24/86)

WAC 132Q-01-010 Bylaws of the board of trustees. The bylaws of the board of trustees of Washington State Community College District 17 are contained in chapter 1 of the board policy manual.

AMENDATORY SECTION (Amending WSR 86-04-010, filed 1/24/86)

WAC 132Q-01-020 Regular meetings of the board of trustees. The board of trustees of Washington State Community College District 17 (Community Colleges of Spokane) shall hold regular monthly meetings according to a schedule including place, time and date filed with the Washington state code reviser on or before January 1 of each year for publication in the Washington State Register. Notice of any change from such meeting schedule shall be published in the Wash-

EXPEDITED

ington State Register at least twenty days prior to the rescheduled meeting date.

All regular meetings of the board of trustees shall be held at 2000 North Greene Street, Spokane, Washington, 99217-5499, unless otherwise announced. Information about specific meeting places and times may be obtained from the office of the board.

AMENDATORY SECTION (Amending WSR 86-04-010, filed 1/24/86)

WAC 132Q-01-040 Office of the board of trustees. The board of trustees of Washington State Community College District 17 shall maintain an office at ~~((North 2000 Greene Street))~~ 501 North Riverpoint Boulevard, P.O. Box 6000, MS 1001, Spokane, Washington, ~~((99207))~~ 99217-6000. ~~((, where all regular meetings shall be held unless otherwise announced, and all))~~ All records, minutes and the official district seal shall be kept in the board office. This office shall be open during all normal working hours.

AMENDATORY SECTION (Amending WSR 86-04-010, filed 1/24/86)

WAC 132Q-01-050 Correspondence for the board of trustees. Correspondence or other business for the board of trustees of Washington State Community College District 17 shall be sent to the secretary of the board at the office of the board, 501 North Riverpoint Boulevard, P.O. Box 6000, MS 1001, Spokane, Washington 99217-6000.

AMENDATORY SECTION (Amending WSR 92-14-040, filed 6/24/92)

WAC 132Q-113-010 Designation of legislative liaisons. As required by RCW 42.17.190, those persons holding the following positions within Washington State Community College District ((No-)) 17 are designated legislative liaisons for Washington State Community College District ((No-)) 17 and those community colleges contained within ~~((such community college district))~~ Community Colleges of Spokane:

- (1) Members of the board of trustees;
- (2) Chancellor/chief executive officer;
- (3) College presidents((:)), executive vice president;
- (4) District ~~((vice-presidents))~~ management services officers; and

(5) All those persons designated in writing by the chancellor/chief executive officer of Washington State Community College District ((No-)) 17, which writing shall be made available among the records maintained by the office of the chancellor/chief executive officer of Washington State Community College District ((No-)) 17.

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 84-19-028, filed 9/14/84)

WAC 132Q-136-030 Users. (1) ~~((Faculty, college))~~ staff College personnel, and official student organizations of

Washington State Community College District 17 may use district facilities to hold events for ~~((faculty, staff))~~ college personnel and students provided such use complies with the general policy on the use of district facilities pursuant to WAC 132Q-136-010 and that all events are scheduled pursuant to WAC 132Q-136-050. Such use does not require either academic or administrative unit sponsorship nor does such use require approval by the chancellor/chief executive officer or other designated staff.

(2) ~~((Faculty, staff))~~ College personnel((:)), and official student organizations may use district facilities to hold events to which the general public is invited when the event has academic or administrative unit sponsorship and the approval of the chancellor/chief executive officer or other designated staff.

(3) Organizations or persons other than district ~~((faculty, staff))~~ personnel((:)) or official student organizations may use district facilities to hold events for members of that organization provided such use complies with the general policy of the use of district facilities. Such use does not require either academic or administrative unit sponsorship, but does require the approval of the chancellor/chief executive officer or ~~((designated staff))~~ designee.

(4) Organizations or persons other than district ~~((faculty, staff))~~ personnel((:)) or official student organizations may use district facilities to hold events to which the general public is invited when the event has academic or administrative unit sponsorship and the approval of the chancellor/chief executive officer or ~~((designated staff))~~ designee.

(5) Use of facilities for religious purposes is permitted on the same basis as for nonreligious purposes as long as use ~~((of))~~ for religious purposes does not dominate access to facilities pursuant to WAC 132Q-136-040.

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 84-19-028, filed 9/14/84)

WAC 132Q-136-040 Limitations. (1) District facilities of Washington State Community College District 17 may not be used in ways ~~((which))~~ that substantially obstruct or disrupt educational activities or freedom of movement or other lawful activities on or in district facilities.

(2) District facilities may not be used by groups, including informal groups, which discriminate in their membership or limit participation in activities on the basis of race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical handicap.

(3) ~~((Faculty, staff,))~~ College personnel or official student organizations may use district facilities to present educational forums regarding ballot propositions and/or candidates who have filed for public office as long as the audience is limited to ~~((faculty, staff))~~ college personnel and students. However, pursuant to RCW 42.17.130 "the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition" is prohibited.

(4) District facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities are in conjunction with authorized use of facilities by outside groups, fund raising activities directly benefiting the district, or activities fulfilling an educational or service need of the students(;) or college personnel. ~~((faculty or staff.))~~ The sale of any item, the use of any advertising material, or operation of any promotional activity is subject to prior approval of the chancellor/chief executive officer or designee. ~~((designated staff. Any such sales, advertising, or promotional activities judged not to be in the best interest of the district shall not be allowed.))~~

(5) The distribution of handbills, leaflets, pamphlets and similar materials is not permitted in or on those facilities to which access by the general public is restricted or where such distribution would significantly impinge upon the primary business being conducted.

(6) Charitable solicitation is not permitted in or on those facilities to which access by the general public is restricted or where such solicitation would significantly impinge upon the primary business being conducted.

(7) District facilities may be used by other public or private educational institutions or public agencies only insofar as the intended use of the facilities meets a community need not being fulfilled by District 17 and where such activities do not interfere with the educational programs being offered by District 17 or with the maintenance and repair programs of the district. A user fee, if any, for such use shall be determined by the chancellor/chief executive officer or designee. ~~((designated staff.))~~

(8) Organizations or persons other than district ~~((faculty, staff.))~~ personnel or official student organizations may use district facilities only after the procedures pursuant to WAC 132Q-136-050 are completed and appropriate user fees have been paid in full or satisfactory payment arrangements completed.

(9) District 17 reserves the right to require that the district be represented at any use of facilities where the presence of a representative is in the best interest of the district.

(10) District equipment shall be used only when authorized and shall not be removed from any facility unless written authorization for such removal has been obtained prior to use.

(11) No decorations or other application of material to walls, ceiling or floors of any facility shall be permitted if such application will in any way mar, deface or injure the facility. Users shall be responsible for the removal or disposal of any decorations, materials, equipment, furnishings or rubbish ~~((which))~~ that remain in or on any facility following use of the facility. Failure of any user to meet this obligation ~~((which))~~ that results in additional cost to the district shall subject the user to additional charges for such costs.

~~((12) The district reserves the right to reject any application for the use of district facilities when such use, pursuant to WAC 132Q-136-010(1), is determined not to be in the best interest of the district.))~~

AMENDATORY SECTION (Amending WSR 83-10-004, filed 4/22/83)

WAC 132Q-276-020 Definitions. (1) ~~((Public records.))~~ **"Public record"** includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(2) ~~((Writing.))~~ **"Writing"** means handwriting, type-writing, printing, ~~((photostating))~~ photocopying, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof; and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) ~~((Washington community college district 17.))~~ **"Washington State Community College District 17"** is a state agency created and organized by statute pursuant to RCW 28B.50.040, and shall hereinafter be referred to as the "district." Where appropriate, the term "district" shall also refer to ~~((the staff))~~ college personnel and board of trustees of the district.

(4) **"District facilities"** of Washington State Community College District 17 include any or all real property owned, operated or maintained by the board of trustees of Community Colleges of Spokane, and shall include all buildings and appurtenances affixed thereon or attached thereto.

AMENDATORY SECTION (Amending WSR 83-10-004, filed 4/22/83)

WAC 132Q-276-030 Central and field organization. Washington State Community College District 17 ~~((The district))~~ is a community college district organized under RCW 28B.50.040. The administrative office of the district and its staff is located at ~~((North 2000 Greene))~~ 501 North Riverpoint Boulevard, P.O. Box 6000, Spokane, Washington, ((99207)) 99217-6000. The district operates two colleges, Spokane Community College, located at ~~((North 1840))~~ 2000 North Greene Street, Spokane, Washington, ((99207)) 99217-5499; ~~((;))~~ and Spokane Falls Community College, located at ~~((West))~~ 3410 West Fort George Wright Drive, Spokane, Washington, ((99204)) 99224-5288. The district also ~~((operates extension and continuing education programs))~~ delivers instructional programming through the Institute for Extended Learning in the counties of Ferry, Lincoln (except Consolidated School District 105-157-166J and the Lincoln County portion of Common School District 167-202), Pend Oreille ~~((OrieHe)),~~ Spokane, Stevens, and Whitman. The administrative offices of the Institute for Extended Learning are located at 3305 West Fort George Wright Drive, Spokane, Washington 99224-5228.

AMENDATORY SECTION (Amending WSR 83-10-004, filed 4/22/83)

WAC 132Q-276-040 Operations and procedures. ~~((The district))~~ Washington State Community College District 17 is established under RCW 28B.50.040 to implement

the educational purposes established by RCW 28B.50.020. ((The district)) District 17 is operated under the supervision and control of a board of trustees appointed by the governor as provided in RCW 28B.50.100((130)). The chief administrative officer of the district is the ((district president)) chancellor/chief executive officer, who also serves as secretary to the board of trustees. The day-to-day operation of the district, pursuant to policy established and approved by the board of trustees, is implemented through the office of the ((district president)) chancellor/chief executive officer or ((the president's)) designee.

The board of trustees meets the ((second)) third Tuesday of each month at ((1:30 p.m.)) 8:30 a.m. in the board room of the Spokane Community College administrative offices ((district offices)) located at ((North)) 2000 North Greene Street, Spokane, Washington, ((99207)) 99217-5499, unless public notice is given of a special meeting. At such time, the trustees exercise the powers and duties granted to the board by RCW 28B.50.140.

AMENDATORY SECTION (Amending WSR 83-10-004, filed 4/22/83)

WAC 132Q-276-090 Copying. No fee shall be charged for the inspection of public records of Washington State Community College District 17. The district may charge a fee per page ((of copy)) for providing copies of public records, for use of the district's copy equipment((s)) and postage. ((and labor costs:)) This charge shall be an amount necessary to reimburse the district for its actual costs directly incident to such copying.

AMENDATORY SECTION (Amending WSR 83-10-004, filed 4/22/83)

WAC 132Q-276-110 Appeal of denials. (1) Any person who objects to the denial of a request for a public record of Washington State Community College District 17 may appeal such decision by tendering a written request for appeal. The written request shall specifically refer to the written statement by the public records officer or other staff member ((which)) that constituted or accompanied the denial.

(2) Immediately after receiving a written request for appeal of a decision denying a public record of District 17, the public records officer or other administrative staff member denying the request shall refer the written request to the ((district president)) chancellor/chief executive officer or ((the president's)) designee. The ((district president)) chancellor/chief executive officer or ((the)) designee shall immediately consider the matter, may consult with the office of the attorney general, and either affirm or reverse such denial of access to a public record. In any case, the request shall be returned with a final decision within two business days following the filing of the written request for review.

(3) Administrative remedies shall not be considered exhausted until the district has returned the petition with a decision or until the close of the second business day following a request for appeal, whichever occurs first.

WSR 03-21-139
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed October 21, 2003, 2:42 p.m.]

Title of Rule: Catch record card rules.

Purpose: Amend catch record card rule.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: Chapter 318, Laws of 2003.

Summary: Adds provision for salmon identification.

Reasons Supporting Proposal: Specifically required by statutory change.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Jim Lux, 1111 Washington Street, Olympia, 902-2444; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2372.

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: The legislature adopted a statute change that requires the department to establish provisions to record marked and unmarked salmon. This rule change implements that requirement.

Proposal does not change existing rules. Amend rule to comply with statutory change.

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 Evan Jacoby, Department of Fish and Wildlife, 600 Capitol Way, Olympia, WA 98501-1091, AND RECEIVED BY December 22, 2003.

October 21, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 03-24, filed 2/14/03, effective 5/1/03)

WAC 220-56-175 Catch record cards. It is unlawful for any person to fail to comply with the catch record requirements as provided for in this section:

(1) In order to fish for or possess for personal use any crab, anadromous salmon, sturgeon, halibut taken from Catch Record Card Areas 5 through 13, or steelhead, an angler must obtain and have in personal possession a valid appropriate catch record card as described in WAC 220-69-236 except for commercially caught salmon retained for personal use as provided for in WAC 220-20-016 and commercially caught

sturgeon retained for personal use as provided for in WAC 220-20-021.

(2) Any angler, after obtaining a catch record card shall validate the catch record card by completely, accurately, and legibly completing all personal identification information in ink on the catch record card prior to detaching the catch record card from the underlying copy of the catch record card or, for automated licenses, affixing the appropriate validation sticker to the catch record card. A catch record card remains valid so long as there are one or more unfilled spaces available for the species being fished for, except:

(a) In the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington for sturgeon a catch record card remains valid when the sturgeon portion of the catch record card is filled. A person may not retain sturgeon after the sturgeon portion of the catch record card is filled.

(b) A second or subsequent catch record card is invalid for retention of sturgeon.

(3) Immediately upon catching and possessing a salmon, steelhead, sturgeon or halibut, the angler shall enter in ink in the appropriate space the place, date of catch, species (catch type), for sturgeon, length (~~and~~), for halibut, vessel type and for salmon, whether or not the fish was marked.

(4) Immediately upon retaining a Dungeness crab aboard a vessel or on the shore, the fisher must enter in ink in the appropriate space the place and date of catch, fishery type and enter a tally mark for each Dungeness crab retained from each catch record card area fished. At the end of the fishing day, the fisher shall enter the total number of crab tally marks for each fishery type.

(5) Every person possessing a catch record card shall by April 30 of the year following the year printed on the card return such card to the department of fish and wildlife.

(6) Any person possessing a catch record card shall, upon demand of any law enforcement officer or authorized department employee, exhibit said card to such officer or employee for inspection.

(7) A catch record card shall not be transferred, borrowed, altered, or loaned to another person.

WSR 03-21-159
EXPEDITED RULES
CODE REVISER'S OFFICE

[Filed October 22, 2003, 9:16 a.m.]

Title of Rule: WAC 1-21-070 Administrative order.

Purpose: To add the requirement that three copies of the permanently adopted order package (text and form) must also go to the Joint Administrative Rules Review Committee (committee).

Statutory Authority for Adoption: RCW 1.08.110, 34.05.385, 34.05.030 and Executive Order 03-01.

Statute Being Implemented: Executive Order 03-01.

Summary: Amending WAC 1-21-070 Administrative order, to include sending copies of permanently adopted orders to the committee.

Reasons Supporting Proposal: Executive Order 03-01.

Name of Agency Personnel Responsible for Drafting: Gary Reid, Chief Assistant Code Reviser, Pritchard Building, P.O. Box 40551, Olympia, WA 98504-0551, (360) 786-6777; and Implementation: All state agencies.

Name of Proponent: Code Reviser's Office, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amending WAC 1-21-070 Administrative order, to include filing three extra copies of permanently adopted orders that will be sent to the committee. This is to comply with Executive Order 03-01 which directs that agencies shall file a copy of each adopted rule (emergency and permanent) to the committee immediately following adoption.

Proposal Changes the Following Existing Rules: This proposal amends WAC 1-21-070 Administrative order, to reflect the request that permanently adopted orders are also submitted to the committee.

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 Kerry S. Radcliff, Editor, Code Reviser's Office, P.O. Box 40551, Olympia, WA 98504-0551, AND RECEIVED BY December 24, 2003.

October 21, 2003

Dennis W. Cooper

Code Reviser

AMENDATORY SECTION (Amending WSR 00-18-001, filed 8/23/00, effective 12/31/00)

WAC 1-21-070 Administrative order. (1) The administrative order by which an agency adopts a rule shall be done on a CR-103 form (Rule-making Order) provided by the code reviser's office or, if required by agency practice, on an agency form that provides the information required by RCW 34.05.360.

(2) The agency shall file with the code reviser's office the original and ~~((three))~~ six copies of the ~~((text of))~~ permanent ~~((rules, along with four copies of the administrative order. Emergency rules require an additional three copies of the order and the text, which the agency shall file with the joint administrative rules review committee after the copies have been stamped by the code reviser's office))~~ or emergency package (form and text). The joint administrative rules review committee has requested that the agency submit three of these copies to the committee for purposes of legislative review. The agency should keep the remaining copy for its files.

EXPEDITED



WSR 03-19-025
PERMANENT RULES
OLYMPIC REGION
CLEAN AIR AGENCY

[Filed September 5, 2003, 4:23 p.m.]

Date of Adoption: August 13, 2003.

Purpose: Amend Articles 1, 3, 5, 6, and 7 of Olympic Region Clean Air Agency's Regulation 1 in order to conform and align with state and federal air quality laws governing permitting and registration of companies and industries that emit air pollution.

Citation of Existing Rules Affected by this Order: Amending Articles 1, 3, 5, 6, and 7 of Olympic Region Clean Air Agency Regulation 1.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 03-11-045 on May 16, 2003.

Changes Other than Editing from Proposed to Adopted Version: Description of changes to the proposed version of amendments to Articles 1, 3, 5, 6, and 7 of ORCAA Regulation 1:

- To maintain consistency through the entirety of the Articles amended (Articles 1, 3, 5, 6 and 7), replaced remaining occurrences of the term "Authority" with "Agency" when used to refer specifically to Olympic Region Clean Air Agency.
- To maintain consistency throughout the Articles amended, remaining occurrences of the term "source," when used in the context of permitting, were replaced with "stationary source." These replacements were made in Article I definitions for emission standard, "major modification," "net emissions increase" and "potential to emit," and in Section 7.20 of Article 7.
- Per EPA Region 10 recommendations, the first use of the term "alteration" was deleted from the definition of "Notice of Construction Application" (#79) in Article 1.
- Per EPA Region 10 recommendations, the phrase "by the 1977 supplement" was added to the end of the definition for "source" (#111) in Article 1.
- Subsection 5.03 (e)(4) revised to make it clear that notification to ORCAA is required thirty days after permanent shutdown or decommissioning of a stationary source rather than thirty days after a planned shutdown of a stationary source.
- Section 7.01 was amended by removing the exception for "Subpart M" drycleaners since, according to comments from EPA Region 10, ORCAA must have a construction program for all new sources under 40 C.F.R. 63.2 including perchloroethylene dry cleaners.
- Section 7.01 (c)(2) was changed to fix a numerical error in the threshold for lead and to add a threshold for ozone depleting substances.
- Proposed new sections 7.01 (c)(4) and (5), that were added to provide an exemption for certain gasoline stations from the requirements to submit a Notice of Construction application, were removed since these exemptions conflict with the state's New Source Review program.

- Subsection titles in section 7.04, Public Involvement section, were revised for clarification according to recommendations from EPA Region 10.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 4, Amended 19, Repealed 5; 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 4, Amended 21, Repealed 7.

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.

September 5, 2003

Richard A. Stedman

Executive Director

AMENDATORY SECTION

ARTICLE 1

POLICY, SHORT TITLE AND DEFINITIONS

SECTION 1.01 POLICY

The (~~Olympic Air Pollution Control Authority~~) Olympic Region Clean Air Agency (Agency), consisting of the counties of Clallam, Grays Harbor, Jefferson, Mason, Pacific and Thurston, having formed pursuant to Chapter 70.94 RCW, as amended, adopts the following Regulation to control the emission of air contaminants from sources within the jurisdiction of the (~~Authority~~) Agency: to provide for the uniform administration and enforcement of this Regulation: and to administer the requirements and purposes of Chapter 70.94 RCW, as amended, and the Federal Clean Air Act.

It is hereby declared to be the public policy of the (~~Olympic Air Pollution Control Authority~~) Olympic Region Clean Air Agency to secure and maintain such levels of air quality as will protect human health and safety; and, to the greatest degree practicable, prevent injury to plant and animal life and to property; and be consistent with the social, economic and industrial well-being of the territory of the (~~Authority~~) Agency.

SECTION 1.03 NAME OF (~~THE AUTHORITY~~) AGENCY

The name of the multi county air pollution control authority comprised of the activated or inactivated air pollution control authorities of Clallam County, Grays Harbor County, Jefferson County, Mason County, Pacific County, and Thurston County shall be known and cited as the "~~(Olympic Air Pollution Control Authority)~~ Olympic Region Clean Air Agency."

SECTION 1.05 SHORT TITLE

This Regulation may be known and cited as "Regulation 1 of the ~~((Olympic Air Pollution Control Authority))~~ Olympic Region Clean Air Agency."

SECTION 1.07 DEFINITIONS

When used in regulations of the Olympic ~~((Air Pollution Control Authority))~~ Region Clean Air Agency, the following definitions shall apply, unless defined otherwise ~~((they are preempted by definitions))~~ in individual Articles:

(1) "Actual Emissions" means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) through (c) of this subsection.

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a ~~((one))~~ two-year period which precedes the particular date and which is representative of normal source operation. The ~~((Authority))~~ Agency shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) The ~~((Authority))~~ Agency may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

(c) For an emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.

(2) "Agency" shall mean the same as "Authority."

~~((Agricultural Burning means burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.650 or other authoritative source on agricultural practices.))~~

(3) "Agricultural Operation" means the growing of crops, the raising of fowl or animals as gainful occupation.

(4) "Air Contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(5) "Air Pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, property, or which unreasonably interferes with enjoyment of life and property. For the purpose of this Regulation, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

(6) "Air Pollution Episode" means a period when a forecast, alert, warning, or emergency air pollution state is declared, as stated in Chapter 173-435 WAC.

(7) "Allowable Emissions" means the emission rate of a source calculated using the maximum rated capacity of the

source (unless the ~~((stationary))~~ source is subject to federally enforceable limits ~~((enforceable by the Authority))~~ which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(a) The applicable standards as set forth in 40 CFR part 60, 61 or 63;

(b) Any applicable state implementation plan emissions limitation including those with a future compliance date; or;

(c) The emissions rate specified as a federally enforceable permit condition, ~~((in an approval order, permit condition, or regulatory order issued by the Authority))~~ including those with a future compliance date.

(8) "Alteration" means the act of altering, which means to change or make different and includes any addition to or enlargement or replacement; ((or any major modification)) or change of the design, capacity, process or arrangement; or any increase in the connected loading of equipment or control facility; or any change in fuels, method of operation or hours of operation not previously approved by the Agency through a Notice of Construction Approval, which would ((will significantly)) increase or adversely affect the kind or amount of air contaminant emitted by a stationary source.

(9) "Ambient Air" means ~~((that portion of the atmosphere external to a building to which the general public has access))~~ the surrounding outside air.

(10) "Ambient Air Quality Standard" means an established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.

(11) "Ancillary" for the purpose of defining "stationary source" or "source," means "related."

(12) "Approval order" is defined in "order of approval."

(13) "Attainment Area" means a geographic area designated by EPA at 40 CFR Part 81 as having attained the National Ambient Air Quality Standard for a given criteria pollutant.

(14) "Authority" means the Olympic Region Clean Air Agency ~~((Air Pollution Control Authority))~~. Agency shall mean the same as Authority.

(15) "Authorized Permitting Agent" means either the county, county fire marshal, fire districts, or county conservation district, provided an agreement has been signed with the local air pollution control ~~((authority))~~ agency or Department of Ecology.

(16) "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emission unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipe work and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

(17) "Best Available Control Technology" (BACT) means an emission limitation ~~((including a visible emission standard))~~ based on the maximum degree of reduction for each air pollutant subject to ~~((this))~~ regulation under chapter 70.94 RCW emitted from or which results from any new or modified stationary source ((which would be emitted from any proposed new or modified source)) which the permitting

~~((authority))~~ agency, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such stationary source(s) or modification through application of production processes~~((;))~~ and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of such air pollutant. In no event shall application of the best available control technology result in emissions of any ~~((air))~~ pollutants which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60, Part 61, and Part ~~((64))~~ 63. Emissions from any stationary source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990. ~~((If the reviewing authority determines that technological or economic limitations on the application of the imposition of an emission standard is infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to meet the requirement of BACT. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The term "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology.))~~

~~((Best Available Retrofit Technology (BART) means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.))~~

(18) "Board" means the Board of Directors of the Olympic ~~((Air Pollution Control Authority))~~ Region Clean Air Agency.

(19) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit~~((s))~~ in exchange for a decrease in emissions from another emissions unit~~((s))~~, pursuant to RCW 70.94.155 and section 7.21 of the Regulation.

(20) "Capacity Factor" means the ratio of the average load on equipment or a machine for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.

(21) "Class I Area" means any area designated ~~((pursuant to §))~~ under section 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas in Washington state:

- (a) Alpine Lakes Wilderness;
- (b) Glacier Peak Wilderness;
- (c) Goat Rocks Wilderness;

- (d) Mount Adams Wilderness;
- (e) Mount Rainier National Park;
- (f) North Cascades National Park;
- (g) Olympic National Park;
- (h) Pasayten Wilderness; and,
- (i) Spokane Indian Reservation.

(22) "Combustible Refuse" means any burnable waste material containing carbon in a free or combined state other than liquid or gases.

(23) "Combustion and Incineration Units" means units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

(24)

(a) "Commenced"~~((;))~~ as applied to CONSTRUCTION means that the owner or operator has all the necessary pre-construction approvals or permits and either has:

(i) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(ii) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(b) For the purpose of this definition, "necessary pre-construction approvals" means those permits or orders of approval required under federal air quality control laws and regulations, including state, local, and federal regulations and orders contained in the SIP.

(25) "Concealment" means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

(26) "Control Apparatus" means any device which prevents or controls the emission of any air contaminant.

(27) "Control Officer" means the Air Pollution Control Officer of the Olympic ~~((Air Pollution Control Authority))~~ Region Clean Air Agency. Executive Director means the same as Control Officer.

(28) "Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions.

(29) "Criteria Pollutant" means a pollutant for which there is established a National Ambient Air Quality Standard at 40 CFR Part 50. The criteria pollutants are carbon ~~((dioxide))~~ monoxide (CO), particulate matter, ozone (O₃), sulfur dioxide (SO₂), lead (Pb), and nitrogen dioxide (NO₂).

(30) "Daylight Hours" means the hours between official sunrise and official sunset.

(31) "Director of Ecology" means director of the Washington state department of ecology or duly authorized representative.

(32) "Dispersion Technique" means a method which attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.

(33) "Ecology" means the Washington State department of ecology.

(34) "Emission" means a release of air contaminants into the ambient air.

(35) "Emission Point" means the location (place in horizontal plane and vertical elevation) at which an emission enters the atmosphere.

(36) "Emission reduction credit (ERC)" means a credit granted pursuant to Chapter 173-400 WAC. This is a voluntary reduction in emissions.

(37) "Emission Standard" and "Emission Limitation" (~~(EMISSION LIMITATION OR EMISSION STANDARD)~~) means requirement established (~~(by the EPA, Ecology, or the Authority)~~) under the Federal Clean Air Act or chapter 70.94 RCW which limits the quantity, rate, or concentration of emissions of air (~~(pollutants)~~) contaminants on a continuous basis, including any requirement (~~(s which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction)~~) relating to the operation or maintenance of a stationary source to assure continuous emission reduction and any design, equipment work practice, or operational standard adopted under the Federal Clean Air Act or chapter 70.94 RCW.

(38) "Emission Unit" means any part of a stationary source or (~~(a stationary)~~) source which emits or would have the potential to emit any pollutant subject to regulation under the Federal Clean Air Act, chapter 70.94 or 70.98 RCW.

(39) "EPA" means the United States Environmental Protection Agency (USEPA).

(40) "Equipment" means any stationary or portable device, or any part thereof, capable of causing the emission of any air contaminant into the atmosphere.

(41) "Excess Emission" means emissions of an air pollutant in excess of an applicable emission standard (~~(or emission limitation)~~).

(42) "Establishment" means the act of establishing, which means creating, setting up, or putting into practice any equipment, material, fuel, or operational change.

(43) "Excess Stack Height" means that portion of a stack which exceeds the greater of sixty five meters or the calculated stack height described in WAC 173-400-200(2).

(44) "FACILITY" is defined as all emission units in the same industrial grouping located on contiguous or adjacent properties and under common ownership of control.

(45) "Federal Class I Area" means any federal land that is classified or reclassified Class I. The following areas are federal Class I areas in Washington state:

- (a) Alpine Lakes Wilderness;
- (b) Glacier Peak Wilderness;
- (c) Goat Rocks Wilderness;
- (d) Mount Adams Wilderness;
- (e) Mount Rainier National Park;
- (f) North Cascades National Park;
- (g) Olympic National Park; and
- (h) Pasayten Wilderness.

(46) "Federal Clean Air Act (FCAA)" means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last

amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

~~((Federal Land Manager means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.))~~

(47) "Federally Enforceable" means all limitations and conditions which are enforceable by EPA, including those requirements developed under 40 CFR Parts 60, 61, and 63, requirements within the Washington SIP, requirements within any permit established under 40 CFR 52.21 or order of approval under a SIP approved new source review regulation, or any voluntary limits on emissions pursuant to section 7.21 or WAC 173-400-091.

(48) "Fee Eligible Generating Equipment" means, for purposes of calculating Article 5 fees, any equipment or process capable of generating or emitting air contaminants except for the equipment and processes listed in (a) through (g) below:

(a) Gasoline or other fuel storage tanks located at dispensing facilities as defined in Article 15.

(b) Storage tanks and other equipment located at dry cleaning facilities.

(c) Combustion units with less than 10 million BTUs per hour heat input.

(d) Process equipment with less than 5,000 ACFM flow rate.

(e) Paint spray booths and related paint spraying equipment.

(f) Mobile sources.

(g) Any other equipment or process determined appropriate for this exemption by the Agency.

(49) "Fee Eligible Stack" means, for purposes of calculating fees pursuant to Article 5, any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct, except for the following:

(a) Emission points associated with gasoline or fuel dispensing stations.

(b) Emission points associated with dry cleaning facilities.

(c) Pipes or ducts equal to or less than six (6) inches in diameter.

(d) Any other emission point determined appropriate for this exemption by the Agency.

(50) "Fossil Fuel-fired Steam Generator" means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

(51) "Fuel Burning Equipment" means any equipment, device or contrivance used for the burning of any fuel, and all appurtenances thereto, including ducts, breechings, control equipment, fuel feeding equipment, ash removal equipment, combustion controls, stacks, chimneys, etc., used for indirect heating in which the material being heated is not contacted by and adds no substances to the products of combustion.

(52) "Fugitive Dust" means a particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

(53) "Fugitive Emissions" means emissions which (~~do not pass, and which~~) could not reasonably pass(~~(s)~~) through a stack, chimney, vent, or other functionally equivalent opening.

(54) "Garbage" means refuse, animal or vegetable matter as from a kitchen, restaurant or store.

(55) "General Process Unit" means an emissions unit using a procedure or combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.

(56) "Generating Equipment" means any equipment, device, process or system that creates any air contaminant(s) or toxic air pollutant(s).

(57) "Good Engineering Practice (GEP)" refers to a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

(58) "Hog-fuel" means wood slabs, edging, trimmings, etc., which have been put through a "hog" to reduce them to a uniform small size, and also includes shavings from planing mills, sawdust from saw-kerfs, bits of bark, chips and other small recovered products from the manufacture of wood products or any combination thereof.

(59) "Identical Units" means units installed and operated in a similar manner on the same premises provided the materials handled, processed, or burned are substantially the same in composition and quantity and their design, mode of operation, connected devices and types and quantities of discharge are substantially the same.

(60) "Impaired Air Quality" means a condition declared by the department or a local air (~~(authority)~~) agency in accordance with the following criteria:

(a) Meteorological conditions are conducive to accumulation of air contamination concurrent with:

(i) Particulate that is ten micron and smaller in diameter (PM-10) at or above an ambient level of sixty (60) micrograms per cubic meter measured on a twenty-four-hour average; or

(ii) Carbon monoxide at an ambient level of eight parts of contaminant per million parts of air by volume (ppm) measured on an eight-hour average.

(b) Air quality that threatens to exceed other limits established by the department or a local air (~~(authority)~~) agency.

(61) "Incinerator" means a furnace used primarily for the thermal destruction of waste.

(62) "In Operation" means engaged in activity related to the primary design function of the source.

(63) "Installation" means the act of installing, which means placing, assembling or constructing equipment or control equipment at the premises where the equipment or control equipment will be used, and includes all preparatory work at such premises.

(64) "LIDAR (Light Detection and Ranging)" means the EPA alternate method 1 determination of the opacity of emissions from stationary sources remotely by LIDAR.

(65) "Lowest Achievable Emission Rate (LAER)" means for any stationary source that rate of emissions which reflects the more stringent of:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless the owner or operator

of the proposed new or modified stationary source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of stationary source.

In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

(66) "**Major Modification**" is defined depending on the attainment status of the area in which the project is located, or planned to be located, as follows:

(a) **Nonattainment Areas. "Major Modification," as it applies in nonattainment areas means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Federal Clean Air Act.**

(i) Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone.

(ii) A physical change or change in the method of operation shall not include:

(A) Routine maintenance, repair and replacement;

(B) Use of an alternative fuel or raw material by reason of an order under section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(C) Use of an alternative fuel by reason of an order or rule under section 125 of the Federal Clean Air Act;

(D) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(E) Use of an alternative fuel or raw material by a stationary source which: The stationary source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit or approval order condition which was established after December 12, 1976, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation; or The stationary source is approved to use under any major new source review permit or approval order issued under subsection 7.05(b) or WAC 173-400-112;

(F) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit or approval order condition which was established after December 21, 1976, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation.

(G) Any change in ownership at a stationary source.

(H) The addition, replacement, or use of a pollution control project (as defined in 40 CFR 51.165 (a)(1)(xxv), in effect on July 1, 2001) at an existing electric utility steam generating unit, unless the permitting agency determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

(I) When the permitting agency has reason to believe that the pollution control project would result in a significant net emissions increase in representative actual annual emissions of any criteria pollutant over levels used for that stationary

source in the most recent air quality impact analysis in the area conducted for the purpose of title I of the Federal Clean Air Act, if any; and

(II) The permitting agency determines that the increase will cause or contribute to a violation of any National Ambient Air Quality Standard or PSD increment, or visibility limitation.

(I) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(I) The SIP; and

(II) Other requirements necessary to attain and maintain the National Ambient Air Quality Standard during the project and after it is terminated.

(b) **Attainment or unclassified areas. "Major Modification,"** as it applies in attainment or unclassified areas means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Federal Clean Air Act.

(i) Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone.

(ii) A physical change or change in the method of operation shall not include:

(A) Routine maintenance, repair and replacement;

(B) Use of an alternative fuel or raw material by reason of an order under section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(C) Use of an alternative fuel by reason of an order or rule section 125 of the Federal Clean Air Act;

(D) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(E) Use of an alternative fuel or raw material by a stationary source which:

(I) The stationary source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition or approval order which was established after January 6, 1975, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation; or

(II) The stationary source is approved to use under any PSD permit;

(F) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition or an approval order which was established after January 6, 1975, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation.

(G) Any change in ownership at a stationary source.

(H) The addition, replacement, or use of a pollution control project at an existing electric utility steam generating unit, unless the permitting agency determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

(I) When the permitting agency has reason to believe that the pollution control project (as defined in 40 CFR 51.166, in effect on July 1, 2001) would result in a significant net emis-

sions increase in representative actual annual emissions of any criteria pollutant over levels used for that stationary source in the most recent air quality impact analysis in the area conducted for the purpose of title I of the Federal Clean Air Act, if any; and

(II) The permitting agency determines that the increase will cause or contribute to a violation of any National Ambient Air Quality Standard or PSD increment, or visibility limitation.

(I) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with the SIP, and other requirements necessary to attain and maintain the National Ambient Air Quality Standard during the project and after it is terminated.

(67) "Major Stationary Source" is defined depending on the attainment status of the area in which the stationary source is located, or planned to be located, as follows:

(a) **Nonattainment areas. "Major Stationary Source,"** as it applies in nonattainment areas means:

(i) Any stationary source of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Federal Clean Air Act, except that lower emissions thresholds shall apply as follows:

(A) 70 tons per year of PM-10 in any "serious" nonattainment area for PM-10.

(B) 50 tons per year of carbon monoxide in any "serious" nonattainment area for carbon monoxide where stationary sources contribute significantly to carbon monoxide levels in the area.

(ii) Any physical change that would occur at a stationary source not qualifying under (b)(i) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself.

(iii) A major stationary source that is major for volatile organic compounds or NOx shall be considered major for ozone.

(iv) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this paragraph whether it is a major stationary source, unless the stationary source belongs to one of the following categories of stationary sources or the stationary source is a major stationary source due to (b)(i)(A) or (b)(i)(B) of this subsection:

(A) Coal cleaning plants (with thermal dryers);

(B) Kraft pulp mills;

(C) Portland cement plants;

(D) Primary zinc smelters;

(E) Iron and steel mills;

(F) Primary aluminum ore reduction plants;

(G) Primary copper smelters;

(H) Municipal incinerators capable of charging more than 50 tons of refuse per day;

(I) Hydrofluoric, sulfuric, or nitric acid plants;

(J) Petroleum refineries;

(K) Lime plants;

(L) Phosphate rock processing plants;

(M) Coke oven batteries;

(N) Sulfur recovery plants;

(O) Carbon black plants (furnace process);

- (P) Primary lead smelters;
- (Q) Fuel conversion plants;
- (R) Sintering plants;
- (S) Secondary metal production plants;
- (T) Chemical process plants;
- (U) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(V) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

- (W) Taconite ore processing plants;
- (X) Glass fiber processing plants;
- (Y) Charcoal production plants;
- (Z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; and

(AA) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Federal Clean Air Act.

(v) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, FACILITY, or installation" means all the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual*, as amended.

(b) Attainment or unclassified areas. "Major Stationary Source," as it applies in attainment or unclassified areas means:

(i) Any of the following stationary sources of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Federal Clean Air Act:

(A) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;

- (B) Coal cleaning plants (with thermal dryers);
- (C) Kraft pulp mills;
- (D) Portland cement plants;
- (E) Primary zinc smelters;
- (F) Iron and steel mill plants;
- (G) Primary aluminum ore reduction plants;
- (H) Primary copper smelters;
- (I) Municipal incinerators capable of charging more than 50 tons of refuse per day;

(J) Hydrofluoric, sulfuric, and nitric acid plants;

- (K) Petroleum refineries;
- (L) Lime plants;
- (M) Phosphate rock processing plants;
- (N) Coke oven batteries;
- (O) Sulfur recovery plants;
- (P) Carbon black plants (furnace process);
- (Q) Primary lead smelters;
- (R) Fuel conversion plants;
- (S) Sintering plants;
- (T) Secondary metal production plants;
- (U) Chemical process plants;

(V) Fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input;

(W) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

- (X) Taconite ore processing plants;
- (Y) Glass fiber processing plants; and
- (Z) Charcoal production plants.

(ii) Regardless of the stationary source size specified in (b)(i) of this subsection, any stationary source which emits, or has the potential to emit, 250 tons per year or more of any air pollutant subject to regulation under the Federal Clean Air Act; or

(iii) Any physical change that would occur at a stationary source not otherwise qualifying under (b)(i) or (ii) of this subsection, as a major stationary source if the change would constitute a major stationary source by itself.

(iv) A major stationary source that is major for volatile organic compounds or NO_x shall be considered major for ozone.

(v) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

- (A) Coal cleaning plants (with thermal dryers);
- (B) Kraft pulp mills;
- (C) Portland cement plants;
- (D) Primary zinc smelters;
- (E) Iron and steel mills;
- (F) Primary aluminum ore reduction plants;
- (G) Primary copper smelters;
- (H) Municipal incinerators capable of charging more than 50 tons of refuse per day;

(I) Hydrofluoric, sulfuric, or nitric acid plants;

- (J) Petroleum refineries;
- (K) Lime plants;
- (L) Phosphate rock processing plants;
- (M) Coke oven batteries;
- (N) Sulfur recovery plants;
- (O) Carbon black plants (furnace process);
- (P) Primary lead smelters;
- (Q) Fuel conversion plants;
- (R) Sintering plants;
- (S) Secondary metal production plants;
- (T) Chemical process plants;

(U) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(V) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

- (W) Taconite ore processing plants;
- (X) Glass fiber processing plants;
- (Y) Charcoal production plants;
- (Z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;

(AA) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Federal Clean Air Act.

(vi) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, facility, or installation" means all the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended.

(68) "Masking" means the mixing of a chemically nonre-active control agent with a malodorous gaseous effluent to change the perceived odor.

(69) "Materials Handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration.

(70) "Modification" means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such stationary source(s) or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

(71) "National Ambient Air Quality Standards (NAAQS)" means an ambient air quality standard set by EPA at 40 CFR Part 50 and includes standards for carbon monoxide (CO), particulate matter, ozone (O₃), sulfur dioxide (SO₂), lead (Pb), and nitrogen dioxide (NO₂).

(72) "National Emission Standards For Hazardous Air Pollutants (NESHAP)" means the federal ~~((regulations set forth))~~ rules in 40 CFR Part 61.

(73) "National Emission Standards For Hazardous Air Pollutants For Source Categories" means the federal rules in 40 CFR Part 63.

~~((Natural Conditions means naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.))~~

(74) "Net Emissions Increase" is defined depending on the attainment status of the area in which the new stationary source or modification is located, or planned to be located, as follows:

(a) Nonattainment areas. "Net Emissions Increase," as it applies in nonattainment areas means:

(i) The amount by which the sum of the following exceeds zero:

(A) Any increase in actual emissions from a particular physical change or change in method of operation at a stationary source; and

(B) Any other increases and decreases in actual emissions at the stationary source that are contemporaneous with the particular change and are otherwise creditable.

(ii) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs.

(iii) An increase or decrease in actual emissions is creditable only if:

(A) It occurred no more than one year prior to the date of submittal of a complete notice of construction application for the particular change, or it has been documented by an emission reduction credit (ERC). Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC.

(B) The permitting agency has not relied on it in issuing any permit or order of approval for the stationary source under this section or a previous SIP approved nonattainment area new source review regulation, which order or permit is in effect when the increase in actual emissions from the particular change occurs.

(iv) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(v) A decrease in actual emissions is creditable only to the extent that:

(A) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(B) It is federally enforceable at and after the time that actual construction on the particular change begins;

(C) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(D) The permitting agency has not relied on it in issuing any permit or order of approval under this section or a SIP approved nonattainment area new source review regulation; or the permitting agency has not relied on it in demonstrating attainment or reasonable further progress.

(vi) An increase that results from a physical change at a stationary source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

(b) Attainment or unclassified areas. "Net Emissions Increase," as it applies in attainment or unclassified areas means:

(i) The amount by which the sum of the following exceeds zero:

(A) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and

(B) Any other increases and decreases in actual emissions at the stationary source that are contemporaneous with the particular change and are otherwise creditable.

(ii) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs within five years before the date that the increase from the particular change occurs.

(iii) An increase or decrease in actual emissions is creditable only if ecology or EPA has not relied on it in issuing a PSD permit for the stationary source, which permit is in effect when the increase in actual emissions from the particular change occurs.

(iv) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides, which occurs

before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM-10 emissions can be used to evaluate the net emissions increase for PM-10.

(v) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(vi) A decrease in actual emissions is creditable only to the extent that:

(A) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(B) It is federally enforceable at and after the time that actual construction on the particular change begins; and

(C) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(vii) An increase that results from a physical change at a stationary source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

(75) "New Source" means:

(a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such stationary source or that results in the emission of any air contaminant not previously emitted; and

(b) Any other project that constitutes a new stationary source under the Federal Clean Air Act.

(76) "New Source Performance Standards (NSPS)" means the federal ~~((regulations))~~ rules set forth in 40 CFR Part 60.

(77) "Nonattainment Area" means a geographic area designated by EPA at 40 CFR Part 81 as exceeding a national ambient air quality standard (NAAQS) for a given criteria pollutant. An area is nonattainment only for the pollutants for which the area has been designated nonattainment.

(78) "Nonroad Engine" means

(a) Except as discussed in (b) of this subsection, a nonroad engine is any internal combustion engine:

(A) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers; or

(B) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

(C) That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Incidias of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(b) An internal combustion engine is not a nonroad engine if:

(A) The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards

promulgated under section 202 of the Federal Clean Air Act; or

(B) The engine is regulated by a New Source Performance Standard promulgated under section 111 of the Federal Clean Air Act; or

(C) The engine otherwise included in a (a)(3) of this subsection remains or will remain at a location for more than twelve consecutive months or a shorter period of time for an engine located at a seasonal source. A location is a single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that ~~((remains in))~~ operates at a single location approximately three months (or more) each year ((on a permanent basis (i.e., at least two years) and that operates at the single location approximately three (or more) each year)). This paragraph does not apply to an engine after the engine is removed from the location.

(79) "Notice of Construction Application" means a written application to permit construction, installation or establishment of a new stationary source, modification of an existing stationary source, or replacement or substantial alteration of control technology at an existing stationary source. ~~((Replacement or substantial alteration of control technology does not include routine maintenance, repair, or parts replacement.))~~

(80) "Nuisance" means an emission that unreasonably interferes with the use and enjoyment of property.

(81) "Olympic Air Pollution Control Authority (OAPCA) is the former name of Olympic Region Clean Air Agency (ORCAA). Reference to "OAPCA" in this regulation shall mean ORCAA.

(82) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(83) "Open Burning" means the combustion of material in an open fire or in an open container, without providing for the control of combustion or the control of the emissions from the combustion. Wood waste disposal in wigwam burners is not considered open burning.

(84) "Open Fire" means a fire where any material is burned in the open or in a receptacle other than a furnace, incinerator or kiln.

(85) "Order" means any order issued by ecology or a local air agency pursuant to chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.211, 70.94.152, 70.94.153, and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, and regulatory order.

(86) "Order of Approval" or "Approval Order" means a regulatory order issued by Ecology or the ~~((Authority))~~ Agency to approve the Notice of Construction Application for a proposed new source or modification, or the replacement or substantial alteration of control technology at an existing stationary source ~~((, after review of all information received including public comment as required under Article 5 and Article 7)).~~

(87) "Owner" means and includes the person who owns, leases, supervises or operates the equipment or control apparatus.

(88) "Ozone Depleting Substance" means any substance listed in Appendices A and B to Subpart A of 40 CFR Part 82.

(89) "Particulate Matter" or "Particulates" means any ~~((liquid, other than water, or any))~~ airborne finely divided solid ~~((, which is so finely divided as to be capable of becoming windblown or being suspended in air, or other gas or vapor))~~ or liquid material with an aerodynamic diameter smaller than 100 micrometers.

(90) "Particulate Matter Emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in Title 40, chapter I of the Code of Federal Regulations or by a test method specified in the SIP.

(91) "Parts Per Million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

(92) "Permit" means a written warrant or license granted by the Board, Control Officer, or duly authorized Representative or Agent.

(93) "Permitting Agency" means ecology or the local air pollution control agency with jurisdiction over the source.

(94) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

(95) "PM₁₀" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

(96) "PM₁₀ Emissions" means finely divided solid or liquid material, including condensible particulate matter, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a test method specified in the ~~((Washington State Implementation Plan (SIP)))~~ SIP.

~~((Potential Controlled Emissions means the emissions from a facility determined as if the facility was operated at maximum capacity, 8,760 hours per year with control equipment operating. Operating control equipment can be considered only if the effect such controls have on emissions is federally enforceable.))~~

(97) "Potential To Emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a source.

~~((Potential Uncontrolled Emissions means the emissions from a facility determined as if the facility was operated at~~

~~maximum capacity, 8,760 hours per year with control equipment NOT operating.))~~

(98) "Prevention of Significant Deterioration (PSD)" means the program ~~((set forth))~~ in WAC 173-400-141. Ecology is responsible for the PSD program for stationary sources in ORCAA's jurisdiction. Contact Ecology at (360) 407-6800 for more information. ((Ecology has adopted the federal PSD program contained in 40 CFR 52.21 with some changes, which are described in WAC 173-400-141.))

(99) "Process" means any equipment, device apparatus, chemical, natural element, procedure, effort, or any combination thereof which performs a service, function, use, or method, leading to an end of a particular performance, or manufacturing production.

(100) "Projected Width" means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

~~((Reasonable Alternatives means disposal alternatives to open burning that cost less than eight dollars fifty cents per cubic yard. After July 1993, this amount shall be adjusted periodically by department policy.))~~

~~((Reasonably Attributable means attributable by visual observation or any other technique the state deems appropriate.))~~

(101) "Reasonably Available Control Technology (RACT)" means the lowest emission limit that a particular stationary source or stationary source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual stationary source or stationary source category taking into account the impact of the stationary source upon air quality, the availability of additional controls, the emission reduction to be achieved by ~~((quality))~~ additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any stationary source or stationary source category shall be adopted only after notice and opportunity for comment are afforded.

(102) "Recreational Fire" means barbecues and campfires, using charcoal, natural gas, propane, or natural wood, which occur in designated areas, or on private property. Fires used for debris disposal purposes are not considered recreational fires.

(103) "Refuse" means waste as defined in Section 1.07 of this Regulation.

(104) "Regulation 1" means any regulation, or any subsequently adopted additions or amendments thereto, of the Olympic ~~((Air Pollution Control Authority))~~ Region Clean Air Agency.

(105) "Regulatory Order" means an order issued by Ecology or ~~((the))~~ an ((Authority)) Agency to an air contaminant source which applies to that source, any applicable provision of chapter 70.94 RCW, or the rules adopted there under, or, for sources regulated by a local air agency, the regulations of that agency ~~((approves a notice of construction application, limits emissions and/or establishes other air pollution control requirements)).~~

(106) "Representative" or "Agent" means any person authorized by the Control Officer of the ~~((Authority))~~ Agency to represent him in an official and specific manner.

(107) "Residential" means a two or single family unit. ~~((Rubbish means waste as defined in Section 1.07 of the Regulation.))~~

~~((Salvage Operation means any operation conducted in whole or in part for the salvaging or reclaiming of any product.))~~

(108) "Secondary Emissions" means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships or trains located at the new or modified stationary source; and,

(b) Emissions from any off-site support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

(109) "Significant" is defined depending on the attainment status of the area:

(a) Nonattainment areas. "Significant," as it applies in nonattainment areas means, in reference to a net emissions increase or the stationary source's potential to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate

Carbon monoxide:	100 tons per year (tpy)
Nitrogen oxides:	40 tpy
Sulfur dioxide:	40 tpy
Volatile organic compounds:	40 tpy
Lead:	0.6 tpy
PM-10:	15 tpy

(b) Attainment or unclassified areas. "Significant," as it applies in attainment or unclassified areas means:

(i) In reference to a net emissions increase or the stationary source's potential to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate

Carbon monoxide:	100 tons per year (tpy)
Nitrogen oxides:	40 tpy
Sulfur dioxide:	40 tpy
Particulate matter (PM):	25 tpy of PM emissions 15 tpy of PM-10 emissions
Volatile organic compounds:	40 tpy
Fluorides:	3 tpy
Lead:	0.6 tpy

Pollutant and Emissions Rate

Sulfuric acid mist:	7 tpy
Hydrogen sulfide (H ₂ S):	10 tpy
Total reduced sulfur (including H ₂ S):	10 tpy
Reduced sulfur compounds (including H ₂ S):	10 tpy
Municipal waste combustor organics: (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	3.2 grams per year (0.112 oz. per year or 49 grains per year)
Municipal waste combustor metals: (measured as particulate matter)	14 megagrams per year (15 tpy)
Municipal waste combustor acid gases: (measured as sulfur dioxide and hydrogen chloride)	36 megagrams per year (40 tpy)
Municipal solid waste landfill emissions: (measured as non-methane organic compounds)	45 megagrams per year (50 tpy)
Ozone-depleting substances (in effect on July 1, 2000):	100 tpy

(ii) In reference to a net emissions increase or the stationary source's potential to emit a pollutant subject to regulation under the Federal Clean Air Act that the definition in (b)(i) of this subsection does not list, any emissions rate. However, for purposes of the applicability of this section, the hazardous air pollutants listed under section 112(b) of the Federal Clean Air Act, including the hazardous air pollutants that may have been added to the list, are not considered subject to regulation.

(iii) Regardless of the definition in (b)(i) of this subsection, significant means any emissions rate or any net emissions increase associated with a major stationary source or major modification which would construct within 10 kilometers of a Class I area, and have an impact on such area equal to or greater than 1 microgram per cubic meter (twenty-four-hour average).

(110) "Silvicultural Burning" means burning on any land the Department of Natural Resources protects per RCW 70.94.030(13), 70.94.660, 70.94.690, and pursuant to Chapter 76.04 RCW.

(111) "Source" means all of the emissions unit(s) ~~((and all of the pollutant emitting activities which belong to the same industrial grouping.))~~ including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. ~~((Pollutant emitting a))~~ Activities shall be considered ancillary to the production of a single product or functionally related group of products if they ~~((as part of the same industrial grouping if they))~~ belong to the same Major Group (i.e., which have the same two digit code)

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as described in the Standard Industrial Classification Manual, 1972, as amended (~~by the 1977 Supplement~~) by the 1977 supplement.

(112) "Source Category" means all sources of the same type or classification.

(113) "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

(114) "Stack Height" means the height of an emission point measured from the ground-level elevation at the base of the stack.

(115) "Standard Conditions" means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury.

(116) "Standard Cubic Foot of Gas" means that amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor and at standard conditions.

(117) "State Act" means the Washington Clean Air Act, Chapter 70.94 RCW, as amended.

(118) "State Implementation Plan (SIP)" ~~or the ((means the))~~ "Washington SIP" in 40 CFR Part 52, subpart WW. The SIP contains state, local and federal regulations and orders, the state plan and compliance schedules approved and regulated by EPA, for the purpose of implementing, maintaining, and enforcing the National Ambient Air Quality Standards.

(119) "Stationary Source" means any ~~((source as defined in this section which is fixed in location temporarily or permanently))~~ building, structure, facility, or installation which emits or may emit any air contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in section 216(11) of the ~~(FCAA)~~ Federal Clean Air Act.

(120) "Sulfuric Acid Plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

(121) "Synthetic Minor" means any stationary source whose potential to emit has been limited below applicable thresholds by means of a federally enforceable order, rule, or permit condition.

(122) "Temporary" means a period of time not to exceed one (1) year.

(123) "Total Reduced Sulfur" (TRS) means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by EPA method 16 or an approved equivalent method and expressed as hydrogen sulfide.

(124) "Total Suspended Particulate" means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B ~~((as in effect on July 1, 1988)).~~

(125) "Toxic Air Pollutant~~((S))~~" (TAP) ~~or~~ "Toxic Air Contaminant" means any class A or Class B toxic air pollutant listed in WAC 173-460-150 and~~((or))~~ WAC 173-460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 and/or 173-460-160. The term

toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

(126) "True Vapor Pressure" means the equilibrium partial pressure exerted by the stored organic compound at:

(a) The annual average temperature of the organic compound as stored; or

(b) At the local annual average temperature as reported by the National Weather Service if stored at ambient temperature.

(127) "Unclassifiable Area" means an area that cannot be designated attainment or nonattainment on the basis of available information as meeting or not meeting the National Ambient Air Quality Standard for the criteria pollutant and that is listed by EPA at 40 CFR part 81.

(128) "United States Environmental Protection Agency (USEPA)" shall be referred to as EPA.

(129) "Urban Growth Area" means an area defined by RCW 36.70A.030.

(130) "Vent" means any opening through which gaseous emissions are exhausted into the ambient air.

~~((Visibility Impairment means any humanly perceptible change in visibility (light extinction, visual range, contrast, or coloration) from that which would have existed under natural conditions.))~~

(131) "Volatile Organic Compound (VOC)" means any carbon compound that participates in atmospheric photochemical reactions~~((=))~~.

(A) Exceptions. The following compounds are not a VOC: acetone; carbon monoxide; carbon dioxide; carbonic acid; metallic carbides or carbonates; ammonium carbonate; methane; ethane, methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro 1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); ~~((1,1,2-trichloro))~~ 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HCFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); perchlorobenzotribluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; perchloroethylene (tetrachloroethylene); 3,3-dichloro 1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-254ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4,4~~((θ))~~-nonafluoro-4-methoxy-butane (C₄F₉OCH₃); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₂)₂CF₂OCH₃); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅); 2-

(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂(CFCF₂OC₂H₅); methyl acetate and perfluorocarbon compounds which fall into these classes:

(i) Cyclic, branched, or linear completely fluorinated alkanes;

(ii) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations;

(iii) Cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations; and

(iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(B) For the purpose of determining compliance with emission limits, VOC will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where ~~((such a))~~ the method also measures compounds with negligible photochemical reactivity, these negligibly-((-)reactive compounds may be excluded as VOC if the amount of ~~((such))~~ the compounds is accurately quantified, and ~~((such))~~ the exclusion is approved by ecology, the Agency, or EPA ~~((the Authority))~~.

(C) As a precondition to excluding these negligibly reactive compounds as VOC or at any time thereafter, ecology or the ((Authority)) Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the ~~((Authority))~~ Agency, the amount of negligibly reactive compounds in the source's emissions.

~~((WASTE means unproductive, worthless, useless or rejected material.))~~

(132) "Waste-wood Burner" means equipment or facility used solely for the combustion-disposal of waste wood without heat recovery. Such burners shall include, but not be limited to, a wigwam burner, a silo-type burner, or an air-curtain burner.

(133) "Wigwam or Teepee Burner" - see Waste-wood Burner.

Reviser's note: The spelling 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.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

ARTICLE 3 GENERAL PROVISIONS

SECTION 3.01 CONTROL OFFICER - POWERS AND DUTIES

(a) The Control Officer shall observe and enforce the provisions of state law and all orders, ordinances, resolutions or rules and regulations of the ~~((Authority))~~ Agency pertaining to control and prevention of air pollution in accordance with the policies of the Board of Directors.

(b) At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 or 70.94.431, whenever the Control Officer has reason to believe that any provision of state law or any regulation relating to the control or prevention of air pollution has been vio-

lated, the Control Officer may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of state law or the regulation alleged to be violated and the facts alleged to constitute a violation thereof and may include an order that necessary corrective action be taken within a specified time. In lieu of an order, the Control Officer may require that the alleged violator or violators appear before the Board for a hearing, at a time and place specified in the notice, given at least twenty (20) days prior to such hearing, and answer the charges.

(c) The Control Officer and/or a qualified designated agent may make any investigation or study which is necessary for the purpose of enforcing this Regulation or any amendment thereto of controlling or reducing the amount or kind of air contaminant.

(d) The Control Officer may obtain from any person, subject to the jurisdiction of the ~~((Authority))~~ Agency, such information or analysis as will disclose the nature, extent, quantity or degree of air contaminants which are, or may be, discharged by such source and type or nature of control equipment in use.

(e) For the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the atmosphere, the Control Officer or a duly authorized representative shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing two families or less. No person shall refuse entry or access to the Control Officer, or a duly authorized representative, who request entry for the purpose of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper or interfere with any such inspection by the Control Officer, or a duly authorized representative.

(f) If during the course of an inspection, the Control Officer or a duly authorized representative desires to obtain a sample of air contaminant, fuel, process material or other material which affects or may affect the emission of air contaminants, the Control Officer or a designated agent shall notify the owner or operator of the time and place of obtaining a sample so the owner or operator has the opportunity to take a similar sample at the same time and place; and the Control Officer or a duly authorized representative shall give a receipt to the owner or operator for the sample obtained.

(g) The Control Officer may engage, at the ~~((Authority))~~ Agency's expense and with Board approval, qualified individuals or firms to make independent studies and reports as to the nature, extent, quantity or degree of any air contaminants which are or may be discharged from any source.

(h) The Control Officer is empowered to sign official complaints or issue citations or initiate court suits or use other means to enforce the provisions of the regulation.

(i) In order to demonstrate compliance with emission standards, the Control officer shall have the ~~((Authority))~~ Agency to require a source to be tested, either by the ~~((Authority))~~ Agency personnel or by the owner, using source test procedures approved by the ~~((Authority))~~ Agency. The owner shall be given reasonable advance notice of the requirement of the test.

(j) In order for ~~((Authority))~~ Agency personnel to perform a source test, the Control Officer shall have the author-

ity to require the owner of the source to provide an appropriate platform and sampling ports. The owner shall have the opportunity to observe the sampling and, if there is adequate space to conduct the tests safely and efficiently, to obtain sample at the same time.

SECTION 3.03 CONFIDENTIAL INFORMATION

Whenever any records or other information, other than ambient air quality data or emissions data, furnished to or obtained by the ~~((Authority))~~ Agency, pursuant to any sections in Chapter 70.94 RCW, relate to processes or production unique to the owner or operator or are likely to affect adversely the competitive position of such owner or operator if released to the public or to the competitor, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the ~~((Authority))~~ Agency.

Nothing herein shall be construed to prevent the use of records or information by the ~~((Authority))~~ Agency in compiling or publishing analysis or summaries relating to the general condition of the outdoor atmosphere: Provided, that such analysis or summaries do not reveal any information otherwise confidential under the provisions of this section: Provided further, that emission data furnished to or obtained by the ~~((Authority))~~ Agency shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at offices of the ~~((Authority))~~ Agency.

SECTION 3.05 INTERFERENCE OR OBSTRUCTION

No person shall willfully interfere with or obstruct the Control Officer or any ~~((Authority))~~ Agency employee in performing any lawful duty.

SECTION 3.07 FALSE OR MISLEADING STATEMENTS

No person shall willfully make a false or misleading statement to the Board or its representative as to any matter within the jurisdiction of the Board.

SECTION 3.09 UNLAWFUL REPRODUCTION OR ALTERATION OF DOCUMENTS

No person shall reproduce or alter, or cause to be reproduced or altered, any order, registration certificate or other paper issued by the ~~((Authority))~~ Agency if the purpose of such reproduction or alteration is to evade or violate any provision of the Regulation or any other law.

SECTION 3.11 DISPLAY OF ORDERS~~((s))~~ AND CERTIFICATES ~~((AND OTHER NOTICES))~~: REMOVAL OR MUTILATION PROHIBITED

(a) Any order or registration certificate required to be obtained by this Regulation shall be available on the premises designated on the order or certificate.

(b) In the event that the ~~((Authority))~~ Agency requires ~~((a notice))~~ order or registration certificate to be displayed, it shall be posted.

(c) No person shall mutilate, obstruct or remove any order or registration certificate ~~((notice))~~ unless authorized to do so by the Board or the Control Officer.

SECTION 3.15 APPOINTMENT OF HEARING OFFICER

(a) In all instances where the Board is permitted or required to hold hearings under the provisions of Chapter 70.94 RCW, such hearings shall be held before the Board; or the Board may appoint a hearing officer, who shall be the Executive Director of the ~~((Authority))~~ Agency or his/her designee to hold such hearings.

(b) A duly appointed hearing officer shall have all the powers, rights and duties of the Board relating to the hearings.

SECTION 3.17 APPEALS FROM BOARD ORDERS

(a) Any order issued by the Agency shall become final unless such order is appealed to the Hearings Board as provided in chapter 43.21B RCW. ~~((Any order issued or fee assessed by the Board or the Control Officer, shall become final, provided, that no later than thirty (30) days after the order or decision of the Pollution Control Authority or Control Officer was communicated to the party an appeal is taken to the Pollution Control Hearings Board of the State of Washington, pursuant to RCW 43.21B, 70.94.211 and WAC 371-08, as now or hereafter amended.))~~ The sole basis for appeal of a fee assessed by the Control Officer or Board shall be that the assessment contains an arithmetic or clerical error.

(b) Any order issued by the Agency may be appealed to the Pollution Control Hearings Board if the appeal is filed with the Hearings Board and served on the Agency within thirty days after receipt of the order in accordance with chapter 371-08 WAC. This is the exclusive means of appeal of such an order.

(c) The Agency in its discretion may stay the effectiveness of an order during the pendency of such an appeal.

(d) At any time during the pendency of such an appeal of such an order to the Pollution Control Hearings Board, the appellant or other affected parties may apply to the Hearings Board pursuant to chapter 43.21B RCW and chapter 371-08 WAC for a stay of the order or for the removal thereof.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

SECTION 3.19 ~~((STATUS OF ORDERS ON APPEALS))~~ VOLUNTARY COMPLIANCE

~~((a))~~ Any order of the Control Officer or the Board shall be stayed pending final determination of any hearing or appeal taken in accordance with the provisions herein unless, after notice and hearing, the superior court shall determine that an emergency exists which is of such nature as to require that such order be in effect during the pendency of such hearing or appeal.

~~((b))~~ Nothing in this Regulation shall prevent the ~~((Control Officer or Board))~~ Agency from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

SECTION 3.21 SERVICE OF NOTICE

(a) Service of any written notice required by this Regulation shall be made on the owner or operator of equipment, or their agent, as follows:

(1) Either by mailing the notice in a prepaid envelope directed to the owner or operator of the equipment, or their agent, at the address listed on their application or order, or registration certificate or at the address where the equipment is located, by United States Certified Mail, return receipt requested; or

(2) By leaving the notice with the owner or operator of the equipment, or their agent, or if the owner or operator is not an individual, with a member of the partnership or other group concerned, or with an officer or managing agent of the corporation.

(b) Service of any written notice required by this Regulation shall be made on the ((Authority)) Agency, as follows:

(1) Either by mailing the notice in a prepaid envelope direct to the ((Authority)) Agency at its office by United States Certified Mail, return receipt requested; or

(2) By leaving the notice at the ((Authority)) Agency office with an employee of the ((Authority)) Agency.

SECTION 3.23 VARIANCES

Any person who owns or is in control of any plant, building, structure, establishment, process or equipment may apply to the Control Officer or the Board for a variance to exceed a specific maximum emission standard of this Regulation for a limited period of time, except for any federally enforceable standard, provided that a variance to state standard is also approved by the Department of Ecology. The application shall be accompanied by such information and data as the Control Officer or Board may require. The Board may grant such variance but only after approval by the Department of Ecology and public hearing or due notice and in accordance with the provisions set forth in RCW 70.94-181, as now or hereafter amended. Any hearing held pursuant to this section shall be conducted in accordance with the rules of evidence as set forth in RCW 34.04.100, as now or hereafter amended. The ((Authority)) Agency shall not commence processing a variance request, until it has received a filing fee as determined by Table 7.13a, Plan Examination and Inspection Fee, Section 7.13.

SECTION 3.25 SEVERABILITY

If any phrase, clause, subsection or section of this Regulation shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the Board of Directors would have enacted this Regulation without the phrase, clause, subsection or section so held unconstitutional or invalid; and the remainder of the Regulation shall not be affected as a result of said part being held unconstitutional or invalid.

SECTION 3.26 VIOLATIONS - NOTICE

At least 30 days prior to the commencement of any formal enforcement action under RCW 70.94.430 or 70.94.431, the Board or Control Officer shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provisions of Chapter 70.94 RCW or the orders, rules, or regulations adopted pursuant thereto, alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order directing that necessary corrective action be taken within a reasonable time. In lieu of an order, the Board or the Control Officer may require that the alleged violator or violators appear before the Board for a hearing. Every notice of violation shall offer to the alleged violator an opportunity to meet with the ((Authority)) Agency prior to the commencement of enforcement action.

(a) Each act of commission or omission which procures, aids, or abets in the violation shall be considered a violation and be subject to the same penalty.

(b) In case of a continuing violation, whether or not knowingly committed, each day's continuance shall be a separate and distinct violation.

SECTION 3.27 REGULATORY ACTIONS AND PENALTIES

The Control Officer may take any of the following regulatory actions to enforce the provisions of Chapter 70.94 RCW or any of the rules or regulations in force pursuant thereto, which are incorporated by reference.

(a) Civil Penalties

(1) Any person who violates any of the provisions of Chapter 70.94 RCW or any of the rules or regulations in force pursuant thereto, may incur a civil penalty in an amount not to exceed \$10,000.00 per day for each violation.

(2) Any person who fails to take action as specified by an Order issued pursuant to Chapter 70.94 RCW or Regulation 1 of the ((Olympic Air Pollution Control Authority)) Olympic Region Clean Air Agency ((OAPCA)) (ORCAA) shall be liable for a civil penalty of not more than \$10,000.00 for each day of continued noncompliance.

(3) Within 30 days after receipt of Notice of Civil Penalty, the person incurring the penalty may apply in writing to the Control Officer for the remission or mitigation of the penalty. Any such request must contain the following:

(i) The name, mailing address, and telephone number of the appealing party;

(ii) A copy of the Notice of Civil Penalty appealed from;

(iii) A short and plain statement showing the grounds upon which the appealing party considers such Order to be unjust or unlawful;

(iv) A clear and concise statement of facts upon which the appealing party relies to sustain his or her grounds for appeal;

(v) The relief sought, including the specific nature and extent; and

(vi) A statement that the appealing party has read the notice of appeal and believes the contents to be true, followed by the party's signature.

Upon receipt of the application, the Control Officer shall remit or mitigate the penalty only upon a demonstration by

the requestor of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(4) Any civil penalty may also be appealed to the Pollution Control Hearings Board pursuant to Chapter 43.21B RCW and Chapter 371-08 WAC if the appeal is filed with the Hearings Board and served on the ~~((Authority))~~ Agency within 30 days after receipt by the person penalized of the notice imposing the penalty or 30 days after receipt of the notice of disposition of the application for relief from penalty.

(5) A civil penalty shall become due and payable on the later of:

(i) 30 days after receipt of the notice imposing the penalty;

(ii) 30 days after receipt of the notice of disposition on application for relief from penalty, if such application is made; or

(iii) 30 days after the receipt of the notice of decision of the Hearings Board if the penalty is appealed.

(6) If the amount of the civil penalty is not paid to the ~~((Authority))~~ Agency within 30 days after it becomes due and payable, the ~~((Authority))~~ Agency may use any available methods, including Superior Court, to recover the penalty. In all actions brought in the Superior Court for the recovery of penalties hereunder, the procedure and rules of evidence shall be the same as in ordinary civil action.

(7) To secure the penalty incurred under this section, this ~~((Authority))~~ Agency shall have a lien on any vessel used or operated in violation of Regulation 1 which shall be enforced as provided in RCW 60.36.050.

(b) Criminal Penalties

(1) Any person who knowingly violates any of the provisions of Chapter 70.94 RCW or any rules or regulations in force pursuant thereto, shall be guilty of a crime and upon conviction thereof, shall be punished by fine of not more than \$10,000.00, or by imprisonment in the county jail for not more than 1 year, or by both for each separate violation.

(2) Any person who negligently releases into the ambient air any substance listed by the Department of Ecology as a hazardous air pollutant, other than in compliance with terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of death or substantial bodily harm shall be guilty of a crime and shall, upon conviction, be punished by a fine of not more than \$10,000.00, or by imprisonment for not more than 1 year, or both.

(3) Any person who knowingly releases into the ambient air any substance listed by the Department of Ecology as a hazardous air pollutant, other than in compliance with terms of an applicable permit or emission limit, and who knows at the time that they have thereby placed another person in imminent danger of death or substantial bodily harm shall be guilty of a crime and shall, upon conviction, be punished by a fine of not less than \$50,000, or by imprisonment for not more than 5 years, or both.

(c) Additional Enforcement

(1) Notwithstanding the existence or use of any other remedy, whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will con-

stitute a violation of any provision of Chapter 70.94 RCW, or any order, rule or regulation issued by the Board or Control Officer or a duly authorized agent, the Board, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(2) As an additional means of enforcement, the Board or Control Officer may accept an assurance of discontinuance of any act or practice deemed in violation of Chapter 70.94 RCW or of any order, rule, or regulation adopted pursuant thereto, from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall specify a time limit during which such discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this chapter or the orders, rules, or regulations issued pursuant thereto, which make the alleged act or practice unlawful for the purpose of securing any injunction or other relief from Superior Court in the county wherein the violation is alleged to be occurring or to have occurred.

SECTION 3.29 COMPLIANCE SCHEDULES

(a) Issuance. Whenever a source is found to be in violation of an emission standard or other provision of Regulation 1 or RCW 70.94 or WAC 173 or any applicable federal regulation the ~~((Authority))~~ Agency may issue a regulatory order requiring that the source be brought into compliance within a specified time. The order shall contain a schedule for installation, with intermediate benchmark dates and a final completion date, which shall constitute a compliance schedule.

(b) The source, including any person who owns or is in control of any plant, building, structure, establishment, process or equipment, which is in violation of an emission standard or other provision of Regulation 1 or RCW 70.94 or WAC 173, may submit a proposed Compliance Schedule to the Board for approval. The proposed Compliance Schedule must meet the requirements of this section, and shall be accompanied by such information and data as the Control Officer or the Board may require.

(c) Public Noticing. Compliance Schedules must meet the requirements for public involvement in accordance with RCW 70.94 as now or hereafter amended. Any hearing held pursuant to this section shall be conducted in accordance with the Rules of Evidence as set forth in RCW 34.04.100, as now or hereafter amended.

(d) Federal Action. A source shall be considered to be in compliance with this section if all the provisions of its individual compliance schedule, including those stated by regulatory order, are being met. Such compliance does not preclude federal enforcement action by the EPA until and unless the schedule is submitted and adopted as an amendment to the state implementation plan.

(e) Penalties for delayed compliance. Sources on a compliance schedule but not meeting emissions standards may be subject to penalties as provided in the Federal Clean Air Act. In addition, failure at any phase to make progress towards compliance pursuant to any Compliance Schedule accepted by the Board shall be deemed an unreasonable delay and in

violation of the terms of said Compliance Schedule and the Board or Control Officer may require that the responsible person appear before the Board to explain the delay and show cause why abatement action should not be started, enforcement action taken, and/or the Compliance Schedule revoked.

(f) Fee for Compliance Schedule. The ((Authority)) Agency shall not commence processing a compliance schedule request until it has received a filing fee as determined by Section 7.13.

AMENDATORY SECTION

ARTICLE 5 REGISTRATION

((SECTION 5.00 DEFINITIONS

For purposes of Article 5, the following definitions apply:))

((ACTUAL EMISSIONS means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) and (b) of this subsection.

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a one-year period which precedes the particular date and which is representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) The Authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.))

((AIR CONTAMINANT means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."))

((AIR CONTAMINANT GENERATING EQUIPMENT means, for purposes of calculating Article 5 fees, any equipment or process capable of generating or emitting air contaminants except for the equipment and processes listed in (a) through (g) below:

(a) Gasoline or other fuel storage tanks located at dispensing facilities as defined in Article 15.

(b) Storage tanks and other equipment located at dry cleaning facilities.

(c) Combustion units with less than 10 million BTUs per hour heat input.

(d) Process equipment with less than 5,000 ACFM flow rate.

(e) Paint spray booths and related paint spraying equipment.

(f) Mobile sources.

(g) Any other equipment or process determined appropriate for this exemption by the Authority.))

((EMISSIONS means a release of air contaminants into the ambient air.))

((EMISSIONS UNIT means any part of a source which emits or would have the potential to emit any pollutant subject to regulation.))

((FACILITY means the same as "source."))

((POTENTIAL TO EMIT means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.))

((SOURCE means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement.))

((STACK means, for purposes of calculating fees pursuant to Article 5, any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct, except for the following:

(a) Emission points associated with gasoline or fuel dispensing stations.

(b) Emission points associated with dry cleaning facilities.

(c) Pipes or ducts equal to or less than six (6) inches in diameter.

(d) Any other emission point determined appropriate for this exemption by the Authority.))

((TOXIC AIR POLLUTANT means any Class A or Class B toxic air pollutants listed in WAC 173-460-150 and 173-460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or group of substances within either of these classes is listed in WAC 173-460-150 and 173-460-160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.))

((TRUE VAPOR PRESSURE means the equilibrium partial pressure exerted by the stored organic compound at:

(a) The annual average temperature of the organic compound as stored; or

(b) At the local annual average temperature as reported by the National Weather Service if stored at ambient temperature.))

SECTION 5.01 REGISTRATION REQUIRED

(a) All ((air contaminant)) stationary sources within the jurisdiction of the ((Authority)) Agency, except for any stationary source required to obtain an air operating permit under Chapter 173-401 WAC, shall be registered with the Agency ((the sources listed in 5.01(b) below, as now constituted or as hereafter amended, and except sources with or applying for an air operating permit pursuant to RCW 70.04.161, shall be registered with the Authority)). Notwithstanding the exemptions provided in section 5.01(b) ((any other subsection of this section)), the following stationary

sources shall be registered with the ((Authority))
Agency((:)):

(1) Any stationary source subject to a standard under New Source Performance Standards, 40 CFR Part 60, except: New Residential Wood Heaters (Subpart AAA); Kraft Pulp Mills (Subpart BB); and Primary Aluminum Reduction Plants (Subpart S); ((Any category of stationary sources to which a federal standard of performance applies; or))

(2) Any stationary source subject to a performance standard under National Emission Standards for Hazardous Air Pollutants, 40 CFR 61.02, except for asbestos demolition and renovation projects subject to 40 CFR 61.145; ((Any source subject to a national emission standard for hazardous air pollutants:))

(3) Any stationary source subject to a performance standard under National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR 63.2;

(4) Any stationary source that includes equipment or control equipment subject to an Approval Order issued by the Agency.

(b) ((Except as provided in subsection(a) of this article, e)) The following stationary sources ((and equipment types)) are exempt from registration requirements under Article 5. All stationary sources exempt from registration under Article 5 are still required to comply with ((the)) other applicable air pollution requirements ((requirements of ((this regulation)).

(((1) ~~Air conditioning or ventilating systems not designed to remove contaminants generated by or released from equipment.~~

(2) ~~Asphalt laying equipment including asphalt roofing operations (not including manufacturing or storage).~~

(3) ~~Atmosphere generators used in connection with metal heat treating processes.~~

(4) ~~Blast cleaning equipment that uses a suspension of abrasive in liquid water.~~

(5) ~~Fire fighting and similar safety equipment and equipment used to train fire fighters.~~

(6) ~~Foundry sand mold forming equipment, unheated.~~

(7) ~~Fuel burning equipment (not including incinerators) that:~~

(i) ~~is used solely for a private dwelling serving five families or less; or~~

(ii) ~~has a maximum heat input rate of 5 MMBtu/hr or less if burning natural gas, propane, or LPG; or~~

(iii) ~~has a maximum heat input rate of 0.5 MMBtu/hr or less if burning waste derived fuels; or~~

(iv) ~~has a maximum heat input rate of 1 MMBtu/hr or less if burning recycled or used oil per the requirements of RCW 70.94.610; or~~

(v) ~~has a maximum heat input rate of 1 MMBtu/hr or less if burning any other type of fuel and with less than or equal to 0.05% sulfur by weight.~~

(8) ~~Fumigation vaults not for use with materials containing toxic air pollutants (as defined in chapter 173 460 WAC).~~

(9) ~~Gas stations or bulk plants with less than 100,000 gallons of throughput per year.~~

(10) ~~Insecticide, pesticide, or fertilizer spray equipment.~~

(11) ~~Internal combustion engines less than or equal to 500 hp (mechanical) and used only for stand-by emergency power generation.~~

(12) ~~Laundry dryers, extractors or tumblers used exclusively for the removal of water from fabric.~~

(13) ~~Printers using less than 2,000 pounds per year of VOCs.~~

(14) ~~Residential composting facilities.~~

(15) ~~Restaurants and other retail food preparing establishments.~~

(16) ~~Routing, turning, carving, cutting and drilling equipment used for metal, wood, plastics, rubber, leather or ceramics.~~

(17) ~~Spray painting or blasting equipment used at temporary locations to clean or paint bridges, water towers, buildings, or similar structures.~~

(18) ~~Steam cleaning equipment used exclusively for that purpose.~~

(19) ~~Storage tanks, reservoirs or containers:~~

(i) ~~of a capacity of 10,000 gallons or less used for the storage of volatile organic compounds, not for use with materials containing toxic air pollutants (as defined in chapter 173 460 WAC); or~~

(ii) ~~of a capacity of 10,000 gallons or less used for storage of gasoline; or~~

(iii) ~~of a capacity of 40,000 gallons or less used for the storage of organic compounds, not for use with materials containing toxic air pollutants (as defined in chapter 173 460 WAC) with a true vapor pressure less than 0.01 kPa (0.002 psia) (0.0001 atm); or~~

(iv) ~~of a capacity of 40,000 gallons or less used for the storage of butane, propane, or liquefied petroleum gas.~~

(20) ~~Surface coating sources using less than 20 gallons per year of VOC containing materials.~~

(21) ~~Vacuum cleaning systems used exclusively for office or residential housekeeping.~~

(22) ~~Vacuum producing devices used in laboratory operations and vacuum producing devices that do not remove or convey air contaminants from or to another source.~~

(23) ~~Vents used exclusively for:~~

(i) ~~Sanitary or storm drainage systems; or~~

(ii) ~~Safety valves.~~

(24) ~~Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.~~

(25) ~~Welding, brazing or soldering equipment.~~

(26) ~~Sources which, due to the amount and nature of air contaminants produced, and potential to contribute to air pollution or odors, are determined through review by the Control Officer not to warrant registration; provided that for new sources, such determination shall be based upon review of a Notice of Construction.))~~

(1) Maintenance/construction:

a. Cleaning and sweeping of streets and paved surfaces;

b. Concrete application, and installation;

c. Dredging wet spoils handling and placement;

d. Paving application and maintenance, excluding asphalt plants;

e. Plant maintenance and upkeep activities (grounds keeping, general repairs, routine house keeping, routine plant painting, welding, cutting, brazing, soldering, plumbing, retarring roofs, etc.);

f. Plumbing installation and plumbing protective coating application associated with plant maintenance activities;

g. Roofing application;

h. Insulation application and maintenance, excluding products for resale;

i. Janitorial services and consumer use of janitorial products.

j. Asphalt laying equipment including asphalt-roofing operations (not including manufacturing or storage).

k. Blast cleaning equipment that uses a suspension of abrasive in liquid water.

l. Spray painting or blasting equipment used at temporary locations to clean or paint bridges, water towers, buildings, or similar structures.

(2) Storage tanks:

a. Lubricating oil storage tanks except those facilities that are wholesale or retail distributors of lubricating oils;

b. Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation;

c. Storage tanks, reservoirs, pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions;

d. Process and white water storage tanks;

e. Storage tanks and storage vessels, with lids or other appropriate closure and less than 260 gallon capacity (35 cft);

f. Storage tanks of a capacity of 10,000 gallons or less, with lids or other appropriate closure, used for the storage of materials containing organic compounds, but not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC);

g. Storage tanks of a capacity of 40,000 gallons or less, with lids or other appropriate closure, used for the storage of organic compounds, but not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC), with a true vapor pressure less than 0.01 kPa (0.002 psia) (0.0001 atm);

h. Storage tanks of a capacity of 40,000 gallons or less used for the storage of butane, propane, or liquefied petroleum gas;

i. Tanks, vessels and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids.

j. Storage tanks used exclusively for storage of diesel fuel;

k. Loading and unloading equipment used exclusively for the storage tanks exempted under this section.

(3) Combustion:

a. Fuel burning equipment (not including incinerators) that:

(i) is used solely for a private dwelling serving five families or less; or

(ii) has a maximum heat input rate of 5 MMBtu/hr or less if burning natural gas, propane, or LPG; or

(iii) has a maximum heat input rate of 0.5 MMBtu/hr or less if burning waste-derived fuels; or

(iv) has a maximum heat input rate of 1 MMBtu/hr or less if burning recycled or used oil per the requirements of RCW 70.94.610; or

(v) has a maximum heat input rate of 1 MMBtu/hr or less if burning any other type of fuel and with less than or equal to 0.05% sulfur by weight.

b. All stationary gas turbines with a rated heat input < 10 million Btu per hour.

c. Stationary internal combustion engines having rated capacity:

(i) < 50 horsepower output; or,

(ii) < 500 horsepower and used only for standby emergency power generation.

d. All nonroad engines subject to 40 CFR Part 89.

(4) Material handling:

a. Storage and handling of water based lubricants for metal working where organic content of the lubricant is <10%;

b. Equipment used exclusively to pump, load, unload, or store high boiling point organic material in tanks less than one million gallon, material with initial atmospheric boiling point not less than 150°C or vapor pressure not more than 5 mm Hg @21°C, with lids or other appropriate closure.

(5) Water treatment:

a. Septic sewer systems, not including active wastewater treatment facilities;

b. NPDES permitted ponds and lagoons used solely for the purpose of settling suspended solids and skimming of oil and grease;

c. De-aeration (oxygen scavenging) of water where toxic air pollutants as defined in chapter 173-460 WAC are not emitted;

d. Process water filtration system and demineralizer vents;

e. Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems;

f. Demineralizer tanks;

g. Alum tanks;

h. Clean water condensate tanks.

i. Oil/water separators, except those at petroleum refineries;

j. Equipment used exclusively to generate ozone and associated ozone destruction equipment for the treatment of cooling tower water or for water treatment processes.

k. Municipal sewer systems, including wastewater treatment plants and lagoons with a design capacity of one million gallons per day or less, provided that they do not use anaerobic digesters, chlorine disinfection or sewage sludge incinerators.

(6) Environmental chambers and laboratory equipment:

a. Environmental chambers and humidity chambers not using toxic air pollutant gases, as regulated under chapter 173-460 WAC;

b. Gas cabinets using only gases that are not toxic air pollutants regulated under chapter 173-460 WAC;

c. Laboratory fume hoods;

d. Laboratory calibration and maintenance equipment.

(7) Monitoring/quality assurance/testing:

a. Equipment and instrumentation used for quality control/assurance or inspection purpose;

b. Hydraulic and hydrostatic testing equipment;

c. Sample gathering, preparation and management;

d. Vents from continuous emission monitors and other analyzers.

(8) **Miscellaneous:**

- a. Single-family residences and duplexes;
b. Plastic pipe welding;
c. Primary agricultural production activities including soil preparation, planting, fertilizing, weed and pest control, and harvesting;
d. Insecticide, pesticide, or fertilizer spray equipment.
e. Comfort air conditioning;
f. Flares used to indicate danger to the public;
g. Natural and forced air vents and stacks for bathroom/toilet activities;
h. Personal care activities including establishments like beauty salons, beauty schools, and hair cutting establishments;
i. Recreational fireplaces including the use of barbecues, campfires, and ceremonial fires;
j. Tobacco smoking rooms and areas;
k. Noncommercial smokehouses;
l. Blacksmith forges for single forges;
m. Vehicle maintenance activities, not including vehicle surface coating;
n. Vehicle or equipment washing;
o. Wax application;
p. Oxygen, nitrogen, or rare gas extraction and liquefaction equipment not including internal and external combustion equipment;
q. Ozone generators and ozonation equipment;
r. Ultraviolet curing processes, to the extent that toxic air pollutant gases as defined in chapter 173-460 WAC are not emitted;
s. Electrical circuit breakers, transformers, or switching equipment installation or operation;
t. Pneumatically operated equipment, including tools and hand held applicator equipment for hot melt adhesives;
u. Fire fighting and similar safety equipment and equipment used to train fire fighters.
v. Production of foundry sand molds, unheated and using binders less than 0.25% free phenol by sand weight;
w. Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities;
x. Solvent cleaners less than 10 square feet air-vapor interface with solvent vapor pressure not more than 30 mm Hg @21°C, and not containing toxic air pollutants (as defined in Chapter 173-460 WAC);
y. Surface coating, aqueous solution or suspension containing < 1% (by weight) VOCs, and/or toxic air pollutants as defined in chapter 173-460 WAC;
z. Cleaning and stripping activities and equipment using solutions having <1% VOCs (by weight); on metallic substances, acid solutions are not exempt;
aa. Dip coating operations, using materials less than 1% VOCs (by weight) and/or toxic air pollutants as defined in chapter 173-460 WAC.
bb. Laundry dryers, extractors or tumblers used exclusively for the removal of water from fabric.
cc. Residential composting facilities.

dd. Restaurants and other retail food preparing establishments.

ee. Routing, turning, carving, cutting and drilling equipment used for metal, wood, plastics, rubber, leather or ceramics.

ff. Steam cleaning equipment used exclusively for that purpose.

gg. Vacuum cleaning systems used exclusively for office or residential housekeeping.

hh. Vacuum producing devices used in laboratory operations and vacuum producing devices that do not remove or convey air contaminants from or to another source.

ii. Vents used exclusively for:

(i) Sanitary or storm drainage systems; or

(ii) Safety valves.

jj. Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.

kk. Welding, brazing or soldering equipment.

ll. Coffee roaster with a design capacity less than 10 pounds per batch.

mm. Bark and soil screening operations.

nn. Portable sand and gravel plants and crushed stone plants with a cumulative rated capacity of all crushers less than or equal to 150 tons per hour.

oo. Fixed sand and gravel plants and crushed stone plants with a cumulative rated capacity of all crushers less than or equal to 25 tons per hour.

pp. Any portable stationary source approved by the Agency for operation at temporary locations.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

SECTION 5.02 REGISTRATION PROGRAM

(a) ((For purposes of this regulation,)) Program purpose. As authorized by RCW 70.94.151, the Agency's registration program is a program to develop and maintain a current and accurate record of stationary sources. ((shall be defined as all direct activities associated with the Authority's continuing program for identifying, delineating, itemizing, verifying, and maintaining a current and accurate record of all air contaminant sources, their emissions, and their status of compliance with Regulation 1 within the jurisdiction of the Authority)) Information collected through the registration program is used to evaluate the effectiveness of air pollution control strategies and to verify stationary source compliance with applicable air pollution requirements.

(b) Program components. The components of ((such)) the Agency's registration program shall include:

(1) Initial ((registration)) notification and annual or other periodic reports from ((source)) owners of stationary sources providing the information described in section((s)) 5.03 ((and 5.05)).

(2) On-site inspections necessary to verify compliance with ((Regulation 1)) applicable air pollution control requirements and/or to supplement information provided by owners of stationary sources pursuant to the requirements of section((s)) 5.03 ((and 5.05)).

(3) Maintenance of computers and software used to compile and retrieve information provided by owners of stationary sources relating to air contaminant emissions and compliance with air pollution control requirements.

(4) Compilation of ((E))emission inventory reports and computation of emission reduction credits ((eomputed)) from information provided by owners of stationary sources pursuant to the requirements of section 5.03.

(5) Staff review, including engineering analysis for accuracy and currentness, of information provided by owners of stationary sources pursuant to the requirements of section 5.03.

(6) Clerical and other office support provided by the ((Authority)) Agency in direct support of the registration program.

(7) Administrative support provided in directly carrying out the registration program.

(8) Assessment and collection of annual registration fees from all stationary sources requiring registration in accordance with section 5.05.

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

SECTION 5.03 ((GENERAL)) REQUIREMENTS FOR STATIONARY SOURCES SUBJECT TO REGISTRATION

(a) The owner or operator ((Owners or operators)) of any stationary ((air contaminant)) source((s)) subject to registration under section 5.01 shall register the stationary source by submitting an initial notification to the Agency of its existence within 30-days from:

(1) Commencement of operation of any new or re-commissioned stationary source including those subject to prior approval by the Agency through a Notice of Construction under Article 7; or,

(2) Change in ownership of an existing registered stationary source.

(b) Initial notification shall include the following information:

(1) Owner name, address and phone number;

(2) Source location;

(3) Name, address and phone number of on-site contact person;

(4) Identification and brief description in terms of type, location and size or capacity, of each stationary source subject to registration;

(5) Date each stationary source was constructed, installed or established;

(6) Date each stationary source commenced operation;

(7) If subject to pre-construction review and approval by the Agency, the date of the approval and Notice of Construction application #.

(c) Owners or operators of any stationary source subject to registration shall, upon request by the ((Authority)) Agency, make annual and/or periodic reports to the ((Authority)) Agency regarding emission sources, types and amounts of raw materials and fuels used, types, amounts and concentrations of air contaminants emitted, data on ((air contaminant generating equipment)) emissions units and control

devices, data on emission points, and any other information directly related to the registration program as requested by the ((Authority)) Agency.

(d)((b)) Annual ((registration)) and periodic ((reporting for a source)) reports as required by the ((Authority)) Agency pursuant to subsection (c) of this section shall be made by the owner or lessee of the stationary source, or an agent, on forms provided by the ((Authority)) Agency or in an ((Authority)) Agency approved format. The owner of the stationary source shall be responsible for completion and submittal of the annual ((registration forms and/or periodic reports)) or periodic report within thirty (30) days of receipt of the request and forms provided by the ((Authority)) Agency. The owner of the stationary source shall be responsible for the completeness and correctness of the information submitted.

(e) The owner or operator shall notify the Agency of any changes in the following administrative information within 30 days from the change taking place:

(1) Owner name, address and phone number;

(2) Name, address and phone number of on-site contact person;

(3) Process or equipment changes resulting in an increase in emissions, provided that changes requiring prior approval by the Agency through a Notice of Construction (NOC) application shall also comply with the requirements of Article 7; and,

(4) Any permanent shut down or decommissioning of a stationary source.

~~((e) A separate registration shall be required for each source of air contaminant: PROVIDED, that an owner has the option to register a process with a detailed inventory of contaminant sources and emissions related to said process: PROVIDED FURTHER, that an owner need not make a separate registration for identical units of equipment or control apparatus installed, altered or operated in an identical manner on the same premise.)~~

(f)((d)) Each ((registration)) notification or report required under this section shall be signed by the owner or operator of the stationary source, or by ((lessee or)) the agent appointed by the owner ((for such owner or lessee)).

~~((e) The confidentiality provisions of section 3.03 shall be applicable in administering the registration program.)~~

(g)((f)) According to the schedule set forth ((in section 5.03 (f)(1))) below, owners or operators of ((air contaminant)) stationary sources subject to registration pursuant to section 5.01 above shall develop ((and)), implement and update when necessary an Operations and Maintenance plan to assure continuous compliance with applicable air regulations and standards including Regulation 1. Operation and Maintenance plans shall include, but not be limited to, the measures listed in sub-section 5.03 (f)(2). A copy of the Operation and Maintenance plan shall be retained at the facility where the stationary source is located and shall be made available to all ((employees)) operators of the stationary source and the ((Authority)) Agency upon request.

(1) Operation and Maintenance plans required ((pursuant to)) by this subsection shall be written, and (5.03(f)) shall be completed or updated, and fully implemented by the following due dates ((specified in i through iii below)):

~~((i))~~ By no later than July 1, 1994 for sources currently registered with the Authority.)

(i) ~~((ii))~~ No later than 120 days from initial registration with the ~~((Authority))~~ Agency for existing stationary sources not yet registered with the ~~((Authority))~~ Agency.

(ii) ~~((iii))~~ No later than 90 days from commencement of operation for newly constructed or established stationary sources requiring registration.

(2) Operation and Maintenance plans required pursuant to section ~~((5.03(f)))~~ 5.03(g) shall include, but not be limited to, the following types of measures:

(i) Periodic inspection of ~~((air contaminant generating equipment))~~ emissions units and associated control devices to evaluate air contaminant control effectiveness and compliance with applicable emissions limits;

(ii) Measures for monitoring and recording of all ~~((air contaminant generating equipment))~~ emissions unit and control device performance when required by regulation or an approval order;

(iii) Procedures for facilitating prompt repair of any defective equipment or control device associated with air contaminant emissions;

(iv) A system for logging all actions required by the plan;

(v) Standard procedures for responding to air quality related complaints received by the facility where the stationary source is located; and,

(vi) General policy and measures for minimizing dust emissions and odors.

~~((3) The Authority shall develop standard provisions and guidelines for operation and maintenance plans and make them available to sources for purposes of complying with section 5.03(f) provisions.)~~

(h) Owners or operators of ~~((air contaminant))~~ stationary sources subject to ~~((section 5.01 above))~~ registration shall be classified according to section 5.04 and shall pay annual registration fees pursuant to sections 5.05.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

SECTION 5.04 CLASSIFICATION OF SOURCES REQUIRED TO REGISTER WITH AGENCY

All ~~((air contaminant))~~ sources requiring registration pursuant to section 5.01 shall be classified in one of the registration classes listed in Table 5.04b. A source will be placed in the most appropriate class as determined by the ~~((Authority))~~ Agency. For purposes of classification, the pollutants listed in Table 5.04a will be considered.

TABLE 5.04a: POLLUTANTS

((Total Particulates (TSP))) Particulate Matter
Sulfur Oxides (SOx)
Nitrogen Oxides (NOx)
Volatile Organic Compounds (VOC)
Carbon Monoxide (CO)
Toxic Air Pollutants

TABLE 5.04b: REGISTRATION CLASSES

(a) **CLASS RC1** - Any source requiring registration with a potential to emit 100 tons per year or more of any pollutant listed in Table 5.04a.

(b) **CLASS RC2** - Any source requiring registration, except those sources classifiable under RC1, with a potential to emit 10 tons or more per year of any toxic air pollutants or 25 tons or more per year of any combination of toxic air pollutants.

(c) **CLASS RC3** - Any source requiring registration, except those sources classifiable under RC1 or RC2, with a potential to emit 30 tons per year or more of any pollutant listed in Table 5.04a.

(d) **CLASS RC4** - Any source requiring registration, except those sources classifiable under RC6, RC8, RC10, RC11, RC12, or RC13, with a potential to emit at least 10 tons per year, but not more than 30 tons per year, of any pollutant listed in Table 5.04a.

(e) **CLASS RC5** - Any source requiring registration, except those sources classifiable under RC7, RC8, RC9, RC10, RC11, RC12, or RC13, with a potential to emit less than 10 tons per year of any pollutant listed in Table 5.04a.

(f) **CLASS RC6** - Any stationary source, except those sources classifiable as RC1, RC2, RC3, RC7, RC8, RC10, RC11, RC12, or RC13, with a potential to emit at least 5 tons per year, but not more than 10 tons per year, of any combination of toxic air pollutants.

(g) **CLASS RC7** - Any source requiring registration, except those sources classifiable as RC1, RC2, RC3, RC4, RC8, RC10, RC11, RC12, or RC13, that uses or projects to use an average of less than 100 gallons per month (annual average) of materials containing volatile organic compounds, or with a maximum potential to emit less than 5 tons per year of any combination of toxic air pollutants.

(h) **CLASS RC8** - All incinerators not classified as RC1, or RC2.

(i) **CLASS RC9** - Any ~~((air contaminant))~~ source(s) requiring registration, not classifiable in any other RC classification, which has an actual or potential odor problem associated with its operation.

(j) **CLASS RC10** - Any gasoline terminal or bulk plant, except those terminals or bulk plants classifiable under RC1 or RC2 whose gasoline throughput was greater than 7.2 million gallons for the previous calendar year.

(k) **CLASS RC11 (minor gasoline terminals and bulk plants)** - Any gasoline terminal or bulk plant, except those terminals or bulk plants classifiable under RC1 or RC2, whose gasoline throughput was equal to or less than 7.2 million gallons for the previous calendar year.

(l) **CLASS RC12 (gasoline stations, Stage II)** - Any gasoline dispensing facility requiring Stage II vapor recovery.

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TABLE 5.04b: REGISTRATION CLASSES

- (m) CLASS RC13 (gasoline stations, general) - Any gasoline dispensing facility, except those classifiable under RC12 ((with total gasoline throughput of greater than 100 thousand gallons during the previous calendar year)).
- (n) CLASS RC14 - vacant classification
- (o) CLASS RC15 - Any ((air contaminant)) source((s)) requiring registration which ((are)) is unique and because of special circumstances cannot be adequately classified elsewhere.

SECTION 5.05 ANNUAL REGISTRATION FEES

(a) The ((Authority)) Agency shall charge Initial and Annual registration fees pursuant to RCW 70.94.151. Annual registration fees shall be assessed according to the annual fee schedules set forth in section 5.05(b) below. Initial registration fees shall be assessed upon initial registration of a source subject to registration and shall equal the annual registration fee based on projected emissions and prorated for the remaining months in the fiscal year. Initial and Annual registration fees shall provide revenue to fund the ((Authority)) Agency's ongoing Registration Program.

(b) All sources requiring ((annual)) registration shall be assessed an annual registration fee consisting of the sum of a "((facility fee)) source fee," "generating equipment fee," "stack fee," "class fee," "emissions fee," and "source specific monitoring fee" according to items (1) through (9) of this subsection and amounts as specified in Table 5.05a. Sources assessed annual operating permit fees under Article 6 of Regulation 1 shall not be assessed annual fees under this section.

(1) ((Facility)) Source Fee - All sources requiring registration shall pay an annual "((facility)) source fee" of an amount as indicated in Table 5.05a; and

(2) A Generating Equipment Fee of an amount as indicated in Table 5.05a for each ((item of air contaminant)) fee eligible generating equipment located at the source; and

(3) A Stack Fee of an amount as indicated in Table 5.05a for each fee eligible stack located at the source; and

(4) An Emissions Fee of an amount as indicated in Table 5.05a per ton of each air contaminant listed in Table 5.05b emitted by the source for air contaminants emitted in excess of 10 tons, evaluated on a pollutant by pollutant basis, during the previous calendar year, or as contained in the file or permit; and

(5) A Class Fee of an amount as specified in Table 5.05a; and

(6) A Source Specific Monitoring Fee of an amount as specified in Table 5.05a if ambient monitoring is a requirement for the source;

(7) The ((Authority)) Agency shall assess the emissions fee based on actual emissions from the source for the last calendar year when available;

(8) The annual registration fees required by this section shall be based on process rates, equipment specifications, and emissions data from the previous calendar year on file with the ((Authority)) Agency. For purposes of assessing annual registration fees, the ((Authority)) Agency shall consider updates and revisions to any source's file, received prior to

August 1 of the current year. If process rates, equipment specifications, and emissions data from the previous calendar year is not on file with the ((Authority)) Agency, the ((Authority)) Agency may base the annual fee on the enforceable emissions limitations for the source and maximum capacities and production rates.

(9) For purposes of assessing annual registration fees, definitions for ((air contaminant generating equipment)) "fee eligible generating equipment" and "fee eligible stack" ((stacks)) shall be consistent with the definitions in section ((5.00)) 1.07, and ((air contaminant)) fee eligible generating equipment and fee eligible stacks which are identical in size, capacity, function, and emissions may be counted as one unit as approved by the ((Authority)) Agency.

(c) The ((Authority)) Agency shall assess annual registration fees after August 1 of each year to cover the cost of administering the program for the current fiscal year commencing on July 1 and ending on June 30. The ((Authority)) Agency shall assess annual registration fees based on the most recent information on file with the ((Authority)) Agency including any updates to the source's file received prior to August 1 of that year.

(d) Upon assessment by the ((Authority)) Agency, annual registration fees are due and payable and shall be deemed delinquent if not fully paid within thirty (30) days. However, sources classified as RC1 or RC2 shall be given the option to pay their annual fee in quarterly installments. RC1 and RC2 sources may choose to pay their annual fees in quarterly installments by indicating so on the first invoice received and remitting payment of the first installment to the ((Authority)) Agency along with the duplicate copy of the invoice. Quarterly installments shall be equal to 25% of the total annual registration fee and shall be due within 30 days of each quarter following initial assessment by the ((Authority)) Agency.

(e) Any source which does not pay their annual registration fee or annual registration fee installment within thirty (30) days of the due date, shall be assessed a late penalty in the amount of 25% of their annual registration fee. This late penalty shall be in addition to the annual registration fee.

(f) Annual registration fees may be appealed according to the procedure specified in section 3.17

TABLE 5.05a: ANNUAL REGISTRATION FEES

ANNUAL FEE COMPONENT	FEE COMPONENT DESCRIPTION	FEE AMOUNT
<u>((Facility)) Source Fee</u>	Fee assessed to all sources requiring registration or an operating permit.	\$107.00
Generating Equip. Fee	Fee assessed per each <u>((item of air contaminant)) fee eligible</u> generating equipment located at the source.	\$45.00
Stack Fee	Fee assessed per each <u>fee eligible</u> stack located at the source.	\$27.00
Emissions Fee	Fee assessed per ton of <u>((TSP)) particulate matter</u> , SO ₂ , NO _x , VOC, and toxic air contaminants emissions which exceeded 10 tons per year for the previous calendar year based on actual emissions.	\$11.00
Class Fees:		
RC1	Major sources (≥100 tpy)	\$1345
RC2	Major toxic sources	\$1138

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TABLE 5.05a: ANNUAL REGISTRATION FEES

RC3	Criteria pollutants ≥ 30 tpy	\$580
RC4	Criteria pollutants ≥ 10 tpy	\$124
RC5	Criteria pollutant < 10 tpy	\$31
RC6	Toxic air contaminants < 10 tpy	\$124
RC7	< 100 gal/mo VOC containing materials	\$62
RC8	Incinerators < 30 tpy emissions	\$217
RC9	Potential odor sources.	\$62
RC10	Maj. gasoline terminals & bulk plants	\$155
RC11	Min. gasoline terminals & bulk plants	\$104
RC12	Gas stations requiring Stage II	\$11
RC13	Gas stations ≥ 100 thousand gal/yr	\$ 0
RC14	VACANT CLASSIFICATION	
RC15	Other sources requiring registration	\$104
SOURCE SPECIFIC AMBIENT AIR MONITORING FEES	Fees charged a source for ((APCA)) ORCAA to establish and operate a special purpose source specific monitoring station will be determined on a case by case basis when such monitoring is required.	variable

TABLE 5.05b: POLLUTANTS CONSIDERED FOR FEES

((Total Particulates (TSP))) Particulate Matter
 Sulfur Oxides (SOx)
 Nitrogen Oxides (NOx)
 Volatile Organic Compounds (VOC)
 Toxic Air Pollutants

(g) On an annual basis, ((starting with calendar year 1994,)) the ((Authority)) Agency shall conduct a workload analysis to determine the adequacy ((and fairness of the annual registration fee schedule)) of annual registration fees in funding the Agency's Registration Program. The workload analysis shall be based on the ((Authority)) Agency's historical record of time and resource expenditures associated with the registration program. The workload analysis shall be made available if a request is made to the ((Authority)) Agency. Any proposed revisions to the annual registration fee schedule shall be presented to the Board for adoption after public noticing pursuant to Regulation 1 public noticing requirements and opportunity for a public hearing.

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

SECTION 5.06 RESERVED SECTION

SECTION 5.07 RESERVED SECTION

AMENDATORY SECTION

ARTICLE 6

OPERATING PERMIT PROGRAM

((SECTION 6.00 DEFINITIONS

For purposes of Article 6, the following definitions shall apply.

ACTUAL EMISSIONS means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) and (b) of this subsection.

(a) In general, actual emissions as of a particular date shall equal the rate, in tons per year, at which the emissions unit actually emitted the pollutant during a one-year period which precedes the particular date and which is representative of normal source operation. Actual emissions shall be calculated using the emission((s)) unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) The Authority may presume that source specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

EMISSIONS means a release of air contaminants into the ambient air.

EMISSIONS UNIT means any part of a source which emits or has the potential to emit any pollutant subject to regulation.

FACILITY means the same as "source."

POTENTIAL TO EMIT means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.

SOURCE means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement.

STACK means, for purposes of calculating Article 6 fees, any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct, except for the following:

(a) Emission points associated with gasoline or fuel dispensing stations.

(b) Emission points associated with dry cleaning facilities.

(c) Pipes or ducts equal to or less than twelve (12) inches in diameter.

(d) Any other emission point determined appropriate for this exemption by the Authority.

TOXIC AIR POLLUTANT means any Class A or Class B toxic air pollutants listed in WAC 173 460 150 and 173 460 160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or group of substances within either of these classes is listed in WAC 173 460 150 and 173 460 160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

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

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SECTION 6.01 OPERATING PERMIT PROGRAM

(a) **Purpose.** The purpose of this article is to provide for a comprehensive operating permit program consistent with the requirements of Title V of the federal Clean Air Act Amendments of 1990 and its implementing regulation 40 CFR part 70, and RCW 70.94.161 and its implementing regulation Chapter 173-401 of the Washington Administrative Code (WAC).

(b) **Commitment to administer the program.** Olympic ~~((Air Pollution Control Authority))~~ Region Clean Air Agency ~~((Authority))~~ Agency, ~~((upon))~~ provided full or partial delegation by the U.S. Environmental Protection Agency (EPA) and the Washington Department of Ecology (DOE), shall administer an air operating permit program for the ~~((Authority))~~ Agency's jurisdiction in accordance with ~~((title V of the Federal Clean Air Act (FCAA) and RCW 70.94.161))~~ Title V of the federal Clean Air Act Amendments of 1990 and its implementing regulation 40 CFR part 70, and RCW 70.94.161 and its implementing regulation Chapter 173-401 of the Washington Administrative Code (WAC).

(c) **Applicability.** The provisions of this article apply to all sources subject to the requirements of Chapter 173-401 WAC.

~~((b))~~ **Operating Permit Regulation.** The Authority's air operating permit program and regulations which govern the issuance of air operating permits shall conform with the comprehensive Washington state air operating permit program which is consistent with the requirements of title V of the Federal Clean Air Act (FCAA) and RCW 70.94.161.)

(d) **Compliance.** It shall be unlawful for any person to cause or allow the operation of any source subject to the requirements of Chapter 173-401 WAC without complying with the provisions of Chapter 173-401 WAC and any permit issued under its authority.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

SECTION 6.02 CLASSIFICATION OF SOURCES

(a) All air contaminant sources requiring an operating permit pursuant to title V of the Federal Clean Air Act (FCAA), RCW 70.94.161, or Regulation 1 shall be classified in one of the operating permit program source classification categories (OP#) listed in Table 6.1. A source will be placed in the most appropriate classification category as determined by the ~~((Authority))~~ Agency.

(b) For purposes of source classification, the pollutants listed in Table 6.2 will be considered. Air contaminant emissions from a source shall be categorized in the most appropriate pollutant category as determined by the ~~((Authority))~~ Agency.

(c) Air contaminant emissions ~~((accounted))~~ counted as toxic air pollutants shall not be double-counted under any other air pollutant for purposes of classification.

TABLE 6.1: OPERATING PERMIT PROGRAM SOURCE CLASSIFICATIONS

(a) **CLASS OP1** - Any source with a potential to emit 100 tons per year or more of any pollutant listed in Table 6.2.

TABLE 6.1: OPERATING PERMIT PROGRAM SOURCE CLASSIFICATIONS

(b) **CLASS OP2** - Any source, except those sources classifiable under OP1, with a potential to emit 10 tons or more per year of any toxic air pollutants or 25 tons or more per year of any combination of toxic air pollutants.

(c) **CLASS OP3** - Any air contaminant source requiring a general operating permit pursuant to title V, section 504(d) of the Federal Clean Air Act (FCAA).

(d) **CLASS OP4** - Any other source or area source, except those sources classifiable under OP1, OP2, or OP3 requiring an Operating Permit pursuant to title V of the Federal Clean Air Act (FCAA), RCW 70.94.161, or Regulation 1.

TABLE 6.2: REGULATED POLLUTANTS

~~((Total Particulates (TSP)))~~ Particulate Matter
Sulfur Oxides (SOx)
Nitrogen Oxides (NOx)
Volatile Organic Compounds (VOC)
Carbon Monoxide (CO)
Toxic Air Pollutants

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SECTION 6.03 OPERATING PERMIT FEES

(a) **Fee Applicability.** Any source or area source in the ~~((Authority))~~ Agency's jurisdiction subject to the requirement to obtain an Operating Permit pursuant to 40 CFR 70 or RCW 70.94.161 ~~((major))~~ Title V sources, except those Title V sources for which air emissions are regulated by the Washington State Department of Ecology ~~((Industrial Section))~~, shall pay annual fees to the ~~((Authority))~~ Agency according to the provisions in this section.

(b) **Operating Permit Program Account.** The ~~((Authority))~~ Agency shall maintain a dedicated account for the Air Operating Permit program. The account shall be funded exclusively by fee revenue from annual fees collected from ~~((major))~~ Title V sources within the jurisdiction of the Agency. All fee revenue collected under this section ~~((and all fee revenue from major sources collected under Section 7-13))~~ shall be deposited in the Air Operating Permit account.

(c) **Operating Permit Program Funding.** The sum of fees assessed by the ~~((Authority))~~ Agency under this section ~~((and fee revenue from major sources assessed under Section 7-13))~~ shall be sufficient to cover all direct and indirect costs ~~((to))~~ of developing and administering the ~~((Authority))~~ Agency's Operating Permit Program including Ecology's cost for development and oversight of the ~~((Authority))~~ Agency's Operating Permit Program, as provided in RCW 70.94.162.

(d) **Ecology Development and Oversight Fees.** The ~~((Authority))~~ Agency shall assess an annual Ecology Development and Oversight Fee to all ~~((major))~~ Title V sources within the jurisdiction of the Agency. The total amount of Ecology Development and Oversight Fees assessed annually by the ~~((Authority))~~ Agency shall equal Ecology's annual cost of development and oversight of the ~~((Authority))~~ Agency's Operating Permit Program, as provided in RCW 70.94.162.

~~((e)) Notice of Construction Fees. The Authority shall assess Notice of Construction Fees to all major sources according to Section 7.13 of Regulation 1.~~

~~(e)((f)) Annual Fees, Existing ((Major)) Title V Sources. The ((Authority)) Agency shall assess an Annual Fee to all existing ((major)) Title V sources. The total amount of Annual Fees assessed by the ((Authority)) Agency to existing ((major)) Title V sources shall equal the projected net annual cost to administer the ((Authority)) Agency's Operating Permit Program during the current fiscal year.~~

~~(f)((g)) Net Annual Cost Projections. Projected net annual cost to administer the ((Authority)) Agency's Operating Permit Program shall be determined annually and shall equal the projected annual cost to administer the program minus any balance of funds in the Operating Permit Program account at the end of the previous fiscal year. Projected annual costs shall include all direct and indirect costs to administer the ((Authority)) Agency's Operating Permit Program and shall be based on a workload analysis conducted by staff. Net annual cost projections including the workload analysis shall be included in the ((Authority)) Agency's annual budget and approved by resolution of the ((Authority)) Agency's Board of Directors in a public hearing.~~

~~(g)((h)) Workload Analysis. Only fee eligible activities as specified below, as provided in RCW 70.94.162, shall be considered in the workload analysis conducted annually by staff. Fee eligible activities shall include:~~

(1) Preapplication assistance and review of an application and proposed compliance plan for a permit, permit revision, or permit renewal;

(2) Source inspections, testing, and other data gathering activities necessary for development of a permit, permit revision or renewal;

(3) Acting on an application for a permit, permit revision or renewal, including the cost of developing an applicable requirement as part of the processing of a permit, permit revision or renewal, preparing a draft permit and fact sheet, preparing a proposed permit, and preparing a final permit;

(4) Notifying and soliciting, reviewing and responding to comment from the public and contiguous states and tribes, conducting public hearings regarding the issuance of a draft permit and other costs of providing information to the public regarding operating permits and the permit issuance process;

(5) Modeling necessary to establish permit limits or to determine compliance with permit limits;

(6) Reviewing compliance certifications and emission reports, conducting related compilation and reporting activities;

(7) Conducting compliance inspections, complaint investigations and other activities necessary to ensure that a source is complying with permit conditions;

(8) Administrative enforcement activities and penalty assessment, excluding the cost of proceedings before the Pollution Control Hearings Board (PCHB) and all costs of judicial enforcement;

(9) The share attributable to permitted sources to the development and maintenance of emissions inventories;

(10) The share attributable to permitted sources of the ambient air quality monitoring and associated recording and reporting activities;

(11) Training for permit administration and enforcement;

(12) Fee determination, assessment and collection, including the cost of necessary administrative dispute resolution and enforcement;

(13) Required fiscal audits, periodic performance audits and reporting activities;

(14) Tracking of time, revenues and expenditures and accounting activities;

(15) Administering the permit program including costs of clerical support, supervision and management;

(16) Provision of assistance to small business under jurisdiction of the ((Authority)) Agency as required under Section 507 of the Federal Clean Air Act; and,

(17) Other activities required by operating permit regulations issued by EPA under the Federal Clean Air Act.

~~(h)((i)) Allocation of Fees. The Annual Fee for a Title V source shall be calculated using the following three part fee allocation equation:~~

TABLE 6.3: OPERATING PERMIT FEE FORMULAS

$\text{Annual Fee} = \text{Facility Fee} + \text{Equipment Fee} + \text{Emissions Fee}$
<p>WHERE:</p> $\text{Facility Fee} = (\text{Annual Net Cost} + 3) + n$ $\text{Equipment Fee} = [(\text{Annual Net Cost} + 3) + U_{\text{total}}] \times U_{\text{source}}$ $\text{Emissions Fee} = [(\text{Annual Net Cost} + 3) + E_{\text{total}}] \times E_{\text{source}}$ <p>Annual Net Cost = Projected net annual cost as approved by the ((Authority)) Agency's Board of Directors.</p> <p>n = Total number of ((Operating Permit Program)) Title V sources in the ((Authority)) Agency's jurisdiction. <u>Note, each area source category requiring a Title V permit shall be counted as one source for purposes of determining "n". However, the facility fee for an area source category shall be divided equally among all individual area sources within the area source category.</u></p> <p>U_{total} = Total number of emission units located at ((Operating Permit Program)) Title V sources in the ((Authority)) Agency's jurisdiction.</p> <p>U_{source} = Number of emission units at the specific Title V source. <u>For area source categories requiring a Title V permit, "U_{source}" is the number of individual area sources within the area source category that have been identified within the Agency's jurisdiction. However, the emission unit fee for an area source category shall be divided equally among all individual area sources within the area source category.</u></p> <p>E_{total} = Total actual annual emissions of the air pollutants listed in Table 6.2, <u>except CO</u>, from ((Operating Permit Program)) Title V sources based on the ((Authority)) Agency's most recent emissions inventory.</p> <p>E_{source} = Total actual annual emissions of the air pollutants listed in Table 6.2, Section 6.02, <u>except CO</u>, from the specific Title V source for the most recent calendar year. <u>For area source categories requiring a Title V permit, "E_{source}" is the total actual annual emissions from the area source category. However the Emissions Fee for an area source category shall be divided equally among all individual area sources within the area source category.</u></p>

~~(i)((f)) Initial Fees. New ((major)) Title V sources shall be assessed an Initial Fee after commencement of operation to cover the ((Authority)) Agency's cost of administering the program for the new Title V source for the remainder of the current fiscal year. The Initial Fee for a new Title V source shall equal the Annual Fee based on section ((6-03(i))) 6.03(h), which would otherwise be assessed if the Title V source commenced operation on or prior to the beginning of the current fiscal year, prorated by multiplying by the number of months remaining in the current fiscal year divided by 12.~~

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(j)~~((k))~~ Fee Assessment and Payment Schedule. The ~~((Authority))~~ Agency shall assess Annual Fees after August 1 of each year to cover the cost of administering the program for the current fiscal year commencing on July 1 and ending on June 30. Upon receipt of a fee invoice from ORCAA, Annual Fees are due and payable and shall be deemed delinquent if not fully paid within thirty (30) days. However, option shall be given to pay Annual Fees in quarterly installments. Owners or operators may choose to pay their Annual Fees in quarterly installments by indicating so on the fee invoice received and remitting payment of the first quarterly installment back to the ~~((Authority))~~ Agency. These installments shall be due October 1, January 1, and April 1, following initial payment. Quarterly installments shall be equal to twenty-five percent (25%) of the total fee.

(k)~~((h))~~ Late Payment. Any Title V source which does not pay the Annual Fee or installment within thirty (30) days of the due date shall be assessed a late penalty equal to twenty-five percent (25%) of the fee amount due. Any penalty shall be in addition to the fee amount due.

(l)~~((m))~~ Appeal of Annual Fees. Annual Fees may be appealed according to the procedure specified in section 3.17 of Regulation 1. The basis for such appeals shall be limited to arithmetic or clerical errors.

(m)~~((n))~~ Exemption ~~((for))~~ from Article 5 Fees. Title V ~~((S))~~ sources assessed annual fees under this section shall not be subject to annual Registration Program Fees under Article 5 of Regulation 1.

(n)~~((o))~~ Transfer of Ownership. Transfer of ownership of a Title V source shall not affect ~~((that source's))~~ any obligation to pay fees required by this section. Any liability for fee payment, including payment of delinquent fees and other penalties shall survive any transfer of ownership of a Title V source.

(o)~~((p))~~ Accountability. The sum of the fees assessed by the ~~((Authority))~~ Agency to all ~~((major))~~ Title V sources within the ~~((Authority))~~ Agency's jurisdiction shall not exceed the cost of developing and administering the program. The ~~((Authority))~~ Agency shall keep record of all direct and indirect costs to develop and administer the Operating Permit Program as specified in 40 CFR part 70. This information shall be used by the ~~((Authority))~~ Agency in determining the net annual cost projections required by 6.03~~((g))~~~~((f))~~ above. Provided, however, the information obtained from tracking revenues, time, and expenditures shall not provide a basis for challenge to the amount of an individual source's fee.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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.

SECTION 6.06 RESTRICTING THE POTENTIAL TO EMIT

A service based fee, additional to annual registration or operating permit fees, shall be assessed to those sources applying to the ~~((Authority))~~ Agency for approval of enforceable conditions that restrict the source's potential to emit, making the source a minor source and not subject to an oper-

ating permit. Fees for restricting a source's potential to emit shall be assessed according to Article 7, Section 7.13. The ~~((Authority))~~ Agency shall assess the fee based on only those emissions units affected by the enforceable condition as proposed by the applicant.

AMENDATORY SECTION

ARTICLE 7

~~((NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL))~~ New Source Review (NSR)

SECTION 7.01 NOTICE OF CONSTRUCTION REQUIRED

(a) ~~((No person shall construct, install, establish, or modify an air contaminant source, without first filing with the Authority a "Notice of Construction and Application for Approval," on forms prepared and provided by the Authority, and without having received approval by the Authority. All sources subject to Registration in Article 5, Section 5.01 of the Regulation are subject to this Article. For the purposes of this Article, addition to, enlargement, or replacement of an air contaminant source, or any alteration thereto, shall be construed as construction, installation or establishment of a new air contaminant source.))~~ Approval of a Notice of Construction (NOC) application required. It shall be unlawful for any person to cause or allow the following actions unless a "Notice of Construction" (NOC) application has been filed with and approved by the Agency, except for those actions involving stationary sources excluded under subsections 7.01 (c) and (d) of this section:

(1) Construction, installation, or establishment of any stationary source; or,

(2) Modification to any existing stationary source.

(b) ~~((A Notice of Construction and Application for Approval shall not be required to begin an alteration of equipment or control apparatus if delaying the alteration may endanger life or the supplying of essential services. The Authority shall be notified in writing of the alteration on the first working day after the alteration is commenced, and a Notice of Construction and Application for Approval shall be filed within fourteen (14) days after the day the alteration is commenced.))~~ Projects not eligible for exemptions. Any exemption provided in subsections 7.01 (c) or (d) of this section shall not apply to:

(1) Any project that qualifies as construction, reconstruction, or modification of an affected facility, within the meaning of 40 CFR Part 60 (New Source Performance Standards), except for Part AAA, (New Residential Wood Heaters). Ecology is responsible for issuing notices of construction to projects subject to Subpart BB (Kraft Pulp Mills) and Subpart S (Primary Aluminum Reduction Plants).

(2) Any project that qualifies as a new or modified source within the meaning of 40 CFR 61.02 (National Emission Standards for Hazardous Air Pollutants), except for asbestos demolition and renovation projects subject to 40 CFR 61.145.

(3) Any project that qualifies as a new source within the meaning of 40 CFR 63.2 (National Emission Standards for Hazardous Air Pollutants for Source Categories).

(4) Any project that qualifies as a new major stationary source, or a major modification.

(5) Any modification to a stationary source that requires an increase either in a plant-wide cap or in a unit specific emission limit.

~~((d) Each Notice of Construction and Application for Approval shall be signed by the applicant or owner, who may be required to submit evidence of their authority.))~~

(c) **Exemption provided Notice of Intent to Operate.** A NOC application and prior approval by the Agency is not required prior to construction, installation, establishment or modification of the following types of stationary sources, provided that a complete "Notice of Intent to Operate" has been filed with the Agency in accordance with section 7.02:

(1) **Temporary Portable Stationary Sources.** Temporary portable stationary source that have been previously approved by Ecology or a local air pollution control authority in the State of Washington through a NOC application.

(2) **Stationary Sources based on Potential to Emit.** Any stationary source that:

(i) Will not result in emission of any toxic air pollutants listed in WAC 173-460-150 (Class A Toxic Air Pollutants); and

(ii) Will have a combined potential to emit from all emission units less than:

A) 0.5 tons per year of any criteria pollutant; and,

B) 1.0 tons per year of total criteria pollutants and VOC combined; and,

C) 0.005 tons per year of lead; and,

D) 100 pounds per year of any toxic air pollutant listed in WAC 173-460-160 (Class B Toxic Air Pollutants); and,

E) 1.0 tons per year of ozone depleting substances combined.

(d) **Categorical Exemptions.** A NOC application and prior approval by the Agency is not required prior to construction, installation, establishment or modification of stationary sources in the following stationary source categories, provided that sufficient records are kept to document the exemption:

(1) **Maintenance/construction:**

a. Cleaning and sweeping of streets and paved surfaces;

b. Concrete application, and installation;

c. Dredging wet spoils handling and placement;

d. Paving application and maintenance, excluding asphalt plants;

e. Plant maintenance and upkeep activities (grounds keeping, general repairs, routine house keeping, routine plant painting, welding, cutting, brazing, soldering, plumbing, retarring roofs, etc.);

f. Plumbing installation and plumbing protective coating application associated with plant maintenance activities;

g. Roofing application;

h. Insulation application and maintenance, excluding products for resale;

i. Janitorial services and consumer use of janitorial products.

j. Asphalt laying equipment including asphalt-roofing operations (not including manufacturing or storage).

k. Blast cleaning equipment that uses a suspension of abrasive in liquid water.

l. Spray painting or blasting equipment used at temporary locations to clean or paint bridges, water towers, buildings, or similar structures.

(2) **Storage tanks:**

a. Lubricating oil storage tanks except those facilities that are wholesale or retail distributors of lubricating oils;

b. Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation;

c. Storage tanks, reservoirs, pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions;

d. Process and white water storage tanks;

e. Storage tanks and storage vessels, with lids or other appropriate closure and less than 260 gallon capacity (35 cft);

f. Storage tanks of a capacity of 10,000 gallons or less, with lids or other appropriate closure, used for the storage of materials containing organic compounds, but not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC);

g. Storage tanks of a capacity of 40,000 gallons or less, with lids or other appropriate closure, used for the storage of organic compounds, but not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC), with a true vapor pressure less than 0.01 kPa (0.002 psia) (0.0001 atm);

h. Storage tanks of a capacity of 40,000 gallons or less used for the storage of butane, propane, or liquefied petroleum gas;

i. Tanks, vessels and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids.

j. Storage tanks used exclusively for storage of diesel fuel;

k. Loading and unloading equipment used exclusively for the storage tanks exempted under this section.

(3) **Combustion:**

a. Fuel burning equipment (not including incinerators) that:

(i) is used solely for a private dwelling serving five families or less; or

(ii) has a maximum heat input rate of 5 MMBtu/hr or less if burning natural gas, propane, or LPG; or

(iii) has a maximum heat input rate of 0.5 MMBtu/hr or less if burning waste-derived fuels; or

(iv) has a maximum heat input rate of 1 MMBtu/hr or less if burning recycled or used oil per the requirements of RCW 70.94.610; or

(v) has a maximum heat input rate of 1 MMBtu/hr or less if burning any other type of fuel and with less than or equal to 0.05% sulfur by weight.

b. All stationary gas turbines with a rated heat input < 10 million Btu per hour.

c. Stationary internal combustion engines having rated capacity:

(i) < 50 horsepower output; or,

(ii) < 500 horsepower and used only for standby emergency power generation.

d. All nonroad engines subject to 40 CFR Part 89.

(4) **Material handling:**

a. Storage and handling of water based lubricants for metal working where organic content of the lubricant is < 10%;

b. Equipment used exclusively to pump, load, unload, or store high boiling point organic material in tanks less than one million gallon, material with initial atmospheric boiling point not less than 150°C or vapor pressure not more than 5 mm Hg @21°C, with lids or other appropriate closure.

(5) **Water treatment:**

a. Septic sewer systems, not including active wastewater treatment facilities;

b. NPDES permitted ponds and lagoons used solely for the purpose of settling suspended solids and skimming of oil and grease;

c. De-aeration (oxygen scavenging) of water where toxic air pollutants as defined in chapter 173-460 WAC are not emitted;

d. Process water filtration system and demineralizer vents;

e. Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems;

f. Demineralizer tanks;

g. Alum tanks;

h. Clean water condensate tanks.

i. Oil/water separators, except those at petroleum refineries;

j. Equipment used exclusively to generate ozone and associated ozone destruction equipment for the treatment of cooling tower water or for water treatment processes.

k. Municipal sewer systems, including wastewater treatment plants and lagoons with a design capacity of one million gallons per day or less, provided that they do not use anaerobic digesters, chlorine disinfection or sewage sludge incinerators.

(6) **Environmental chambers and laboratory equipment:**

a. Environmental chambers and humidity chambers not using **toxic air pollutant** gases, as regulated under chapter 173-460 WAC;

b. Gas cabinets using only gases that are not toxic air pollutants regulated under chapter 173-460 WAC;

c. Installation or modification of a single laboratory fume hood;

d. Laboratory calibration and maintenance equipment.

(7) **Monitoring/quality assurance/testing:**

a. Equipment and instrumentation used for quality control/assurance or inspection purpose;

b. Hydraulic and hydrostatic testing equipment;

c. Sample gathering, preparation and management;

d. Vents from continuous **emission** monitors and other analyzers.

(8) **Miscellaneous:**

a. Single-family residences and duplexes;

b. Plastic pipe welding;

c. Primary agricultural production activities including soil preparation, planting, fertilizing, weed and pest control, and harvesting;

d. Insecticide, pesticide, or fertilizer spray equipment.

e. Comfort air conditioning;

f. Flares used to indicate danger to the public;

g. Natural and forced air vents and stacks for bathroom/toilet activities;

h. Personal care activities including establishments like beauty salons, beauty schools, and hair cutting establishments;

i. Recreational fireplaces including the use of barbecues, campfires, and ceremonial fires;

j. Tobacco smoking rooms and areas;

k. Noncommercial smokehouses;

l. Blacksmith forges for single forges;

m. Vehicle maintenance activities, not including vehicle surface coating;

n. Vehicle or equipment washing;

o. Wax application;

p. Oxygen, nitrogen, or rare gas extraction and liquefaction equipment not including internal and external combustion equipment;

q. Ozone generators and ozonation equipment;

r. Ultraviolet curing processes, to the extent that **toxic air pollutant** gases as defined in chapter 173-460 WAC are not emitted;

s. Electrical circuit breakers, transformers, or switching equipment installation or operation;

t. Pneumatically operated equipment, including tools and hand held applicator equipment for hot melt adhesives;

u. Fire fighting and similar safety equipment and equipment used to train fire fighters.

v. Production of foundry sand molds, unheated and using binders less than 0.25% free phenol by sand weight;

w. Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities;

x. Solvent cleaners less than 10 square feet air-vapor interface with solvent vapor pressure not more than 30 mm Hg @21°C, and not containing toxic air pollutants (as defined in Chapter 173-460 WAC);

y. Surface coating, aqueous solution or suspension containing < 1% (by weight) VOCs, and/or toxic air pollutants as defined in chapter 173-460 WAC;

z. Cleaning and stripping activities and equipment using solutions having < 1% VOCs (by weight); on metallic substances, acid solutions are not exempt;

aa. Dip coating operations, using materials less than 1% VOCs (by weight) and/or toxic air pollutants as defined in chapter 173-460 WAC.

bb. Laundry dryers, extractors or tumblers used exclusively for the removal of water from fabric.

cc. Residential composting facilities.

dd. Restaurants and other retail food preparing establishments.

ee. Routing, turning, carving, cutting and drilling equipment used for metal, wood, plastics, rubber, leather or ceramics.

ff. Steam cleaning equipment used exclusively for that purpose.

gg. Vacuum cleaning systems used exclusively for office or residential housekeeping.

hh. Vacuum producing devices used in laboratory operations and vacuum producing devices that do not remove or convey air contaminants from or to another source.

ii. Vents used exclusively for:

(i) Sanitary or storm drainage systems; or

(ii) Safety valves.

jj. Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.

kk. Welding, brazing or soldering equipment.

ll. Coffee roaster with a design capacity less than 10 pounds per batch.

mm. Bark and soil screening operations.

nn. Portable sand and gravel plants and crushed stone plants with a cumulative rated capacity of all initial crushers less than or equal to 150 tons per hour.

oo. Fixed sand and gravel plants and crushed stone plants with a cumulative rated capacity of all initial crushers less than or equal to 25 tons per hour.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

SECTION 7.02 NOTICE OF INTENT TO OPERATE

~~(a) ((For portable air contaminant sources which locate temporarily at particular sites and move within the OAPCA region a Notice of Intent to Operate must be filed with the Authority. The)) **Notice of Intent to Operate (NOI).** For those sources required to submit a notice of intent to operate, a complete Notice of Intent to Operate (NOI) application shall ((must)) be filed at least ((30)) 15 days prior to ((starting the operation)) starting operation of the source. ((, and must supply sufficient information to enable the Authority to determine that the operation will comply with the emission standards for a new source and the applicable ambient air standards The permission to operate shall be for a limited period of time and the Authority may set specific conditions for operation during said period which shall include a requirement to comply with all applicable emission standards. The Authority shall not commence processing a Notice of Intent to Operate until it has received fees as shown in Table 7.02a:))~~

(b) **NOI Application.** NOI applications shall be made on standard forms of the Agency and shall include:

(1) All information requested in the applicable standard forms;

(2) If submitting a NOI for a stationary source qualifying for the exemption based on potential to emit under 7.01 (c)(2), documentation verifying the stationary source's potential to emit;

(3) Any additional information requested by the Agency to verify that operation of the stationary source will be in compliance with applicable air pollution control requirements; and,

(4) Applicable fee according to Table 7.02a.

(c) **Conditions of operation.** The Agency may establish enforceable conditions of operation, through issuance of a regulatory Order, as are reasonably necessary to assure compliance with applicable air pollution control requirements.

(d) **Temporary portable sources.** Temporary portable sources shall also meet the requirements of section 7.12.

TABLE 7.02a: ((PORTABLE AIR CONTAMINANT SOURCE)) **NOI Application Processing FEES**

((PORTABLE AIR CONTAMINANT)) SOURCE CATEGORY	FEE AMOUNT
Asphalt Plant - Temporary Portable	\$500
Soil Thermal Desorbtion Unit - Temporary Portable	\$1,000
Rock Crusher - Temporary Portable	(((\$300)) \$100
(((Chipper)) Nonroad engine	((((\$100)) \$500
Gas Station - New	\$200
Gas Station - Modification	\$100
Dry Cleaner	\$200
Stationary source qualifying under section 7.01 (c)(2)	\$200
Other	((((\$100)) \$100

~~(((b) For new portable air contaminant sources or portable air contaminant sources which come from outside the OAPCA region, a Notice of Construction and Application for Approval must be filed pursuant to Section 7.01:))~~

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

SECTION 7.03 ((ADDITIONAL INFORMATION WHEN REQUIRED)) APPLICATION PROCESSING

~~(((a) The Control Officer or the Board may require, as a condition precedent to the construction, installation or establishment of a new air contaminant source or sources, the submission of plans, drawings, data, specifications and such other information as is deemed necessary in order to determine whether the equipment or control apparatus is designed and will be installed to operate without causing a violation of any law or regulation of the Authority:))~~

(a) **Application certification.** All NOC applications shall be signed by the applicant or owner, who may be required to submit evidence of their authority.

(b) **Completeness determination.** Within thirty days after receiving a NOC application, the Agency shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Complete applications shall include:

(1) Any standard NOC form of the Agency that is applicable to the proposed stationary source or modification;

(2) An **Environmental Checklist** consistent with requirements in WAC 197-11-315 of the State Environmental Policy Act (SEPA), or any one of the following:

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(i) A Determination of Non-significance (DNS) in accordance with WAC 197-11-340;

(ii) A Mitigated Determination of Non-significance (MDNS) in accordance with WAC 197-11-350; or,

(iii) Written statement by the applicant claiming that the proposed stationary source or modification is categorically exempt from SEPA.

(3) When applicable, all information required for review under WAC 173-400-117 and WAC 173-400-141;

(4) NOC processing fees in accordance with section 7.13 (b) and (c); and,

(5) Any additional information requested by the Agency that is necessary to make the determinations required under section 7.06.

(c) **Timeframe for Public Involvement:**

(1) For NOC applications subject to a mandatory public comment period pursuant to section 7.04(b), the Agency shall issue a Preliminary Determination within 60 days from receipt of a complete application followed by a public comment period in accordance with section 7.04(c).

(2) For all other NOC applications, the Agency will post a public interest fact sheet in accordance with subsection 7.04(a) within 30 days from receipt of an application.

(d) **Final determination schedule.** Final Determination on an application subject to a mandatory public comment period in accordance with subsection 7.04(b) shall be made as promptly as possible after close of the public comment period. Final Determination on all other applications shall be made within sixty days of receipt of a complete NOC application.

(e) **Approval.** A final determination to approve a NOC application and an "Order of Approval", setting forth the conditions of approval, shall be issued, and served in accordance with section 3.21, provided the following conditions are met:

(1) A complete application in accordance with subsection 7.03(b) was received by the Agency;

(2) The application verifies to the Agency that the applicable new source review requirements in section 7.06 have been met;

(3) Application processing fees in accordance with subsection 7.13 have been paid;

(4) The application includes an environmental checklist and other documents that verify compliance with the State Environmental Policy Act;

(5) Applicable public involvement requirements in section 7.04 have been met; and,

(6) The NOC has been signed by the Executive Director of the Agency or an authorized representative.

(f) **Denial.** If the Agency determines that a proposed project subject to approval of a NOC application does not meet the applicable approval requirements in section 7.06, then a final determination to deny approval and an Order to Deny Construction shall be issued and served in accordance with section 3.21. Any Order to Deny Construction shall:

(1) Be in writing;

(2) Set forth the objections in detail with reference to the specific law or section or sections of the Regulation that will not be met by the proposed project; and,

(3) Shall be signed by the Executive Director of the Agency or an authorized representative.

(g) **Scope of review of modifications.** New source review of a modification to an existing stationary source shall be limited to the emission unit proposed to be modified, and the air contaminants whose emissions would increase as a result of the action; provided, however, that review of a major modification must also comply with applicable major new source review requirements under subsection 7.06(a) and/or 7.06(b), as applicable.

(h) **Integration with Title V permitting requirements.** A person seeking approval to construct or modify a stationary source subject to Chapter 173-401 WAC may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the NOC application required by this section. A NOC application designated for integrated review shall be processed in accordance with operating permit program procedures and deadlines in chapter 173-401 WAC. A PSD application under WAC 173-400-141, a NOC application for a major modification in a nonattainment area or a NOC application for a major stationary source in a nonattainment area must also comply with public involvement requirements of subsection 7.04 and WAC 173-400-171.

(i) **P.E. review and sign-off.** Every final determination on a NOC application shall be reviewed and signed prior to issuance by a professional engineer, or staff under the direct supervision of a professional engineer, in the employ of the Agency.

(j) **Appeals.**

(1) Any order issued pursuant to this Article may be appealed to the Pollution Control Hearings Board of the State of Washington, pursuant to section 3.17 of this Regulation.

(2) Any order issued or the failure to issue such an order, shall not relieve any person from their obligation to comply with any emission control requirement or with any other provision of law.

(k) **Major NSR obligations of the Agency.** If the new stationary source is a major stationary source, or the change is a major modification, the Agency shall:

(1) Submit any control technology determination included in a final order of approval to the RACT/BACT/LAER clearinghouse maintained by EPA; and

(2) Send a copy of the final approval order to EPA.

(l) **Deviations from approved plans.** After approval to construct, install, establish, or modify a ~~(new air contaminant)~~ stationary source or air pollution control ~~(facility)~~ device is granted, deviations from the approved plans, drawings, data and specifications that may result in changes to air pollutant emission rates, control efficiencies or impacts are not permissible without prior approval through a NOC ~~(without first securing written approval for the changes from the Control Officer or an authorized representative)~~.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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SECTION 7.04 ((PUBLIC NOTICE, COMMENTS AND HEARINGS)) PUBLIC INVOLVEMENT

The public shall be afforded an opportunity to express interest in any Notice of Construction (NOC) application prior to approval or denial by the Agency.

(a) Public notice.

(1) A public interest factsheet shall be published on the Agency's internet homepage announcing the receipt of permit applications and other proposed actions that do not automatically require a public comment period pursuant to subsection 7.04(b). Factsheets shall be published on the Agency's internet homepage for a minimum of fifteen (15) days. In the event that publication on the Agency's internet homepage is not possible, the factsheet will be published in a newspaper of general circulation in the area of the proposed action. When published in a newspaper, factsheets will be published for a minimum of one (1) day.

(2) The general public shall be afforded a minimum of fifteen (15) days from initial publishing of a factsheet to express an interest in a particular permit application or proposed decision by responding to the Agency in writing via letter, fax, or e-mail.

(3) Public interest factsheets shall include:

- (i) The name of the applicant;
- (ii) Location of the proposed project;
- (iii) A brief project description;
- (iv) Agency contact information

(v) Procedures for submitting comments and the date by which public comments are due;

(vi) A statement that a public comment period will be provided if requested by any person, government agency, group, or the applicant.

(4) Requests for a public comment period shall be submitted to the Agency in writing via letter, fax, or electronic mail. A public comment period shall be provided pursuant to section 7.04(c) for any permit application or proposed action that receives such a request. Any application or proposed action for which a public comment period is not requested may be processed without further public involvement.

(5) The Agency shall consider comments submitted in accordance with section 7.04 (a)(2) provided they are received prior to close of the comment period specified in the public interest fact sheet.

(b)((a)) Mandatory public comment period ((Applicability of public notice requirements)). A public comment period in accordance with section 7.04(c) shall be required ((The Authority shall provide public notice)) prior to approval or denial of any ((Notice of Construction and Application for Approval)) NOC application if:

(1) The proposed ((installation or modification)) project would cause a significant net increase ((the potential to emit)) in emissions of any air contaminant listed in the following Table ((7.03a)); ((or))

TABLE ((7.03a)) 7.04 (b)(1): SIGNIFICANT EMISSIONS INCREASE

Air Contaminant	Potential Tons/Year
Carbon Monoxide (CO)	100.0
Volatile Organic Compounds	40.0

TABLE ((7.03a)) 7.04 (b)(1): SIGNIFICANT EMISSIONS INCREASE

(VOC) Sulfur dioxide	40.0
Nitrogen Oxides (NO _x)	40.0
Particulate Matter (PM)	25.0
Fine Particulate Matter (PM ₁₀)	15.0
Lead	0.6
Fluorides	3.0
Sulfuric Acid Mist	7.0
Hydrogen sulfide (H ₂ S)	10.0
Total Reduced Sulfur (including H ₂ S)	10.0
Total Toxic Air Pollutants (total TAPs)	25.0
(TAPs as listed in Chapter 173-460 WAC)	
Any single Toxic Air Pollutant (TAP)	10.0
Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	0.0000035
Municipal waste combustor metals (measured as PM)	15
Municipal waste combustor acid gases (measured as SO ₂ and hydrogen chloride)	40.0

(2) The applicant requests a limit on the potential to emit; ((or))

(3) The applicant requests to bank emission reduction credits; ((or))

(4) The proposed ((installation or modification)) project involves refuse burning equipment; ((or))

(5) The ((Control Officer)) Executive Director determines that there may be substantial public interest in the proposal((-));

(6) The applicant requests a change in any condition of an approval order that results in an increase in emissions or a substantial change to any monitoring, recordkeeping or reporting requirement of an approval order;

(7) The proposed action is to extend the deadline to begin construction of a major stationary source or major modification in a nonattainment area;

(8) A modified or substituted air quality model, other than a guideline model in Appendix W of 40 CFR Part 51 (in effect on June 1, 2003) was used as part of review under Section 7.06;

(9) The action involves an order to determine RACT;

(10) The action involves establishing a compliance schedule or variance;

(11) The order is to demonstrate the credible height of a stack which exceeds the GEP formula height and sixty-five meters, by means of a fluid model or a field study, or purposes of establishing an emission limitation;

(12) The action includes an order to authorize a bubble; or,

(13) A public comment period is requested by any person, interested governmental agency, group, or the applicant in accordance with requirements for under subsection 7.04(a).

(c)((b)) Public comment period ((notice requirements)). If required, a public comment period shall be ((Public notice)) initiated through publication of a legal notice in a

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local newspaper of daily circulation. The public comment period shall be ((made)) initiated only after all information required by the ((Authority)) Agency has been submitted and after a Preliminary Determination has been made. The cost of providing ((publie)) legal notice shall be borne by the applicant according to provisions in section 7.13. Public notice of any NOC application requiring a public comment period shall include the following:

(1) ~~((Availability for public inspection in at least one location near the proposed project of the nonproprietary information submitted by the applicant and any written Preliminary Determination by the Authority))~~ Availability of the NOC application and any written Preliminary Determination of the Agency in at least one location near the proposed project site and on the Agency's internet homepage, excluding any confidential information as provided in section 3.03. The Agency's written Preliminary Determination shall include the conclusions, determinations and pertinent supporting information from the Agency's analysis of the effect of the proposed project on air quality.

(2) Publication of a legal notice in a newspaper of general circulation in the area of the proposed project which provides:

- (i) A brief description of the project;
- (ii) Location of the project and location of documents made available for public inspection;
- (iii) The deadline for submitting written comments;
- (iv) A statement that any person, interested governmental agency, group, or the applicant may request a public hearing; and,
- (v) A statement that a public hearing may be held if the ((Authority)) Agency determines within a 30-day period that significant public interest exists; and,

(vi) The date of the close of the public comment period in the event of a public hearing; and,

(vii) For projects subject to Special protection requirements for federal Class I areas in WAC 173-400-117 (5)(c), the legal notice shall either explain the permitting agency's decision or state that an explanation of the decision appears in the Fact Sheet for the proposed PSD permit.

(3) Notice to the U.S. Environmental Protection Agency Region 10 Regional Administrator.

~~((e) Consideration of public comments.))~~ **Extent of public comment period.** Unless a public hearing is held, the public comment period shall be the thirty-day period following the date the public notice is first published. If a public hearing is held, the public comment period shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify. ~~((No final decision on any Notice of Construction and Application for Approval for which a public notice is required pursuant to Section 7.04(a) shall be made until the public comment period has ended and any comments received have been considered.))~~

~~((d))~~ **Public hearings.** The applicant, any interested governmental entity, any group, or any person may request a public hearing within the comment period specified in the public notice. Any such request shall indicate, in writing, the interest of the entity filing it and why a hearing is warranted. The ((Authority)) Agency may, in its

discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held upon such notice and at a time and place as the ((Authority)) Agency deems reasonable. The ((Authority)) Agency shall provide at least 30 days prior notice of any hearing.

(f) **Consideration of public comments.** No final decision on any NOC application shall be made until all public comment periods have ended and any comments received in accordance with requirements for public comments under section 7.04 have been considered.

(g) **Other requirements of law.** Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, those procedures may be used in lieu of the provisions of this section (e.g., SEPA). This subsection does not apply to an application for a "major modification" or an application for a "major stationary source."

(h) **Public information.** In accordance with Section 3.03, all information, except information protected from disclosure under any applicable law, including, but not limited to, RCW 70.94.205, shall be available for public inspection at the agency. This includes copies of notices of construction applications, orders, and modifications.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

SECTION 7.05 ((ISSUANCE OF APPROVAL ORDER))

~~((Following the timeline in Section 7.21 application processing schedule in section 7.03, the Authority shall issue either:~~

~~an Approval Order for the proposed project; or,
an Order to Deny Approval (if the construction, installation or establishment of a new air contaminant source will not be in accordance with the applicable federal, state, and local requirements that are in effect at the time of filing the Notice of Construction and Application for Approval).~~

~~(b) Failure to comply with any term or condition of an Approval Order constitutes a violation of this section and is subject to penalties pursuant to RCW 70.94.430 and RCW 70.94.431.~~

~~(b) No approval will be issued unless, upon request of the Control Officer or Board, equipment or control apparatus having a stack three (3) feet or more in diameter is provided with:~~

- ~~(1) Sampling ports of a size, number and location as the Authority may require; and~~
- ~~(2) Safe access to each port; and~~
- ~~(3) Such other sampling and testing facilities as the Control Officer or Board may require.~~

~~(c) If the Board or Control Officer determines that the construction, installation or establishment of a new air contaminant source or sources will not comply with all laws or regulations of the Authority, the Board or Control Officer shall issue an Order for the prevention of the construction, installation or establishment of the air contaminant source or sources; and~~

- ~~(1) The Order shall be in writing;~~

(2) The Order shall set forth the objections in detail with reference to the specific law or section or sections of the Regulation that will not be met by the proposed construction, installation or establishment;

(3) The Order shall be signed by the Control Officer or an authorized representative.

(d) Any Order issued pursuant to this section shall become final unless, no later than twenty (20) days after the date the Order is served pursuant to Section 3.21 of the Regulation, the owner or applicant petitions for a reconsideration of the Order, stating reasons for the reconsideration.

(1) The Board or Control Officer shall consider the petition and shall within thirty (30) days give written notice of approval or disapproval of the petition, setting forth the reasons for disapproval.

(2) If the petition of the owner or applicant is disapproved, the owner or applicant may appeal to the Pollution Control Hearings Board of the State of Washington, pursuant to Section 3.17 of this Regulation.

(e) Any Order issued or the failure to issue such an order or approval, shall not relieve any person from their obligation to comply with any emission control requirement or with any other provision of law.))

SECTION 7.06 REQUIREMENTS FOR APPROVAL

(a) Attainment or Unclassified area requirements. The following requirements apply to any new stationary source or modification proposed in an attainment or unclassified area:

(1) The proposed new stationary source or modification will comply with all applicable new source performance standards, national emission standards for hazardous air pollutants, national emission standards for hazardous air pollutants for source categories, emission standards adopted under chapter 70.94 RCW and applicable emission standards in Regulation 1.

(2) The proposed new stationary source or modification will employ BACT for all pollutants not previously emitted or whose emissions would increase as a result of the new stationary source or modification.

(3) Allowable emissions from the proposed new stationary source or modification will not delay the attainment date for an area not in attainment nor cause or contribute to a violation of any ambient air quality standard. This requirement will be considered to be met if the projected impact of the allowable emissions from the proposed new stationary source or the projected impact of the increase in allowable emissions from the proposed modification at any location within a nonattainment area does not exceed the following levels for the pollutants for which the area has been designated nonattainment:

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO	-	-	0.5 mg/m ³	-	2 mg/m ³
SO ₂	1.0 µg/m ³	5 µg/m ³	-	25 µg/m ³	30 µg/m ³
PM ₁₀	1.0 µg/m ³	5 µg/m ³	-	-	-
NO ₂	1.0 µg/m ³	-	-	-	-

An offsetting emission reduction may be used to satisfy some or all of the requirements of this subsection.

(4) If the proposed project is subject to WAC 173-400-141, Ecology has issued a final PSD permit.

(5) If the proposed new stationary source or the proposed modification will emit any toxic air pollutants regulated under chapter 173-460 WAC, the stationary source meets all applicable requirements of that program.

(b) Nonattainment area requirements. The following requirements apply to any new stationary source or modification proposed in a nonattainment area:

(1) The proposed new stationary source or modification will comply with all applicable new source performance standards, national emission standards for hazardous air pollutants, national emission standards for hazardous air pollutants for source categories, emission standards adopted under chapter 70.94 RCW and applicable emission standards in Regulation 1.

(2) The proposed new stationary source or modification will employ BACT for all air contaminants, except that if the new stationary source is a major stationary source or the proposed modification is a major modification it will achieve LAER for the air contaminants for which the area has been designated nonattainment and for which the proposed new stationary source or modification is major.

(3) The proposed new stationary source or modification will not cause any ambient air quality standard to be exceeded, will not violate the requirements for reasonable further progress established by the SIP and will comply with section 7.06 (a)(3) for all air contaminants for which the area has not been designated nonattainment.

(4) If the proposed new stationary source is a major stationary source or the proposed modification is a major modification, the Agency has determined, based on review of an analysis performed by the source of alternative sites, sizes, production processes, and environmental control techniques, that the benefits of the project significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(5) If the proposed new stationary source or the proposed modification is major for the air contaminant for which the area is designated nonattainment, allowable emissions from the proposed new stationary source or modification of that air contaminant are offset by reductions in actual emissions from existing sources in the nonattainment area. Emission offsets must be sufficient to ensure that total allowable emissions from existing major stationary sources in the nonattainment area, new or modified sources which are not major stationary sources, and the proposed new or modified stationary source will be less than total actual emissions from existing sources (before submitting the application) so as to represent (when considered together with the nonattainment provisions of section 172 of the Federal Clean Air Act) reasonable further progress. All offsetting emission reductions must satisfy the following requirements:

(i) The proposed new level of allowable emissions of the source or emissions unit(s) providing the reduction must be less than the current level of actual emissions of that source or emissions unit(s). No emission reduction can be credited for actual emissions which exceed the current allowable

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emissions of the source or emissions unit(s) providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders, or permits required by the Federal Clean Air Act, including the SIP, cannot be credited.

(ii) The emission reductions must provide for a net air quality benefit. For marginal ozone nonattainment areas, the total emissions of volatile organic compounds or total emissions of nitrogen oxides are reduced by a ratio of 1.1 to 1 for the area in which the new stationary source or modification is located. For any other nonattainment area, the emissions offsets must provide a positive net air quality benefit in the nonattainment area. Determinations on whether emissions offsets provide a positive net air quality benefit will be made in accordance with the guidelines contained in 40 CFR 51 Appendix S (in effect on July 1, 2000).

(iii) If the offsets are provided by another source, the reductions in emissions from that source must be federally enforceable by the time the order of approval for the new or modified stationary source is effective. An emission reduction credit issued under WAC 173-400-131 may be used to satisfy some or all of the offset requirements of this subsection.

(6) If the proposed new stationary source is a major stationary source or the proposed modification is a major modification, the owner or operator has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in Washington are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the Federal Clean Air Act, including all rules in the SIP.

(7) If the proposed new stationary source or modification is subject to WAC 173-400-141, Ecology has issued a final PSD permit for all air contaminants subject to permitting under WAC 173-400-141.

(8) If the proposed new stationary source or modification will emit any toxic air pollutants regulated under chapter 173-460 WAC, the source meets all applicable requirements of that chapter.

If the proposed new stationary source is a major stationary source within the meaning of WAC 173-400-113(1), or the proposed modification is a major modification within the meaning of WAC 173-400-113(1), the project meets the Special protection requirements for federal Class I areas in WAC 173-400-117.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

SECTION 7.07 NOTICE OF COMPLETION - ORDER OF VIOLATION

(a) The owner or applicant shall notify the (Board or Control Officer) Agency of the completion of construction, installation, (or) establishment or modification of a stationary source approved through a NOC application and, in the case of a new stationary source, the date upon which operation will commence. The (Board or Control Officer) Agency may (shall, within thirty (30) days of receipt of

notice of completion,)) inspect the new or modified stationary source ((construction, installation or establishment and the Board or Control Officer)) and may issue an Order of Violation if it is found that ((the construction, installation or establishment)) it is not in accord with the approved NOC application or Order of Approval ((plans, specifications or other information submitted to the Authority and will be in violation of a law or regulation of the Authority in existence at the date the order was issued)).

(b) Upon receipt of an Order of Violation, the owner may appeal ((said)) the order in accordance with the provisions and procedures in sections 3.17 and 3.19 of this Regulation.

(c) The issuance of approval as provided by ((this Article and section 7.05)) 7.03(e) shall not relieve the owner of the obligation to comply with the laws or regulations as adopted by this Agency or prevent the Board or Control Officer from issuing ((such orders)) violation notices as provided by section 3.01, subsection (b) of Article 3 of this Regulation.

~~(SECTION 7.09 CONDITIONAL APPROVAL)~~

~~((The owner or applicant may request a conditional approval for an experimental installation, construction or establishment and said approval may be issued by the Board or Control Officer if it appears to the Board or Control Officer, from all submitted information, that the installation, construction or establishment, when completed, will satisfy the emissions standards adopted by the Board.))~~

SECTION 7.11 TIME LIMIT ON APPROVAL OF CONSTRUCTION

~~((a) Any person undertaking the construction, installation, or establishment of a new air contaminant source not completed within one (1) year following issuance of any "Approval of Construction" given pursuant to this Article 7 of Regulation 1, shall be required to again comply with the requirements of Section 7.01 through 7.09 of this Regulation before proceeding with such construction, installation, or establishment.))~~

~~((b) Upon application, an extension not to extend beyond a period of one (1) additional year shall be granted by the Board or Control Officer, provided that all regulations and conditions in force at the time of the issuance of the original "Approval of Construction" have not changed.))~~

~~((c) All "Approval of Construction" previously granted herein shall expire one (1) year from the effective date of this resolution.))~~

Approval to construct or modify a stationary source becomes invalid if construction is not commenced within eighteen months after receipt of the approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The Agency may extend the eighteen-month period upon a satisfactory showing that an extension is justified. An extension for a project operating under a PSD permit must also comply with public notice requirements in WAC 173-400-171. This provision does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must commence construction within eighteen months of the projected and approved commencement date.

SECTION 7.12 TEMPORARY PORTABLE SOURCES

(a) Notice of Intent to Operate. The owner or operator of the following sources shall notify the Agency of the intent to relocate and operate within the jurisdiction of the Agency at least 15 days prior to starting operation by submitting a complete Notice of Intent to Operate (NOI) in accordance with section 7.02:

(1) Relocation of temporary portable stationary sources that have a valid Order of Approval from Ecology or an air pollution control authority in the State of Washington; and,

(2) Nonroad engines, provided that the regulation of nonroad engines under this section are subject to the limitations as set forth in 40 CFR Appendix A to Subpart A of 89 - State Regulation of Nonroad Internal Combustion Engines.

(b) Requirements for Operation. Sources subject to section 7.12(a) shall meet the following requirements:

(1) The operation shall not cause a violation of ambient air quality standards.

(2) If the operation is in a nonattainment area, it shall not interfere with the scheduled attainment of ambient standards.

(3) The temporary portable source shall operate in compliance with all applicable air pollution rules and regulations.

(4) A temporary portable source that is considered a major stationary source within the meaning of section 1.07(67) of ORCAA Regulation 1 shall also comply with the requirements in WAC 173-400-141 and section 7.06(b) as applicable.

(5) Any operating condition in an Order previously issued to a temporary portable source shall remain in effect upon relocating the source within ORCAA's jurisdiction unless specifically superseded by condition in a subsequent Order.

(6) Operation of nonroad engines shall not exceed 90 operating days in any calendar year anywhere within ORCAA's jurisdiction unless a regulatory Order, has been issued by the Agency. The Agency may set specific conditions for operating during that time period as are reasonably necessary to assure compliance with applicable air pollution control requirements. For purposes of this section, an operating day shall be considered any time equipment operates within a calendar day.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

SECTION 7.13 NOTICE OF CONSTRUCTION ((~~FILING~~)) PROCESSING FEES

(a) The fee for processing a Notice of Construction ((~~and Application for Approval~~)) (NOC) application shall include a Filing Fee according to section 7.13(b), Plan Examination and Inspection Fees according to section 7.13(c), and any applicable Additional NOC Processing Fees according to section 7.13(d).

(b) Filing Fees. The ((~~Authority~~)) Agency shall not commence processing ((~~of a NOC~~)) a NOC application until it has received a filing fee of \$100.00.

(c) Plan Examination and Inspection Fees. A Plan Examination and Inspection Fee shall be paid for each piece of equipment or process proposed, which emits air pollutants

and requires filing a NOC, and for certain fee eligible reviews and determinations as identified in Table 7.13a. The applicant may choose to determine applicable Plan Examination and Inspection Fees based on this section and include payment along with the NOC application, or may elect to have the ((~~Authority~~)) Agency determine applicable Plan Examination and Inspection Fees during the NOC completeness review, in which case, the applicant would be billed. In either case, the NOC application is incomplete until the ((~~Authority~~)) Agency has received payment of applicable Plan Examination and Inspection Fees. Plan Examination and Inspection Fees shall be determined as follows:

(1) One Plan Examination and Inspection Fee shall be paid for each regulatory determination or review item identified in Table 7.13a which applies to the NOC;

(2) One Plan Examination and Inspection Fee shall be paid for each piece of equipment or process which emits air pollutants and requires filing a NOC except for equipment or processes which can be considered as identical equipment or processes;

(3) Equipment or processes may be considered identical provided that they have the same physical specifications and only one examination and/or inspection is required by the ((~~Authority~~)) Agency;

(4) Identical equipment or processes may be accounted for collectively as a single piece of equipment or process subject to a single Plan Examination and Inspection Fee;

(5) The Plan Examination and Inspection Fee for a piece of equipment shall be based on the fee amount in Table 7.13a which most closely matches the equipment or process type; and,

(6) Any fee based on actual cost to the ((~~Authority~~)) Agency shall be determined according to 7.13(e).

(d) Additional Fees. An Additional NOC Processing Fee shall be paid by the applicant for any work identified in Table 7.3 which has been completed by the ((~~Authority~~)) Agency for purposes of finalizing review and approval of a NOC. The ((~~Authority~~)) Agency shall not issue the Final Determination or Order of Approval for any NOC until applicable additional NOC Processing Fees have been paid. The ((~~Authority~~)) Agency shall determine which additional NOC Processing Fees apply and shall bill an applicant after issuing a Preliminary Determination, but prior to issuing a Final Determination or Approval Order. Additional NOC Processing Fees shall be determined based on the fee schedule contained in Table 7.13b. Any fee based on actual cost to the ((~~Authority~~)) Agency shall be determined according to 7.13(e).

(e) Fee amounts in Table 7.13a and Table 7.13b which are based on the ((~~Authority's~~)) Agency's actual cost to complete a review or task shall be determined using the actual direct hours expended completing the specific review or task and the corresponding direct hourly salary rate of each ((~~Authority~~)) Agency staff person directly involved. The following provisions shall apply:

(1) Actual hours used in determining the amount of a fee shall be recorded on a daily basis by each ((~~Authority's~~)) Agency's staff person directly involved in completing the specific task;

(2) Time accrued for purposes of determining the amount of a fee for this section shall be accounted for to the nearest 15 minutes;

(3) Current employee salary rates shall be used when calculating actual cost-based fees; and,

(4) The bill issued for any fee based on the ((Author-ity's)) Agency's actual cost shall indicate the total hours expended and the hourly cost rates which were used to determine the fee.

(f) Payment of all NOC processing fees assessed by the Agency shall be due no later than thirty (30) days from receiving written notification of the fee assessment. Failure to pay in full any assessed NOC fee within thirty (30) days from the date payment is due shall incur a late payment penalty in the amount of 25% of the total amount due.

TABLE 7.13a: PLAN EXAMINATION AND INSPECTION FEES

DESCRIPTION	FEE
Fuel Burning Equipment (new installation) (fee based on Million Btu/hr heat input at design capacity):	
less than 10	\$350
10 or more but less than 20	\$500
20 or more but less than 50	\$700
50 or more but less than 100	\$1,500
100 or more	\$2,500
fuel change or new fuel 1/2 x new installation fee	
Emissions from control equipment or from uncontrolled process equipment (fee based on Actual cubic feet per minute at design capacity):	
less than 10,000	\$300
10,000 or more but less than 20,000	\$400
20,000 or more but less than 50,000	\$550
50,000 or more but less than 100,000	\$850
100,000 or more but less than 250,000	\$1,700
250,000 or more	\$2,500
Incineration (fee based on rate in pounds per hour at design capacity):	
less than 100	\$300
100 or more but less than 500	\$550
500 or more but less than 1000	\$1,650
Refuse Combustion (fee based on combustion rate in tons per day at design capacity):	
less than 12	\$2,500
12 or more	Actual Cost
Storage tanks, reservoirs, or containers other than retail gasoline or diesel fuel dispensing facilities (fee based on gallons total capacity):	
6,000 or more but less than 40,000	\$350

TABLE 7.13a: PLAN EXAMINATION AND INSPECTION FEES

DESCRIPTION	FEE
40,000 or more but less than 100,000	\$800
100,000 or more but less than 500,000	\$1,250
500,000 or more	\$1,400
Spray Painting Operation (per booth)	\$300
Dry Cleaner (per machine)	\$200
New Gasoline Station	\$300
Gasoline Station Upgrade or Modification	\$200
((Coffee Roaster	\$1,000))
Asphalt Plant (initial)	\$1,000
Soil Thermal Desorbition Unit (initial)	\$2,500
Odor Source	\$500
Soil and Groundwater remediation	\$500
Air Toxics Screening Review (Chapter 173-460 WAC) (provided by source)	\$200
NOC Application Assistance (emission calculations, air toxics screening, etc.)	\$300
SEPA Threshold Determination	\$300
Approval Order Modification	\$100
	\$200 or
Other (whichever is greater)	Actual Cost

TABLE 7.13b: FEE ELIGIBLE ITEMS

FEE ELIGIBLE ITEM	DESCRIPTION	FEE AMOUNT
Additional NOC Processing Fees for Major Sources	Additional NOC processing fees shall equal the actual cost of processing the NOC for a Major Source less the NOC fees already paid.	Actual Cost
Environmental Impact Statements	Preparing an Environmental Impact Statement (EIS) in order to comply with the State Environmental Policy Act.	Actual Cost
NOC Assistance	Assistance in completing a NOC application including, but not limited to, assistance in calculating emissions, filling out standard forms, determining applicable requirements, completing a BACT analysis, performing an air toxics screening analysis pursuant to Chapter 173-460 WAC, and selecting monitoring equipment.	Actual Cost
Emission Reduction Credits	Review and approval of emission reduction credits pursuant to Chapter 173-400-131 WAC.	Actual Cost
Voluntary Emissions Limits (Synthetic Minors)	Review and approval of voluntary limits on emissions requests pursuant to section 7.21.	Actual Cost
Alternative Opacity Limits	Review and approval of alternative opacity limit requests pursuant to RCW 70.94.331 (2)(c).	Actual Cost

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TABLE 7.13b: FEE ELIGIBLE ITEMS

FEE ELIGIBLE ITEM	DESCRIPTION	FEE AMOUNT
Public Noticing	Work Associated with issuing public notice pursuant to Chapter 173-400-171 WAC and Section 7.01(e) of OAPCA Regulation 1. Associated work includes issuing a press release if warranted, copying and posting the written Preliminary Determination for public viewing, and reviewing and responding to comments.	\$350
Publishing	Cost of publishing any legal public notice required pursuant to Chapter 173-400-171 WAC.	Actual cost of publishing
Public Hearings	Work associated with conducting a public hearing including, but not limited to, preparation of summary materials, copying, issuing hearing notice, conducting the hearing, and responding to comments.	\$400

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

SECTION 7.14 CONDITIONS IN APPROVAL ORDERS ENFORCEABLE

Failure to comply with any term or condition of an Approval Order constitutes a violation of this section and is subject to penalties pursuant to RCW 70.94.430 and RCW 70.94.431.

SECTION 7.15 WORK DONE WITHOUT APPROVAL

(a) Where work, for which a Notice of Construction is required, is commenced or performed prior to making application and receiving approval, the Control Officer or an authorized agent may conduct an investigation as part of the Notice of Construction review. In such a case, an investigation fee, in addition to the fees of Section 7.13 shall be assessed in an amount equal to 3 times the fees required of Section 7.13. Payment of the fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.

(b) Where work for which a Notice of Intent to Operate is required is commenced prior to making application and receiving approval, the Control Officer or an authorized agent, may conduct an investigation as part of the Notice of Intent review. In such a case, an investigation fee, in addition to fees of section 7.02, shall be assessed in an amount equal to 3 times the Portable Air Contaminant Source fees of section 7.02. Payment of the fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.

~~SECTION 7.17 REQUIREMENTS FOR NEW SOURCES IN NONATTAINMENT AREAS~~

~~(b) The Authority shall issue the order of approval to establish a new source or modification in a nonattainment~~

area if it determines that the proposed project satisfies each of the following requirements:

~~(1) The proposed new source or modification will comply with all applicable new source performance standards; national emission standards for hazardous air pollutants; national emission standards for hazardous air pollutants for source categories; emission standards adopted under chapter 70.94 RCW and applicable emission standards in Regulation 1.~~

~~(2) The proposed new source will employ BACT for all air contaminants, except that if the new source is a major stationary source or the proposed modification is a major modification it will achieve LAER for the air contaminants for which the area has been designated nonattainment and for which the proposed new source or modification is major.~~

~~(3) The proposed new source will not cause any ambient air quality standard to be exceeded, will not violate the requirements for reasonable further progress established by the SIP and will comply with Section 7.18 (a)(3) for all air contaminants for which the area has not been designated nonattainment.~~

~~(4) If the proposed new source is a major stationary source or the proposed modification is a major modification, the Authority has determined, based on review of an analysis performed by the source of alternative sites, sizes, production processes, and environmental control techniques, that the benefits of the project significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.~~

~~(5) If the proposed new source or the proposed modification is major for the air contaminant for which the area is designated nonattainment, allowable emissions from the proposed new source or modification of that air contaminant are offset by reductions in actual emissions from existing sources in the nonattainment area. Emission offsets must be sufficient to ensure that total allowable emissions from existing major stationary sources in the nonattainment area, new or modified sources which are not major stationary sources, and the proposed new or modified source will be less than total actual emissions from existing sources (before submitting the application) so as to represent (when considered together with the nonattainment provisions of section 172 of the Federal Clean Air Act) reasonable further progress. All offsetting emission reductions must satisfy the following requirements:~~

~~(i) The proposed new level of allowable emissions of the source or emissions unit(s) providing the reduction must be less than the current level of actual emissions of that source or emissions unit(s). No emission reduction can be credited for actual emissions which exceed the current allowable emissions of the source or emissions unit(s) providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders, or permits required by the Federal Clean Air Act, including the SIP, cannot be credited.~~

~~(ii) The emission reductions must provide for a net air quality benefit. For marginal ozone nonattainment areas, the total emissions of volatile organic compounds or total emissions of nitrogen oxides are reduced by a ratio of 1.1 to 1 for the area in which the new source is located. For any other~~

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nonattainment area, the emissions offsets must provide a positive net air quality benefit in the nonattainment area. Determinations on whether emissions offsets provide a positive net air quality benefit will be made in accordance with the guidelines contained in 40 CFR 51 Appendix S (in effect on July 1, 2000).

(iii) If the offsets are provided by another source, the reductions in emissions from that source must be federally enforceable by the time the order of approval for the new or modified source is effective. An emission reduction credit issued under WAC 173-400-131 may be used to satisfy some or all of the offset requirements of this subsection.

(6) If the proposed new source is a major stationary source or the proposed modification is a major modification, the owner or operator has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in Washington are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the Federal Clean Air Act, including all rules in the SIP.

(7) If the proposed project is subject to WAC 173-400-141, Ecology has issued a final PSD permit for all air contaminants subject to permitting under WAC 173-400-141.

(8) If the proposed new source or modification will emit any toxic air pollutants regulated under chapter 173-460 WAC, the source meets all applicable requirements of that chapter.

(9) If the proposed new source is a major stationary source within the meaning of WAC 173-400-113(1), or the proposed modification is a major modification within the meaning of WAC 173-400-113(1), the project meets the Special protection requirements for federal Class I areas in WAC 173-400-117.

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

SECTION 7.18 REQUIREMENTS FOR NEW SOURCES IN ATTAINMENT OR UNCLASSIFIABLE AREAS

(a) The Authority shall issue an order of approval to establish a new source or modification in an attainment or unclassifiable area if it determines that the proposed project satisfies each of the following requirements:

(1) The proposed new source or modification will comply with all applicable new source performance standards, national emission standards for hazardous air pollutants, national emission standards for hazardous air pollutants for source categories, emission standards adopted under chapter 70.94 RCW and applicable emission standards in Regulation 1.

(2) The proposed new source or modification will employ BACT for all pollutants not previously emitted or whose emissions would increase as a result of the new source or modification.

(3) Allowable emissions from the proposed new source or modification will not delay the attainment date for an area not in attainment nor cause or contribute to a violation of any ambient air quality standard. This requirement will be con-

sidered to be met if the projected impact of the allowable emissions from the proposed new source or the projected impact of the increase in allowable emissions from the proposed modification at any location within a nonattainment area does not exceed the following levels for the pollutants for which the area has been designated nonattainment:

Pollutant	Annual Average	24 Hour Average	8 Hour Average	3 Hour Average	1 Hour Average
CO	-	-	0.5 mg/m ³	-	2 mg/m ³
SO ₂	1.0 mg/m ³	5 mg/m ³	-	25 mg/m ³	30 mg/m ³
PM ₁₀	1.0 mg/m ³	5 mg/m ³	-	-	-
NO ₂	1.0 mg/m ³	-	-	-	-

An offsetting emission reduction may be used to satisfy some or all of the requirements of this subsection.

(4) If the proposed project is subject to WAC 173-400-141, Ecology has issued a final PSD permit.

(5) If the proposed new source or the proposed modification will emit any toxic air pollutants regulated under chapter 173-460 WAC, the source meets all applicable requirements of that program.)

Reviser's note: The typographical error in the above material occurred in the copy filed by the Olympic Region Clean Air 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.

SECTION 7.19 REQUIREMENTS FOR REPLACEMENT OR SUBSTANTIAL ALTERATION OF EMISSION CONTROL TECHNOLOGY AT AN EXISTING STATIONARY SOURCE

(a) Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source ((or emission unit)) shall file a notice of construction application with the ((Authority)) Agency. Replacement or substantial alteration of control technology does not include routine maintenance, repair or similar parts replacement.

(b) For projects not otherwise reviewable under Article 7, the ((Authority)) Agency may:

(1) Require that the owner or operator employ RACT ((for)) on the affected ((emission unit)) stationary source;

(2) Prescribe reasonable operation and maintenance conditions for the control equipment; and

(3) Prescribe other requirements as authorized by chapter 70.94 RCW.

(c) Within thirty days of receipt of a notice of construction application under this section the ((Authority)) Agency shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within thirty days of receipt of a complete ((notice of construction)) NOC application under this section the ((Authority)) Agency shall either issue an order of approval or a proposed RACT determination for the proposed project.

(d) Construction shall not "commence," on a project subject to review under this section until the ((Authority)) Agency issues a final order of approval. However, any ((notice of construction)) NOC application filed under this

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section shall be deemed to be approved without conditions if the ((Authority)) Agency takes no action within thirty days of receipt of a complete ((notice of construction)) NOC application.

(e) Approval to replace or substantially alter emission control technology shall become invalid if construction is not commenced within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The ((Authority)) Agency may extend the eighteen-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date.

SECTION 7.20 CHANGE OF CONDITIONS

(a) The owner or operator of a stationary source may request, at any time, a change in conditions of an approval order issued by the ((Authority)) Agency and the ((Authority)) Agency may approve the request provided the ((Authority)) Agency finds that:

(1) ((i)) The change in conditions will not cause the source to exceed an emissions standard;

(2) ((ii)) No ambient air quality standard or PSD increment will be exceeded as a result of the change;

(3) ((iii)) The change will not adversely impact the ability of the ((Authority)) Agency to determine compliance with an emissions standard;

(4) ((iv)) The revised order will continue to require BACT, as defined at the time of the original approval, for each new stationary source approved by the order except where the Federal Clean Air Act requires LAER; and

(5) ((v)) The revised order meets the requirements of Article 7, as applicable.

(6) If the order was issued under WAC 173-400-141, the revised order will meet any applicable requirements of that section.

(b) Actions taken under this subsection are subject to the public involvement provisions of Section 7.04.

(c) Requests shall be made on forms provided by the ((Authority)) Agency and shall follow the procedures and timelines for a ((Notice of Construction)) NOC application as specified in Article 7. The fee schedule found in Section 7.13 shall also apply to these requests.

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

~~SECTION 7.21 APPLICATION PROCESSING~~

~~(a) Within thirty days after receiving a notice of construction application, the Authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application.~~

~~(b) Within sixty days of receipt of a complete notice of construction application, the Authority shall either issue a final decision on the application per Section 7.05 or initiate~~

~~public notice per Section 7.04 on a proposed decision, followed as promptly as possible by a final decision.~~

~~(e) A person seeking approval to construct or modify a source that requires an operating permit may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the notice of construction application required by this section. A notice of construction application designated for integrated review shall be processed in accordance with operating permit program procedures and deadlines in chapter 173-401 WAC. A PSD application under WAC 173-400-141, a notice of construction application for a major modification (as defined in Section 7.17) in a nonattainment area or a notice of construction application for a major stationary source (as defined in Section 7.17) in a nonattainment area must also comply with WAC 173-400-171.~~

~~(d) Every final determination on a notice of construction application shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Authority.~~

~~(e) If the new source is a major stationary source (as defined in Section 7.17) or the change is a major modification (as defined in Section 7.17), the Authority shall:~~

~~(i) Submit any control technology determination included in a final order of approval to the RACT/BACT/LAER clearinghouse maintained by EPA; and~~

~~(ii) Send a copy of the final approval order to EPA.)~~

SECTION 7.21 VOLUNTARY LIMITS ON EMISSIONS

(a) Upon request by the owner or operator of a source, the Agency shall issue a regulatory order that limits the source's potential to emit any air contaminant or contaminants to a level agreed to by the owner or operator and the agency.

(b) A condition contained in an order issued under this section shall be less than the source's otherwise allowable annual emissions of a particular contaminant under all applicable requirements of the chapter 70.94 RCW and the FCAA, including any standard or other requirement provided for in the Washington state implementation plan. The term "condition" refers to limits on production or other limitations, in addition to emission limitations.

(c) Any order issued under this section shall include monitoring, recordkeeping and reporting requirements sufficient to ensure that the source complies with any condition established under this section. Monitoring requirements shall use terms, test methods, units, averaging periods, and other statistical conventions consistent with the requirements of WAC 173-400-105.

(d) Any order issued under this section shall be subject to the notice and comment procedures under section 7.04.

(e) The terms and conditions of a regulatory order issued under this section shall be federally enforceable, upon approval of this section as an element of the Washington state implementation plan. Any proposed deviation from a condition contained in an order issued under this section shall require revision or revocation of the order.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 03-20-020
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services Administration)

[Filed September 23, 2003, 11:51 a.m., effective October 25, 2003]

Date of Adoption: September 18, 2003.

Purpose: The Division of Alcohol and Substance Abuse is adopting new, amending and repealing sections of chapter 388-805 WAC, Certification requirements for chemical dependency service providers, establishing the level of quality and patient care standards for chemical dependency service providers seeking certification by DSHS/DASA. The Division of Alcohol and Substance Abuse (DASA) is adopting revisions to chapter 388-805 WAC. The key revisions will implement:

(1) 42 Code of Federal Regulations, Part 8, Certification of Opioid Treatment Programs, effective May 18, 2001, which include major changes to the federal requirements adopted by the Center for Substance Abuse Treatment (CSAT), Substance Abuse and Mental Health Services Administration.

(2) RCW 70.96A.400-[70.96A.]420, effective July 22, 2001 (chapter 242, Laws of 2001), amended by the 2001 Washington state legislature.

In response, emergency WAC adoptions were submitted to the Code Reviser's Office on March 8, 2002, July 5, 2002, November 1, 2002, February 28, 2003, and June 27, 2003, effective for one hundred twenty days each. The emergency rules amended Washington state administrative codes to recognize CSAT certification standards and implement the changes made to RCW 70.96A.400, [70.96A.]410, and [70.96A.]420.

DASA stakeholders recommended using the American Society of Addiction Medicine (ASAM), patient placement criteria (PPC), for patient placement, continued service, and discharge criteria. The proposed WAC revision reduces regulatory use of PPC for treatment planning activities.

DASA stakeholders also recommended:

(1) A new WAC section is proposed to require agencies to report critical incidents to DASA within 48 hours of the critical incident.

(2) Language to clarify the requirements for outcomes evaluation, outpatient treatment requirements for patients convicted of DUI or physical control pursuant to chapter 46.61 RCW, and definitions of court ordered treatment in WAC 388-805-330.

(3) Language to revise the WAC section on fees collected by DASA for change of agency ownership applications.

(4) Language to revise ADATSA assessment center certification and ADATSA requirements.

(5) Language to acknowledge faith-based programs.

(6) Language to recognize chemical dependency professionals as alcohol/drug school instructors.

(7) Language to correct inaccurate WAC section citations and typographical errors.

In addition, other sections of this chapter were subject to review and amendment deemed appropriate as required by Governor Locke's Executive Order 97-02 on regulatory improvement.

When effective, these permanent rules will replace emergency rules filed as WSR 03-14-076.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-805-900, 388-805-905, 388-805-910, 388-805-915, 388-805-920, 388-805-925, 388-805-930 and 388-805-935; and amending WAC 388-805-005, 388-805-010, 388-805-015, 388-805-030, 388-805-065, 388-805-075, 388-805-085, 388-805-090, 388-805-100, 388-805-120, 388-805-130, 388-805-140, 388-805-145, 388-805-150, 388-805-205, 388-805-210, 388-805-220, 388-805-250, 388-805-300, 388-805-305, 388-805-310, 388-805-315, 388-805-320, 388-805-325, 388-805-350, 388-805-400, 388-805-410, 388-805-500, 388-805-520, 388-805-530, 388-805-540, 388-805-550, 388-805-600, 388-805-610, 388-805-625, 388-805-700, 388-805-710, 388-805-715, 388-805-720, 388-805-730, 388-805-740, 388-805-750, 388-805-800, 388-805-810, 388-805-820 and 388-805-850; and new sections WAC 388-805-035 and 388-805-040.

Statutory Authority for Adoption: RCW 70.96A.090.

Other Authority: Chapter 70.96A RCW; chapter 242, Laws of 2001; 42 C.F.R. Part 8.

Adopted under notice filed as WSR 03-12-066 on June 2, 2003.

Changes Other than Editing from Proposed to Adopted Version: DASA considered public comments received during the public comment period ending August 5, 2003, about proposed revisions to chapter 388-805 WAC filed on June 2, 2003, as WSR 03-12-066. As a result, the final rule contains the following revisions to proposed rules filed June 2, 2003 (deletions struck through, new text underlined).

(1) Add two new definitions to WAC 388-805-005:

"Community relations plan" means a plan to minimize the impact of an opiate substitution treatment program as required by the Center for Substance Abuse Guidelines for the Accreditation of Opioid Treatment Programs, Section XVIII.

"Established ratio" means using 0.7 percent (.007) of a designated county's adult population to determine an estimate for the number of potential clients with an opiate diagnosis in need of treatment services.

(2) Revise WAC 388-805-030 (1)(b):

(b) Includes a plan to minimize the impact of the opiate substitution treatment programs upon the business and residential neighborhoods in which the program is located. The plan must include strategies used to:

(i) Obtain and document ~~community stakeholder~~ community stakeholder input regarding the proposed location;

(ii) ~~Strategies used to~~ Address any concerns identified by the community stakeholders; and,

(iii) ~~Develop Aa~~ Develop Aa ongoing community relations plan to address new concerns expressed by ~~community members~~ stakeholders as they arise.

(3) Revise WAC 388-805-035(1):

(1) Consult with the county legislative authority in the area in which an applicant proposes to locate a program and the city legislative authority in any city in which an applicant proposes to locate a program. The department will request the county and city legislative authority to notify the department of any applicable requirements or other issues that the department should consider in order to fulfill the requirements of WAC 388-805-030 ~~(6)~~ and (7), or 388-805-040 (1) through (5).

(4) Revise WAC 388-805-035(6):

(6) Hold at least one public hearing in the county in which the facility is proposed to be located and one public hearing in the area in which the facility is proposed to be located. After consultation with the county legislative authority, the department may have the public hearing in the adjacent county with the largest population, the adjacent county with the largest underserved population, or the county nearest to the proposed site location. The hearing must be held at a time and location most likely to permit the largest number of interested persons to attend and present testimony. The department must notify appropriate media outlets of the time, date, and location of the hearing at least three weeks in advance of the hearing.

(5) Revise WAC 388-805-040(3):

(3) Demographic and trend data from the area in which the program would be located including the most recent department county trend data, TARGET admission date for opiate substitution treatment from the area county, hospital and emergency department admission data from the area county, needle exchange data from the area county, and other relevant reports and data from ~~city and~~ county health organizations demonstrating the need for opiate substitution treatment program services.

(6) Revise WAC 388-805-090:

(2) Providers may submit a letter requesting a waiver of fees to the Supervisor, Certification Section, Division of Alcohol and Substance Abuse, P.O. Box 453340, Olympia, Washington, 98504-53340.

(7) Revise WAC 388-805-410(3):

Delete this citation: ~~410(3)(f) Documentation of the patient's tuberculosis test and results:~~

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 14, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 8.

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 1, Amended 27, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 44, Repealed 8.

Effective Date of Rule: October 25, 2003.

September 18, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-005 What definitions are important throughout this chapter? "Added service" means the adding of certification for chemical dependency levels of care to an existing certified agency at an approved location.

"Addiction counseling competencies" means the knowledge, skills, and attitudes of chemical dependency counselor professional practice as described in Technical Assistance Publication No. 21, Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services 1998.

"Administrator" means the person designated responsible for the operation of the certified treatment service.

"Adult" means a person eighteen years of age or older.

"Alcoholic" means a person who has the disease of alcoholism.

"Alcoholism" means a primary, chronic disease with genetic, psychosocial, and environmental factors influencing its development and manifestations. The disease is often progressive and fatal. It is characterized by impaired control over drinking, preoccupation with the drug alcohol, use of alcohol despite adverse consequences, and distortions in thinking, most notably denial. Each of these symptoms may be continuous or periodic.

"Approved supervisor" means a person who meets the education and experience requirements described in WAC 246-811-030 and 246-811-045 through 246-811-049 and who is available to the person being supervised.

"Authenticated" means written, permanent verification of an entry in a patient treatment record by an individual, by means of an original signature including first initial, last name, and professional designation or job title, or initials of the name if the file includes an authentication record, and the date of the entry. If patient records are maintained electronically, unique electronic passwords, biophysical or passcard equipment are acceptable methods of authentication.

"Authentication record" means a document that is part of a patient's treatment record, with legible identification of all persons initialing entries in the treatment record, and includes:

- (1) Full printed name;
- (2) Signature including the first initial and last name; and
- (3) Initials and abbreviations indicating professional designation or job title.

"Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. The pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

"Branch site" means a physically separate certified site where qualified staff provides a certified treatment service, governed by a parent organization. The branch site is an

extension of a certified provider's services to one or more sites.

"Certified treatment service" means a discrete program of chemical dependency treatment offered by a service provider who has a certificate of approval from the department of social and health services, as evidence the provider meets the standards of chapter 388-805 WAC.

"Change in ownership" means one of the following conditions:

(1) When the ownership of a certified chemical dependency treatment provider changes from one distinct legal entity (owner) to a distinct other;

(2) When the type of business changes from one type to another; or

(3) When the current ownership takes on a new owner of five percent or more of the organizational assets.

"Chemical dependency" means a person's alcoholism or drug addiction or both.

"Chemical dependency counseling" means face-to-face individual or group contact using therapeutic techniques that are:

(1) Led by a chemical dependency professional (CDP), or CDP trainee under supervision of a CDP;

(2) Directed toward patients and others who are harmfully affected by the use of mood-altering chemicals or are chemically dependent; and

(3) Directed toward a goal of abstinence for chemically dependent persons.

"Chemical dependency professional" means a person certified as a chemical dependency professional by the Washington state department of health under chapter 18.205 RCW.

"Child" means a person less than eighteen years of age, also known as adolescent, juvenile, or minor.

"Clinical indicators" include, but are not limited to, inability to maintain abstinence from alcohol or other nonprescribed drugs, positive drug screens, patient report of a subsequent alcohol/drug arrest, patient leaves program against program advice, unexcused absences from treatment, lack of participation in self-help groups, and lack of patient progress in any part of the treatment plan.

"Community relations plan" means a plan to minimize the impact of an opiate substitution treatment program as required by the Center for Substance Abuse Guidelines for the Accreditation of Opioid Treatment Programs, section XVIII.

"County coordinator" means the person designated by the chief executive officer of a county to carry out administrative and oversight responsibilities of the county chemical dependency program.

"Criminal background check" means a search by the Washington state patrol for any record of convictions or civil adjudication related to crimes against children or other persons, including developmentally disabled and vulnerable adults, per RCW 43.43.830 through 43.43.842 relating to the Washington state patrol.

"Critical incidents" includes serious injury or sexual assault of patients, staff members, or public citizens on the premises; a natural disaster presenting a threat to facility operation or patient safety; a bomb threat; a break in or a burglary of patient identifying information; suicide attempt at

the facility; or, a case alleging abuse or neglect of an adult patient by an agency staff member that was not resolved by the agency's grievance procedure.

"CSAT" means the Federal Center For Substance Abuse Treatment, a Substance Abuse Service Center of the Substance Abuse and Mental Health Services Administration.

"Danger to self or others," for purposes of WAC 388-805-520, means a youth who resides in a chemical dependency treatment agency and creates a risk of serious harm to the health, safety, or welfare to self or others. Behaviors considered a danger to self or others include:

(1) Suicide threat or attempt;

(2) Assault or threat of assault; or

(3) Attempt to run from treatment, potentially resulting in a dangerous or life-threatening situation.

"Department" means the Washington state department of social and health services.

"Determination of need" means a process used by the department for opiate substitution treatment program certification applications as described in WAC 388-805-040.

"Detoxification" or **"detox"** means care and treatment of a person while the person recovers from the transitory effects of acute or chronic intoxication or withdrawal from alcohol or other drugs.

"Disability, a person with" means a person whom:

(1) Has a physical or mental impairment that substantially limits one or more major life activities of the person;

(2) Has a record of such an impairment; or

(3) Is regarded as having such an impairment.

"Discrete treatment service" means a chemical dependency treatment service that:

(1) Provides distinct chemical dependency supervision and treatment separate from any other services provided within the facility;

(2) Provides a separate treatment area for ensuring confidentiality of chemical dependency treatment services; and

(3) Has separate accounting records and documents identifying the provider's funding sources and expenditures of all funds received for the provision of chemical dependency treatment services.

"Domestic violence" means:

(1) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members;

(2) Sexual assault of one family or household member by another;

(3) Stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member; or

(4) As defined in RCW 10.99.020, 26.50.010, or other Washington state statutes.

"Drug addiction" means a primary, chronic disease with genetic, psychosocial, and environmental factors influencing its development and manifestations. The disease is often progressive and fatal. Drug addiction is characterized by impaired control over use of drugs, preoccupation with drugs, use of a drug despite adverse consequences, and distortions in thinking, most notably denial. Each of these symptoms may be continuous or periodic.

"Essential requirement" means a critical element of chemical dependency treatment services that must be present in order to provide effective treatment.

"Established ratio" means using 0.7 percent (.007) of a designated county's adult population to determine an estimate for the number of potential clients with an opiate diagnosis in need of treatment services.

"Faith-based organization" means an agency or organization such as a church, religiously affiliated entity, or religious organization.

"First steps" means a program available across the state for low-income pregnant women and their infants. First steps provides maternity care for pregnant and postpartum women and health care for infants and young children.

"Governing body" means the legal entity responsible for the operation of the chemical dependency treatment service.

"HIV/AIDS brief risk intervention (BRI)" means an individual face-to-face interview with a client or patient, to help that person assess personal risk for HIV/AIDS infection and discuss methods to reduce infection transmission.

"HIV/AIDS education" means education, in addition to the brief risk intervention, designed to provide a person with information regarding HIV/AIDS risk factors, HIV antibody testing, HIV infection prevention techniques, the impact of alcohol and other drug use on risks and the disease process, and trends in the spread of the disease.

"Medical practitioner" means a physician, advanced registered nurse practitioner (ARNP), or certified physician's assistant. ARNPs and midwives with prescriptive authority may perform practitioner functions related only to indicated specialty services.

~~("Misuse" means use of alcohol or other drugs by a person in:~~

~~(1) Violation of any law; or~~

~~(2) Breach of agency policies relating to the drug-free work place.))~~

"Off-site treatment" means provision of chemical dependency treatment by a certified provider at a location where treatment is not the primary purpose of the site; such as in schools, hospitals, or correctional facilities.

"Opiate substitution treatment ((agency) program)" means an organization that administers or dispenses an approved drug as specified in 212 CFR Part 291 for treatment or detoxification of opiate substitution. The agency is:

~~(1) ((Approved by the Federal Food and Drug)) Certified as an opioid treatment program by the Federal Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration;~~

~~(2) ((Registered with)) Licensed by the Federal Drug Enforcement Administration;~~

~~(3) Registered ((with)) by the State Board of Pharmacy;~~

~~(4) ((Licensed by the county in which it operates)) Accredited by an opioid treatment program accreditation body approved by the Federal Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration; and~~

~~(5) Certified as an opiate substitution treatment ((agency) program) by the department.~~

"Outcomes evaluation" means a system for determining the effectiveness ((and efficiency)) of results achieved by patients during or following service delivery, and patient satisfaction with those results for the purpose of program improvement.

"Patient" is a person receiving chemical dependency treatment services from a certified program.

"Patient contact" means time spent with a client or patient to do assessments, individual or group counseling, or education.

"Patient placement criteria (PPC)" means admission, continued service, and discharge criteria found in the Patient Placement Criteria for the Treatment of Substance-Related Disorders as published ((and revised)) by the American Society of Addiction Medicine (ASAM).

"Probation assessment officer (PAO)" means a person employed at a certified district or municipal court probation assessment service that meets the PAO requirements of WAC 388-805-220.

"Probation assessment service" means a certified assessment service offered by a misdemeanor probation department or unit within a county or municipality.

"Progress notes" are a permanent record of ongoing assessments of a patient's participation in and response to treatment, and progress in recovery.

"Qualified personnel" means trained, qualified staff, consultants, trainees, and volunteers who meet appropriate legal, licensing, certification, and registration requirements.

"Registered counselor" means a person registered, or certified by the state department of health as required by chapter 18.19 RCW.

"Relocation" means change in location from one office space to a new office space, or moving from one office building to another.

"Remodeling" means expansion of existing office space to additional office space at the same address, or remodeling of interior walls and space within existing office space.

~~((("Restraint," for purposes of WAC 388-805-520, means the use of methods, by a trained staff person, to prevent or limit free body movement in case of out-of-control behavior.~~

~~"Restraint" includes:~~

~~(1) Containment or seclusion in an unlocked quiet room;~~

~~(2) Physical restraint, meaning a person physically holds or restricts another person in a safe manner for a short time in an immediate crisis; or~~

~~(3) Use of a safe and humane apparatus, which the person cannot release by oneself.))~~

~~"SAMHSA" means the Federal Substance Abuse and Mental Health Services Administration.~~

~~"Self-help group" means community based support groups that address chemical dependency.~~

"Service provider" or **"provider"** means a legally operated entity certified by the department to provide chemical dependency services. The components of a service provider are:

(1) Legal entity/owner;

(2) Facility; and

(3) Staff and services.

"Sexual abuse" means sexual assault, incest, or sexual exploitation.

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment or treatment; or

(2) Such conduct interferes with work performance or creates an intimidating, hostile, or offensive work or treatment environment.

"Substance abuse" means a recurring pattern of alcohol or other drug use that substantially impairs a person's functioning in one or more important life areas, such as familial, vocational, psychological, physical, or social.

"Summary suspension" means an immediate suspension of certification, per RCW 34.05.422(4), by the department pending administrative proceedings for suspension, revocation, or other actions deemed necessary by the department.

"Supervision" means:

(1) Regular monitoring of the administrative, clinical, or clerical work performance of a staff member, trainee, student, volunteer, or employee on contract by a person with the authority to give directions and require change; and

(2) **"Direct supervision"** means the supervisor is on the premises and available for immediate consultation.

"Suspend" means termination of the department's certification of a provider's treatment services for a specified period or until specific conditions have been met and the department notifies the provider of reinstatement.

"TARGET" means the treatment and assessment report generation tool.

"Treatment plan review" means a review of active problems on the patient's individualized treatment plan, the need to address new problems, and patient placement.

"Treatment services" means the broad range of emergency, detoxification, residential, and outpatient services and care. Treatment services include diagnostic evaluation, chemical dependency education, individual and group counseling, medical, psychiatric, psychological, and social services, vocational rehabilitation and career counseling that may be extended to alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other drugs, and intoxicated persons.

"Urinalysis" means analysis of a patient's urine sample for the presence of alcohol or controlled substances by a licensed laboratory or a provider who is exempted from licensure by the department of health:

(1) **"Negative urine"** is a urine sample in which the lab does not detect specific levels of alcohol or other specified drugs; and

(2) **"Positive urine"** is a urine sample in which the lab confirms specific levels of alcohol or other specified drugs.

"Vulnerable adult" means a person who lacks the functional, mental, or physical ability to care for oneself.

"Young adult" means an adult who is eighteen, nineteen, or twenty years old.

"Youth" means a person seventeen years of age or younger.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-010 What chemical dependency services are certified by the department? (1) The department certifies the following types of chemical dependency services:

(a) **Detoxification services**, which assist patients in withdrawing from alcohol and other drugs including:

(i) **Acute detox**, which provides medical care and physician supervision for withdrawal from alcohol or other drugs; and

(ii) **Subacute detox**, which is nonmedical detoxification or patient self-administration of withdrawal medications ordered by a physician, provided in a home-like environment.

(b) **Residential treatment services**, which provide chemical dependency treatment for patients and include room and board in a twenty-four-hour-a-day supervised facility, including:

(i) **Intensive inpatient**, a concentrated program of individual and group counseling, education, and activities for detoxified alcoholics and addicts, and their families;

(ii) **Recovery house**, a program of care and treatment with social, vocational, and recreational activities to aid in patient adjustment to abstinence and to aid in job training, employment, or other types of community activities; and

(iii) **Long-term treatment**, a program of treatment with personal care services for chronically impaired alcoholics and addicts with impaired self-maintenance capabilities. These patients need personal guidance to maintain abstinence and good health.

(c) **Outpatient treatment services**, which provide chemical dependency treatment to patients less than twenty-four hours a day, including:

(i) **Intensive outpatient**, a concentrated program of individual and group counseling, education, and activities for detoxified alcoholics and addicts and their families;

(ii) **Outpatient**, individual and group treatment services of varying duration and intensity according to a prescribed plan; and

(iii) **Opiate substitution outpatient treatment**, which meets both outpatient and opiate substitution treatment program service requirements.

(d) **Assessment services**, which include:

(i) **ADATSA assessments**, alcohol and other drug assessments of clients seeking financial assistance from the department due to the incapacity of chemical dependency. Services include assessment, referral, case monitoring, and assistance with employment; and

(ii) **DUI assessments**, diagnostic services requested by the courts to determine a client's involvement with alcohol and other drugs and to recommend a course of action.

(e) **Information and assistance services**, which include:

(i) **Alcohol and drug information school**, an education program about the use and abuse of alcohol and other drugs, for persons referred by the courts and others, who do not present a significant chemical dependency problem, to help those persons make informed decisions about the use of alcohol and other drugs;

(ii) **Information and crisis services**, response to persons having chemical dependency needs, by phone or in person;

(iii) **Emergency service patrol**, assistance provided to intoxicated persons in the streets and other public places;

(iv) **Treatment (~~alternatives to street crime~~) accountability for safer communities (TASC)**, is a referral and case management service. TASC providers furnish a link between the criminal justice system and the treatment system. TASC identifies, assesses, and refers appropriate alcohol and other drug dependent offenders to community-based substance abuse treatment and monitors the outcome for the criminal justice system.

(2) The department may certify a provider for more than one of the services listed under subsection (1) of this section when the provider complies with the specific requirements of the selected services.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-015 How do I apply for certification as a chemical dependency service provider? (1) A potential new chemical dependency service provider, (~~otherwise~~) referred to as applicant, seeking certification for one or more services, as described under WAC 388-805-010, must:

(a) Request from the department an application packet of information on how to become a certified chemical dependency service provider; and

(b) Obtain a license as a residential treatment facility from the department of health, if planning to offer residential services.

(2) The applicant must submit a completed application to the department that includes:

(a) If the applicant is a sole provider: The name and address of the applicant, and a statement of sole proprietorship;

(b) If the applicant is a partnership: The name and address of every partner, and a copy of the written partnership agreement;

(c) If the applicant is a limited liability company: The name and addresses of its officers, and any owner of five percent or more of the organizational assets, and a copy of the certificate of formation issued by the state of Washington, secretary of state;

(d) If the applicant is a corporation: The names and addresses of its officers, board of directors and trustees, and any owner of five percent or more of the organizational assets, and a copy of the corporate articles of incorporation and bylaws;

(e) A copy of the master business license authorizing the organization to do business in Washington state;

(f) The social security number or Federal Employer Identification Number for the governing organization or person;

(g) The name of the individual administrator under whose management or supervision the services will be provided;

(h) A copy of the report of findings from a criminal background check of any owner of five percent or more of the organizational assets and the administrator;

(i) Additional disclosure statements or background inquiries if the department has reason to believe that offenses, specified under RCW 43.43.830, have occurred since completion of the original application;

(j) The physical location of the facility where services will be provided including, in the case of a location known only by postal route and box numbers, and the street address;

(k) A plan of the premises assuring the chemical dependency treatment service is discrete from other programs, indicating capacities of the location for the proposed uses;

(l) Floor plan showing use of each room and location of:

(i) Windows and doors;

(ii) Restrooms;

(iii) Floor to ceiling walls;

(iv) Areas serving as confidential counseling rooms;

(v) Other therapy and recreation areas and rooms;

(vi) Confidential patient records storage; and

(vii) Sleeping rooms, if a residential facility.

(m) A completed facility accessibility self-evaluation form;

(n) Policy and procedure manuals specific to the agency at the proposed site, and meet the manual requirements described later in this regulation, including the:

(i) Administrative manual;

(ii) Personnel manual; and

(iii) Clinical manual.

(o) Sample patient records for each treatment service applied for; and

(p) Evidence of sufficient qualified staff to deliver services.

(3) In addition to the requirements in this section, a faith-based organization may implement the requirements of the federal Public Health Act, Sections 581-584 and Section 1955 of 24 U.S.C. 290 and 42 U.S.C. 300x-65.

(4) The agency owner or legal representative must:

(a) Sign the completed application form and submit the original to the department;

(b) Send a copy of the completed application form to the county coordinator in the county where services will be provided;

(c) Submit the application fee with the application materials; and

(d) Report any changes occurring during the certification process.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-030 (~~How do I apply~~) What are the requirements for opiate substitution treatment (~~service~~) program certification? Certification as an opiate substitution treatment program is contingent on the concurrent approval by applicable state regulatory authorities; certification as an opiod treatment program by the Federal CSAT SAMHSA; accreditation by an opiod treatment program accreditation body approved by the Federal CSAT SAMSHA; and licensure by the Federal Drug Enforcement

Administration. In addition to WAC 388-805-015 or 388-805-020 requirements, a potential opiate substitution treatment (~~(service))~~ program provider must submit to the department:

(1) ~~(Evidence of licensure from the county served, or evidence the county has authorized a specific certified agency to provide opiate substitution treatment, per RCW 70.96A.400 through 70.96A.420))~~ Documentation the provider has communicated with the county legislative authority and if applicable, the city legislative authority, in order to secure a location for the new opiate substitution treatment program that:

(a) Meets county or city land use ordinances; and

(b) Includes a plan to minimize the impact of the opiate substitution treatment programs upon the business and residential neighborhoods in which the program is located. The plan must include strategies used to:

(i) Obtain and document stakeholder input regarding the proposed location;

(ii) Address any concerns identified by stakeholders; and

(iii) Develop an ongoing community relations plan to address new concerns expressed by stakeholders as they arise.

(2) A copy of the application for a registration certificate from the Washington state board of pharmacy.

(3) A copy of the application for licensure to the Federal Drug Enforcement Administration.

(4) A copy of the application for certification to the Federal ~~(Food and Drug Administration))~~ CSAT SAMHSA.

(5) A copy of the application for accreditation by an accreditation body approved as an opioid treatment program accreditation body by the Federal CSAT SAMHSA.

(6) Policies and procedures identified under WAC 388-805-700 through 388-805-750.

~~((6) Certification for opiate substitution treatment is contingent on the concurrent approval by the applicable county, state, and federal regulatory authorities))~~

(7) Documentation that transportation systems will provide reasonable opportunities to persons in need of treatment to access the services of the program.

(8) At least three letters of support from other providers within the existing health care system in the area the applicant proposes to establish a new opiate substitution treatment program to demonstrate an appropriate relationship to the service area's existing health care system.

(9) A declaration to limit the number of individual program participants to three hundred fifty as specified in RCW 70.96A.410 (1)(e).

(10) For new applicants, who operate opiate substitution treatment programs in another state, copies of national and state certification/accreditation documentation, and copies of all survey reports written by national and/or state certification or accreditation organizations for each site they have operated an opiate substitution program in over the past six years.

NEW SECTION

WAC 388-805-035 What are the responsibilities for the department when an applicant applies for approval of an opiate substitution treatment program? For purposes

of this section, "area" means the county in which an opiate substitution treatment program applicant proposes to locate a certified program, and counties adjacent or near to the county in which the program is proposed to be located. When making a decision on an application for certification of a program, the department must:

(1) Consult with the county legislative authority in the area in which an applicant proposes to locate a program and the city legislative authority in any city in which an applicant proposes to locate a program. The department will request the county and city legislative authority to notify the department of any applicable requirements or other issues that the department should consider in order to fulfill the requirements of WAC 388-805-030(7), or 388-805-040 (1) through (5);

(2) Not discriminate in its certification decision on the basis of the corporate structure of the applicant;

(3) Consider the size of the population in need of treatment in the area in which the program would be located and certify only applicants whose programs meet the necessary treatment needs of the population;

(4) Determine there is a need in the community for opiate substitution treatment and not certify more program slots than justified by the need in that community as described in WAC 388-805-040;

(5) Consider whether the applicant has the capability, or has in the past demonstrated the capability to provide appropriate treatment services to assist persons in meeting legislative goals of abstinence from opiates and opiate substitutes, obtaining mental health treatment, improving economic independence, and reducing adverse consequences associated with illegal use of controlled substances;

(6) Hold at least one public hearing in the county in which the facility is proposed to be located and one public hearing in the area in which the facility is proposed to be located. After consultation with the county legislative authority, the department may have the public hearing in the adjacent county with the largest population, the adjacent county with the largest underserved population, or the county nearest to the proposed location. The hearing must be held at a time and location most likely to permit the largest number of interested persons to attend and present testimony. The department must notify appropriate media outlets of the time, date, and location of the hearing at least three weeks in advance of the hearing.

NEW SECTION

WAC 388-805-040 How does the department determine there is a need in the community for opiate substitution treatment? The department will determine whether or not there is a demonstrated need in the community for opiate substitution treatment from information provided to the department by the applicant and through department consultation with the city and county legislative authority, and other appropriate community resources. A "determination of need" for a proposed program will include a review and evaluation of the following criteria:

(1) For the number of potential clients in an area, the department will consider the size of the population in need of

treatment in the area in which the program would be located using adult population statistics from the most recent area population trend reports. The department will use the established ratio of .7 percent of the adult population as an estimate for the number of potential clients with an opiate diagnosis in need of treatment services.

(2) For the number of anticipated program slots in an area, the department will multiply the sum of the established ratio of .7 percent of the adult population in subsection (1) of this section by thirty-five percent to determine an estimate of the anticipated need for the number of opiate substitution treatment program slots in the area in which the program would be located.

(3) Demographic and trend data from the area in which the program would be located including the most recent department county trend data, TARGET admission data for opiate substitution treatment from the county, hospital and emergency department admission data from the county, needle exchange data from the county, and other relevant reports and data from county health organizations demonstrating the need for opiate substitution treatment program services.

(4) Availability of other opiate substitution treatment programs near the area of the applicant's proposed program. The department will determine the number of patients, capacity, and accessibility of existing opiate substitution treatment programs near the area of the applicant's proposed program and whether existing programs have the capacity to assume additional patients for treatment services.

(5) Whether the population served or to be served has need for the proposed program and whether other existing services and facilities of the type proposed are available or accessible to meet that need. The assessment will include, but not limited to, consideration of the following:

(a) The extent to which the proposed program meets the need of the population presently served;

(b) The extent to which the underserved need will be met adequately by the proposed program; and

(c) The impact of the service on the ability of low-income persons, racial and ethnic minorities, women, handicapped persons, the elderly, and other underserved groups to obtain needed health care.

(6) The department will review agency policies and procedures that describe the cost of services to clients, sliding fee scales, and charity care policies, procedures, and goals.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-065 How does the department determine disqualification or denial of an application? The department must consider the ability of each person named in the application to operate in accord with this chapter before the department grants or renews certification of a chemical dependency service.

(1) The department must deny an applicant's certification when any of the following conditions occurred and was not satisfactorily resolved, or when any owner or administrator:

(a) Had a license or certification for a chemical dependency treatment service or health care agency denied, revoked, or suspended;

(b) Was convicted of child abuse or adjudicated as a perpetrator of substantiated child abuse;

(c) Obtained or attempted to obtain a health provider license, certification, or registration by fraudulent means or misrepresentation;

(d) Committed, permitted, aided, or abetted the commission of an illegal act or unprofessional conduct as defined under RCW 18.130.180;

(e) Demonstrated cruelty, abuse, negligence, misconduct, or indifference to the welfare of a patient or displayed acts of discrimination;

(f) Misappropriated patient property or resources;

(g) Failed to meet financial obligations or contracted service commitments that affect patient care;

(h) Has a history of noncompliance with state or federal regulations in an agency with which the applicant has been affiliated;

(i) Knowingly, or with reason to know, made a false statement of fact or failed to submit necessary information in:

(i) The application or materials attached; and

(ii) Any matter under department investigation.

(j) Refused to allow the department access to records, files, books, or portions of the premises relating to operation of the chemical dependency service;

(k) Willfully interfered with the preservation of material information or attempted to impede the work of an authorized department representative;

(l) Is in violation of any provision of chapter 70.96A RCW; or

(m) Does not meet criminal background check requirements.

(2) The department may deny certification when an applicant:

(a) Fails to provide satisfactory application materials; or

(b) Advertises itself as certified when certification has not been granted, or has been revoked or canceled.

(3) The department may deny an application for certification of an opiate substitution treatment program when:

(a) There is not a demonstrated need in the community for opiate substitution treatment and/or there is not a demonstrated need for more program slots justified by the need in that community;

(b) There is sufficient availability, accessibility, and capacity of other certified programs near the area in which the applicant proposes to locate the program;

(c) The applicant has not demonstrated in the past, the capability to provide the appropriate services to assist the persons who will utilize the program in meeting goals established by the legislature, including:

(i) Abstinence from opiates and opiate substitutes,

(ii) Obtaining mental health treatment,

(iii) Improving economic independence, and

(iv) Reducing adverse consequences associated with illegal use of controlled substances.

(4) The applicant may appeal department decisions in accord with chapter 34.05 RCW, the Washington Administrative Procedure Act and chapter 388-02 WAC.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-075 How do I apply for an exemption?

(1) The department may grant an exemption from compliance with specific requirements in this WAC chapter (~~when a provider submits an exemption request in writing. The provider must assure the exemption request does not~~) if the exemption does not violate:

(a) ~~((Jeopardize the safety, health, or treatment of patients; and))~~ An existing federal or state law; or

(b) ~~((Impede fair competition of another service provider))~~ An existing tribal law.

(2) Providers must submit a signed letter requesting the exemption to the Supervisor, Certification Section, Division of Alcohol and Substance Abuse, P.O. Box ~~((45334))~~ 45330, Olympia, WA 98504-~~((5334))~~ 5330. The provider must assure the exemption request does not:

(a) Jeopardize the safety, health, or treatment of patients; and

(b) Impede fair competition of another service provider.

(3) The department must approve or deny all exemption requests in writing.

(4) The department and the provider must maintain a copy of the decision.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-085 What are the fees for agency certification? (1) Application fees:

- (a) New agency \$500
- (b) Branch agency \$500
- (c) Application for adding one or more services \$200
- (d) Change in ownership \$500

(2) Initial and annual certification fees:

- (a) For detoxification and residential services: \$26 per licensed bed
- (b) For nonresidential services:
 - (i) Large size agencies: \$1,125 per year
3,000 or more clients served per year
 - (ii) Medium size agencies: \$750 per year
1,000-2,999 clients served per year
 - (iii) Small size agencies: 0- \$375 per year
999 clients served per year
- (c) For agencies certified through deeming per WAC ~~((388-805-0115))~~ 388-805-115

(3) Each year providers must complete a declaration form provided by the department indicating the number of patients served annually, the provider's national accreditation

status, and other information necessary for establishing fees and updating certification information.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-090 May certification fees be waived?

(1) Certification fees may be waived when:

(a) The fees would not be in the interest of public health and safety((, or when)); or

(b) The fees would be to the financial disadvantage of the state; or

(c) The department determines that the cost of processing the application is so small that it warrants granting an application fee waiver.

(2) Providers may submit a letter requesting a waiver of fees to the Supervisor, Certification Section, Division of Alcohol and Substance Abuse, P.O. Box 45330, Olympia, Washington, 98504-5330.

(3) Fee waivers may be granted to qualified providers who receive funding from tribal, federal, state or county government resources as follows:

(a) For residential providers: The twenty-six dollar per bed annual fee will be assessed only for those beds not funded by a governmental source;

(b) For nonresidential providers: The amount of the fee waiver must be determined by the percent of the provider's revenues that come from governmental sources, according to the following schedule:

Percent Government Revenues	90-100%	75-89%	50-74%	0-49%
Small agency	No fee	\$90	\$185	\$375
Medium agency	No fee	\$185	\$375	\$750
Large agency	No fee	\$285	\$565	\$1,125

(4) Requests for fee waiver must be mailed to the department and include the following:

(a) The reason for the request;

(b) For residential providers:

(i) Documentation of the number of beds currently licensed by the department of health;

(ii) Documentation showing the number of beds funded by a government entity including, tribal, federal, state or county government sources.

(c) For nonresidential providers:

(i) Documentation of the number of clients served during the previous twelve-month period;

(ii) Documentation showing the amount of government revenues received during the previous twelve-month period;

(iii) Documentation showing the amount of private revenues received during the previous twelve-month period.

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 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-100 What do I need to do to maintain agency certification? (1) A service provider's continued certification and renewal is contingent upon:

PERMANENT

(a) Completion of an annual declaration of certification; and

(b) Payment of certification fees, if applicable.

(2) Providing the essential requirements for chemical dependency treatment, including the following elements:

(a) Treatment process:

(i) Assessments, as described in WAC 388-805-310;

(ii) Treatment planning, as described in WAC 388-805-315 (2)(a) and 388-805-325((11))(10);

(iii) Documenting patient progress, as described in WAC 388-805-315 (1)((e))(b) and 388-805-325((13))(12);

(iv) Treatment plan reviews and updates, as described in WAC 388-805-315 (2)((b))(a), 388-805-325 ((11)(g))(10) and 388-805-325 ((13))(12)(c);

(v) Patient compliance reports, as described in WAC 388-805-315 (4)(b), 388-805-325((17))(16), and 388-805-330;

(vi) Continuing care, and discharge planning, as described in WAC 388-805-315 (2)((e)(f))(c)(d) and (7)(a), and 388-805-325 ((18))(17) and ((19))(18); and

(vii) Conducting individual and group counseling, as described in WAC 388-805-315 (2)(b) and 388-805-325(12).

(b) Staffing: Provide sufficient qualified personnel for the care of patients as described in WAC 388-805-140 ((4))(5) and 388-805-145((4))(5);

(c) Facility:

(i) Provide sufficient facilities, equipment, and supplies for the care and safety of patients as described in WAC 388-805-140 ((4))(5) and ((5))(6);

(ii) If a residential provider, be licensed by the department of health as described by WAC 388-805-015 (1)(b).

(3) Findings during periodic on-site surveys and complaint investigations to determine the provider's compliance with this chapter. During on-site surveys and complaint investigations, provider representatives must cooperate with department representatives to:

(a) Examine any part of the facility at reasonable times and as needed;

(b) Review and evaluate records, including patient clinical records, personnel files, policies, procedures, fiscal records, data, and other documents as the department requires to determine compliance; and

(c) Conduct individual interviews with patients and staff members.

(4) The provider must post the notice of a scheduled department on-site survey in a conspicuous place accessible to patients and staff.

(5) The provider must correct compliance deficiencies found at such surveys immediately or as agreed by a plan of correction approved by the department.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-120 How does the department assess penalties? (1) When the department determines that a service provider fails to comply with provider entry requirements or ongoing requirements of this chapter, the department may:

(a) Assess fees to cover costs of added certification activities;

(b) Cease referrals of new patients who are recipients of state or federal funds; and

(c) Notify the county alcohol and drug coordinator and local media of ceased referrals, involuntary cancellations, suspensions, revocations, or nonrenewal of certification.

(2) When the department determines a service provider knowingly failed to report ~~((t))~~, as ordered by the court pursuant to chapter 46.61 RCW, a patient's noncompliance with treatment ~~((ordered by the court under chapter 46.61 RCW))~~, the department must assess the provider a fine of two hundred fifty dollars for each incident of nonreporting.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-130 How does the department suspend or revoke certification? (1) The department must suspend or revoke a provider's certification when a disqualifying situation described under WAC 388-805-065 applies to a current service provider.

(2) The department must revoke a provider's certification when the provider knowingly failed to report ~~((t))~~, as ordered by the court pursuant to chapter 46.61 RCW, within a continuous twelve-month period, three incidents of patient noncompliance with treatment ordered by the court ~~((under chapter 46.61 RCW))~~.

(3) The department may suspend or revoke a provider's certification when any of the following provider deficiencies or circumstances occur:

(a) A provider fails to provide the essential requirements of chemical dependency treatment as described in WAC 388-805-100(2), and one or more of the following conditions occur:

(i) Violation of a rule threatens or results in harm to a patient;

(ii) A reasonably prudent provider should have been aware of a condition resulting in significant violation of a law or rule;

(iii) A provider failed to investigate or take corrective or preventive action to deal with a suspected or identified patient care problem;

(iv) Noncompliance occurs repeatedly in the same or similar areas;

(v) There is an inability to attain compliance with laws or rules within a reasonable period of time.

(b) The provider fails to submit an acceptable and timely plan of correction for cited deficiencies; or

(c) The provider fails to correct cited deficiencies.

(4) The department may suspend certification upon receipt of a providers written request. Providers requesting voluntary suspension must submit a written request for reinstatement of certification within one year from the effective date of the suspension. The department will review the request for reinstatement, determine if the provider is able to operate in compliance with certification requirements, and notify the provider of the results of the review for reinstatement.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-140 What are the requirements for a provider's governing body? The provider's governing body, legally responsible for the conduct and quality of services provided, must:

- (1) Appoint an administrator responsible for the day-to-day operation of the program.
- (2) Maintain a current job description for the administrator including the administrator's authority and duties.
- (3) Establish the philosophy and overall objectives for the treatment services.
- (4) Notify the department within thirty days, of changes of the agency administrator.
- (5) Provide personnel, facilities, equipment, and supplies necessary for the safety and care of patients.
- (6) If a nonresidential provider, ensure:
 - (a) Safety of patients and staff; and
 - (b) Maintenance and operation of the facility.
- (7) Review and approve written administrative, personnel, and clinical policies and procedures required under WAC 388-805-150, 388-805-200, and 388-805-300.

(8) Ensure the administration and operation of the agency is in compliance with:

- (a) Chapter 388-805 WAC requirements;
- (b) Applicable federal, state, tribal, and local laws and rules; and
- (c) Applicable federal, state, tribal, and local licenses, permits, and approvals.

(9) The governing body of a certified opiate substitution treatment program must ensure that treatment is provided to patients in compliance with 42 Code of Federal Regulations, Part 8.12.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-145 What are the key responsibilities required of an agency administrator? (1) The administrator is responsible for the day-to-day operation of the certified treatment service, including:

- (a) All administrative matters;
 - (b) Patient care services; and
 - (c) Meeting all applicable rules and ethical standards.
- (2) When the administrator is not on duty or on call, a staff person must be delegated the authority and responsibility to act in the administrator's behalf.
- (3) The administrator must ensure administrative, personnel, and clinical policy and procedure manuals:
- (a) Are developed and adhered to; and
 - (b) Are reviewed and revised as necessary, and at least annually.
- (4) The administrator must employ sufficient qualified personnel to provide adequate chemical dependency treatment, facility security, patient safety and other special needs of patients.
- (5) The administrator must ensure all persons providing counseling services are registered, certified or licensed by the department of health.

(6) The administrator must ensure full-time chemical dependency professionals (CDPs) ((~~or~~)), CDP trainees, or other licensed or registered counselors in training to become a CDP do not exceed one hundred twenty hours of patient contact per month.

(7) The administrator must assign the responsibilities for a clinical supervisor to ((~~a~~)) at least one person within the organization.

(8) The administrator of a certified opiate substitution treatment program must ensure that the number of patients will not exceed three hundred and fifty unless authorized by the county in which the program is located.

(9) The administrator or program sponsor of a certified opiate substitution treatment program must ensure that treatment is provided to patients in compliance with 42 Code of Federal Regulations, Part 8.12.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-150 What must be included in an agency administrative manual? Each service provider must have and adhere to an administrative manual that contains at a minimum:

- (1) The organization's:
 - (a) Articles and certificate of incorporation if the owner is a corporation;
 - (b) Partnership agreement if the owner is a partnership;
 or
 - (c) Statement of sole proprietorship.
- (2) The agency's bylaws if the owner is a corporation.
- (3) Copies of a current master license and state business licenses or a current declaration statement that they are updated as required.

(4) The provider's philosophy on and objectives of chemical dependency treatment with a goal of total abstinence, consistent with RCW 70.96A.011.

(5) ((Policies)) A policy and procedures describing how services will be made sensitive to the needs of each patient, including assurance that:

- (a) Certified interpreters or other acceptable alternatives are available for persons with limited English-speaking proficiency and persons having a sensory impairment; and
- (b) Assistance will be provided to persons with disabilities in case of an emergency.

(6) A policy addressing special needs and protection for youth and young adults, and for determining whether a youth or young adult can fully participate in treatment, before admission of:

- (a) A youth to a treatment service caring for adults; or
 - (b) A young adult to a treatment service caring for youth.
- (7) An organization chart specifying:
- (a) The governing body;
 - (b) Each staff position by job title, including volunteers, students, and persons on contract; and
 - (c) The number of full- or part-time persons for each position.
- (8) A delegation of authority policy.
 - (9) A copy of current fee schedules.

(10) ~~((Policies))~~ A policy and procedures implementing state and federal regulations on patient confidentiality, including provision of a summary of 42 CFR Part 2.22 (a)(1) and (2) to each patient.

(11) ~~((Policies))~~ A policy and procedures for reporting suspected child abuse and neglect.

(12) ~~((Policies))~~ A policy and procedures for reporting the death of a patient to the department within one business day when:

(a) The patient is in residence; or

(b) An outpatient dies on the premises.

(13) Patient grievance policy and procedures.

(14) ~~((Policies))~~ A policy and procedures on reporting of critical incidents and actions taken to the department within two business days when an unexpected event occurs.

(15) ~~((Smoking policies))~~ A smoking policy consistent with the Washington Clean Indoor Air Act, chapter 70.160 RCW.

(16) For a residential provider, a facility security policy and procedures, including:

(a) Preventing entry of unauthorized visitors; and

(b) Use of passes for leaves of patients.

(17) For a nonresidential provider, an evacuation plan for use in the event of a disaster, addressing:

(a) Communication methods for patients, staff, and visitors including persons with a visual or hearing impairment or limitation;

(b) Evacuation of mobility-impaired persons;

(c) Evacuation of children if child care is offered;

(d) Different types of disasters;

(e) Placement of posters showing routes of exit; and

(f) The need to mention evacuation routes at public meetings.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-205 What are agency personnel file requirements? (1) The administrator must ensure that there is a current personnel file for each employee, trainee, student, and volunteer, and for each contract staff person who provides or supervises patient care.

(2) The administrator must designate a person to be responsible for management of personnel files.

(3) Each person's file must contain:

(a) A copy of the results of a tuberculin skin test or evidence the person has completed a course of treatment approved by a physician or local health officer if the results are positive;

(b) Documentation of training on bloodborne pathogens, including HIV/AIDS and hepatitis B for all employees, volunteers, students, and treatment consultants on contract;

(i) At the time of staff's initial assignment to tasks where occupational exposure may take place;

(ii) Annually thereafter for bloodborne pathogens;

(c) A signed and dated commitment to maintain patient confidentiality in accordance with state and federal confidentiality requirements; and

(d) A record of an orientation to the agency as described in WAC 388-805-200(5).

(4) For residential facilities, documentation of current cardiopulmonary resuscitation (CPR) and first-aid training for at least one person on each shift.

(5) Documentation of health department training and approval for any staff administering or reading a TB test.

(6) Employees who ~~((are patients of))~~ have been patients of the agency must have personnel records:

(a) Separate from clinical records; and

(b) Have no indication of current or previous patient status.

(7) In addition, each patient care staff member's personnel file must contain:

(a) Verification of qualifications for their assigned position including:

(i) For a chemical dependency professional (CDP): A copy of the person's valid CDP certification issued by the department of health (DOH);

(ii) For approved supervisors: Documentation to substantiate the person meets the qualifications of an approved supervisor as defined in WAC 246-811-010(-);

(iii) For ~~((other persons providing counseling, a copy of a valid registration, certification, or license issued by the DOH.))~~ each person engaged in the treatment of chemical dependency, including counselors, physicians, nurses, and other registered, certified, or licensed health care professionals, evidence they comply with the credentialing requirements of their respective professions;

(iv) For probation assessment officers (PAO): Documentation that the person has met the education and experience requirements described in WAC 388-805-220;

(v) For probation assessment officer trainees:

(A) Documentation that the person meets the qualification requirements described in WAC 388-805-225; and

(B) Documentation of the PAO trainee's supervised experience as described in WAC 388-805-230 including an individual education and experience plan and documentation of progress toward completing the plan.

(vi) For information school instructors:

(A) A copy of a certificate of completion of an alcohol and other drug information school instructor's training course approved by the department; and

(B) Documentation of continuing education as specified in WAC 388-805-250.

(b) A copy of a current job description, signed and dated by the employee and supervisor which includes:

(i) Job title;

(ii) Minimum qualifications for the position;

(iii) Summary of duties and responsibilities;

(iv) For contract staff, formal agreements or personnel contracts, which describe the nature and extent of patient care services, may be substituted for job descriptions.

(c) A written performance evaluation for each year of employment:

(i) Conducted by the immediate supervisor of each staff member; and

(ii) Signed and dated by the employee and supervisor.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-210 **What are the requirements for approved supervisors of persons who are in training to become a chemical dependency professional ((trainees))?**

(1) When an administrator decides to provide training opportunities for persons seeking to become a chemical dependency ((professionals (CDP) trainees)) professional (CDP), the administrator must assign an approved supervisor, as defined in WAC 388-805-005, to each ((CDP trainee)) chemical dependency professional trainee (CDPT), or other licensed or registered counselor.

(2) Approved supervisors must provide the ((CDP trainees)) CDPT or other licensed or registered counselor assigned to them with documentation substantiating their qualifications as an approved supervisor before the initiation of training.

(3) Approved supervisors must decrease the hours of patient contact allowed under WAC 388-805-145(6) by twenty percent for each full-time ((CDP trainee)) CDPT or other licensed or registered counselor supervised.

(4) Approved supervisors are responsible for all patients assigned to the ((CDP trainees)) CDPT or other licensed or registered counselor under their supervision.

(5) An approved supervisor must provide supervision to a ((CDP trainee)) CDPT or other licensed or registered counselor as required by WAC 246-811-048.

(6) CDPs must review and co-authenticate all clinical documentation of ((CDP trainees)) CDPTs or other licensed or registered counselors.

(7) Approved supervisors must supervise, assess and document the progress the CDP trainees or other licensed or registered counselors under their supervision are making toward meeting the requirements described in WAC 246-811-030 and 246-811-047. This documentation must be provided to CDP trainees or other licensed or registered counselors upon request.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-220 **What are the requirements to be a probation assessment officer?** A probation assessment officer (PAO)((;)) must:

(1) Be employed as a probation officer at a misdemeanor probation department or unit within a county or municipality;

(2) Be certified as a chemical dependency professional, or

(3) Have obtained a bachelor's or graduate degree in a social or health sciences field and have completed twelve quarter or eight semester credits from an accredited college or university in courses that include the following topics:

(a) Understanding addiction and the disease of chemical dependency;

(b) Pharmacological actions of alcohol and other drugs;

(c) Substance abuse and addiction treatment methods;

(d) Understanding addiction placement, continuing care, and discharge criteria, including ASAM PPC criteria;

(e) Cultural diversity including people with disabilities and it's implication for treatment;

(f) Chemical dependency clinical evaluation (screening and referral to include co-morbidity);

(g) HIV/AIDS brief risk intervention for the chemically dependent;

(h) Chemical dependency confidentiality;

(i) Chemical dependency rules and regulations.

(4) In addition, a PAO must complete:

(a) Two thousand hours of supervised experience as a PAO trainee in a state-certified DUI assessment service program if a PAO possesses a baccalaureate degree;

(b) One thousand five hundred hours of experience as a PAO trainee in a state-certified DUI assessment service program if a PAO possesses a masters or higher degree.

(5) PAOs, must complete fifteen clock hours each year or thirty clock hours every two years of continuing education ((each year)) in chemical dependency subject areas which will enhance competency as a PAO beginning on January 1 of the year following the year of initial qualification.

~~((6) A PAO is grandfathered if they were qualified as a PAO by June 30, 2000, under WAC 440-22-240(2).))~~

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 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-250 **What are the requirements to be an information school instructor?** (1) An information school instructor must((:

~~(a))~~ have a certificate of completion of an alcohol and other drug information school instructor's training course approved by the department((;and

~~(b) Not have a history of alcohol or other drug misuse for two years before being qualified by the department))~~ if not a chemical dependency professional (CDP).

(2) To remain qualified, the information school instructor must((:

~~(a) Not display misuse of alcohol or other drugs while serving as an information school instructor; and~~

~~(b))~~ maintain information school instructor status by completing fifteen clock hours of continuing education if not a CDP:

~~((i))~~ (a) During each two-year period beginning January of the year following initial qualification; and

~~((ii))~~ (b) In subject areas that increase knowledge and skills in training, teaching techniques, curriculum planning and development, presentation of educational material, laws and rules, and developments in the chemical dependency field.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-300 **What must be included in the agency clinical manual?** Each chemical dependency service provider must have and adhere to a clinical manual containing patient care policies and procedures, including:

(1) How the provider meets WAC 388-805-305 through 388-805-350 requirements.

(2) How the provider will meet applicable certified service standards for the level of program service requirements ~~((of WAC 388-805-400 through 388-805-840, including a description of each service offered, detailing:~~

~~(a) The number of hours of treatment and education for each certified service; and~~

~~(b));~~ Allowance of up to twenty percent of education time to consist of film or video presentations.

(3) Identification of resources and referral options so staff can make referrals required by law and as indicated by patient needs.

(4) Assurance that there is an identified clinical supervisor who:

(a) Is a chemical dependency professional (CDP);

(b) Reviews a sample of patient records of each CDP quarterly; and

(c) Ensures implementation of assessment, treatment, continuing care, transfer and discharge plans in accord with WAC 388-805-315.

(5) Patient admission, continued service, and discharge criteria using PPC((±)).

(6) Policies and procedures to implement the following requirements:

(a) The administrator must not admit or retain a person unless the person's treatment needs can be met;

(b) A chemical dependency professional (CDP), or a CDP trainee under supervision of a CDP, must assess and refer each patient to the appropriate treatment service; and

(c) A person needing detoxification must immediately be referred to a detoxification provider, unless the person needs acute care in a hospital.

~~((6))~~

(7) Additional requirements for opiate substitution treatment programs:

(a) A program physician must ensure that a person is currently addicted to an opioid drug and that the person became addicted at least one year before admission to treatment;

(b) A program physician must ensure that each patient voluntarily chooses maintenance treatment and provides informed written consent to treatment;

(c) A program physician must ensure that all relevant facts concerning the use of the opioid drug are clearly and adequately explained to the patient;

(d) A person under eighteen years of age needing opiate substitution treatment is required to have had two documented attempts at short-term detoxification or drug-free treatment within a twelve-month period. A waiting period of no less than seven days is required between the first and second short-term detoxification treatment;

(e) No person under eighteen years of age may be admitted to maintenance treatment unless a parent, legal guardian, or responsible adult designated by the relevant state authority consents in writing to treatment;

(f) A program physician may waive the requirement of a one year history of addiction under subsection (7)(a) of this section, for patients released from penal institutions (within six months after release), for pregnant patients (program phy-

sician must certify pregnancy), and for previously treated patients (up to two years after discharge);

(g) Documentation in each patient's record that the service provider made a good faith effort to review if the patient is enrolled in any other opiate substitution treatment service;

(h) When the medical director or program physician of an opiate substitution treatment program provider in which the patient is enrolled determines that exceptional circumstances exist, the patient may be granted permission to seek concurrent treatment at another opiate substitution treatment program provider. The justification for finding exceptional circumstances for double enrollment must be documented in the patient's record at both treatment program providers.

(8) Tuberculosis screening for prevention and control of TB in all detox, residential, and outpatient programs, including:

(a) Obtaining a history of preventive or curative therapy;

(b) Screening and related procedures for coordinating with the local health department; and

(c) Implementing TB control as provided by the department of health TB control program.

~~((7))~~ (9) HIV/AIDS information, brief risk intervention, and referral.

~~((8))~~ (10) Limitation of group counseling sessions to twelve or fewer patients.

~~((9))~~ (11) Counseling sessions with nine to twelve youths to include a second adult staff member.

~~((10))~~ (12) Provision of education to each patient on:

(a) Alcohol, other drugs, and chemical dependency;

(b) Relapse prevention; and

(c) HIV/AIDS, hepatitis, and TB.

~~((11))~~ (13) Provision of education or information to each patient on:

(a) The impact of chemical use during pregnancy, risks to the fetus, and the importance of informing medical practitioners of chemical use during pregnancy;

(b) Emotional, physical, and sexual abuse; and

(c) Nicotine addiction.

~~((12))~~ (14) An outline of each lecture and education session included in the service, sufficient in detail for another trained staff person to deliver the session in the absence of the regular instructor.

~~((13))~~ (15) Assigning of work to a patient by a CDP when the assignment:

(a) Is part of the treatment program; and

(b) Has therapeutic value.

~~((14))~~ (16) Use of self-help groups.

~~((15))~~ (17) Patient rules and responsibilities, including disciplinary sanctions for noncomplying patients.

~~((16))~~ (18) If youth are admitted, a policy and procedure for assessing the need for referral to child welfare services.

~~((17))~~ (19) Implementation of the deferred prosecution program.

~~((18))~~ (20) Policy and procedures for reporting status of persons convicted under chapter 46.61 RCW to the department of licensing.

~~((19))~~ (21) Nonresidential providers must have policies and procedures on:

(a) Medical emergencies;

- (b) Suicidal and mentally ill patients;
- (c) ~~((Medical oversight, including provision of a physical examination by a medical practitioner, on a person who:~~
 - ~~(i) Is at risk of withdrawal from barbiturates or benzodiazepines; or~~
 - ~~(ii) Used intravenous drugs in the thirty days before admission;~~
 - ~~((d)) Laboratory tests, including UA's and drug testing;~~
 - ~~((e)) (d) Services and resources for pregnant women:~~
 - (i) A pregnant woman who is not seen by a private physician must be referred to a physician or the local first steps maternity care program for determination of prenatal care needs; and
 - (ii) Services include discussion of pregnancy specific issues and resources.
 - ~~((f) If using medication services:~~
 - ~~(i) A medical practitioner must evaluate each patient who is taking disulfiram at least once every ninety days;~~
 - ~~(ii) Patient medications are stored, disbursed, and recorded in accord with chapter 246-326 WAC; and~~
 - ~~(iii) Only a licensed nurse or medical practitioner may administer medication.))~~

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-305 What are patients' rights requirements in certified agencies? (1) Each service provider must ensure each patient:

- (a) Is admitted to treatment without regard to race, color, creed, national origin, religion, sex, sexual orientation, age, or disability, except for bona fide program criteria;
- (b) Is reasonably accommodated in case of sensory or physical disability, limited ability to communicate, limited English proficiency, and cultural differences;
- (c) Is treated in a manner sensitive to individual needs and which promotes dignity and self-respect;
- (d) Is protected from invasion of privacy except that staff may conduct reasonable searches to detect and prevent possession or use of contraband on the premises;
- (e) Has all clinical and personal information treated in accord with state and federal confidentiality regulations;
- (f) Has the opportunity to review their own treatment records in the presence of the administrator or designee;
- (g) Has the opportunity to have clinical contact with a same gender counselor, if requested and determined appropriate by the supervisor, either at the agency or by referral;
- (h) Is fully informed regarding fees charged, including fees for copying records to verify treatment and methods of payment available;
- (i) Is provided reasonable opportunity to practice the religion of their choice as long as the practice does not infringe on the rights and treatment of others or the treatment service. The patient has the right to refuse participation in any religious practice;
- (j) Is allowed necessary communication:
 - (i) Between a minor and a custodial parent or legal guardian;
 - (ii) With an attorney; and
 - (iii) In an emergency.

(k) Is protected from abuse by staff at all times, or from other patients who are on agency premises, including:

- (i) Sexual abuse or harassment;
 - (ii) Sexual or financial exploitation;
 - (iii) Racism or racial harassment; and
 - (iv) Physical abuse or punishment.
- (l) Is fully informed and receives a copy of counselor disclosure requirements established under RCW ~~((18.170.060))~~ 18.19.060;
- (m) Receives a copy of patient grievance procedures upon request; and
- (n) In the event of an agency closure or treatment service cancellation, each patient must be:
- (i) Given thirty days notice;
 - (ii) Assisted with relocation;
 - (iii) Given refunds to which the person is entitled; and
 - (iv) Advised how to access records to which the person is entitled.

(2) A faith-based service provider must ensure the right of patients to receive treatment without religious coercion by ensuring that:

(a) Patients must not be discriminated against when seeking services;

(b) Patients must have the right to decide whether or not to take part in inherently religious activities; and

(c) Patients have the right to receive a referral to another service provider if they object to a religious provider.

(3) A service provider must obtain patient consent for each release of information to any other person or entity. This consent for release of information must include:

- (a) Name of the consenting patient;
- (b) Name or designation of the provider authorized to make the disclosure;
- (c) Name of the person or organization to whom the information is to be released;
- (d) Nature of the information to be released, as limited as possible;
- (e) Purpose of the disclosure, as specific as possible;
- (f) Specification of the date or event on which the consent expires;
- (g) Statement that the consent can be revoked at any time, except to the extent that action has been taken in reliance on it;
- (h) Signature of the patient or parent, guardian, or authorized representative, when required, and the date; and
- (i) A statement prohibiting further disclosure unless expressly permitted by the written consent of the person to whom it pertains.

~~((3))~~ (4) A service provider must notify patients that outside persons or organizations which provide services to the agency are required by written agreement to protect patient confidentiality.

~~((4))~~ (5) A service provider must notify an ADATSA recipient of the recipient's additional rights as required by WAC 388-800-0090.

~~((5))~~ (6) The administrator must ensure a copy of patients' rights is given to each patient receiving services, both at admission and in case of disciplinary discharge.

~~((6))~~ (7) The administrator must post a copy of patients' rights in a conspicuous place in the facility accessible to patients and staff.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-310 What are the requirements for chemical dependency assessments? A chemical dependency professional (CDP), or a CDP trainee under supervision of a CDP, must conduct and document an assessment of each client's involvement with alcohol and other drugs. The CDP's assessment must include:

(1) A face-to-face diagnostic interview with each client to obtain, review, evaluate, and document the following:

(a) A history of the client's involvement with alcohol and other drugs, including:

- (i) The type of substances used;
- (ii) The route of administration; and
- (iii) Amount, frequency, and duration of use.

(b) History of alcohol or other drug treatment or education;

(c) The client's self-assessment of use of alcohol and other drugs;

(d) A relapse history; and

(e) A legal history.

(2) If the client is in need of treatment, a ~~((multidimensional assessment of the person's:~~

~~(a) Acute intoxication and/or withdrawal risk;~~

~~(b) Biomedical conditions and complications;~~

~~(c) Emotional/behavioral conditions and complications;~~

~~(d) Treatment acceptance/resistance;~~

~~(e) Relapse/continued use potential; and~~

~~(f) Recovery environment))~~ CDP or CDP trainee under supervision of a CDP must evaluate the assessment using PPC dimensions for the patient placement decision.

PPC dimensions for the patient placement decision.

(3) If an assessment is conducted on a youth, and the client is in need of treatment, the CDP, or CDP trainee under supervision of a CDP, must also obtain the following information:

(a) Parental and sibling use of drugs;

(b) History of school assessments for learning disabilities or other problems, which may affect ability to understand written materials;

(c) Past and present parent/guardian custodial status, including running away and out-of-home placements;

(d) History of emotional or psychological problems;

(e) History of child or adolescent developmental problems; and

(f) Ability of parents/guardians to participate in treatment.

(4) Documentation of the information collected, including:

~~(a) ((A written summary interpreting the data gathered in subsections (1), (2), and (3) of this section including patient strengths and needs for each dimension;~~

~~(b))~~ A diagnostic assessment statement including ((applicable criteria and severity of involvement with alcohol and other drugs)) sufficient data to determine a patient diag-

nosis supported by criteria of substance abuse or substance dependence;

(b) A written summary of the data gathered in subsections (1), (2), and (3) of this section that supports the treatment recommendation;

(c) A statement regarding provision of an HIV/AIDS brief risk intervention, and referrals made; and

(d) Evidence the client:

(i) Was notified of the assessment results; and

(ii) Documentation of treatment options provided, and the client's choice; or

(iii) If the client was not notified of the results and advised of referral options, the reason must be documented.

~~(5) ((Documentation of the treatment recommended, using PPC.~~

~~(6))~~ Completion and submission of all reports required by the courts, department of licensing, and department of social and health services in a timely manner.

~~((7))~~ (6) Referral of an adult or minor who requires assessment for involuntary chemical dependency treatment to the county-designated chemical dependency specialist.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-315 What are the requirements for treatment, continuing care, transfer, and discharge plans? (1) A chemical dependency professional (CDP), or a CDP trainee under supervision of a CDP, must be responsible for the overall treatment plan for each patient, including:

(a) Patient involvement in treatment planning;

(b) Documentation of progress toward patient attainment of goals; and

(c) Completeness of patient records.

(2) A CDP or a CDP trainee under supervision of a CDP must:

(a) Develop the individualized treatment plan based ~~((on PPC))~~ upon the assessment and update the treatment plan based upon achievement of goals, or when new problems are identified;

(b) Conduct individual and group counseling;

~~(c) ((Evaluate the patient and conduct ongoing assessments in accord with PPC. In cases where it is not possible to place or provide the patient with the clinically indicated treatment, the reason must be documented as well as whether other treatment will be provided;~~

~~(d) Update the treatment plan, and determine continued service needs using PPC;~~

~~(e))~~ Develop the continuing care plan ~~((using PPC));~~ and

~~((f))~~ (d) Complete the discharge summary ((using PPC)).

(3) A CDP, or CDP trainee under supervision of a CDP, must also include in the treatment plan for youth problems identified in specific youth assessment, including any referrals to school and community support services.

(4) A CDP, or CDP trainee under supervision of a CDP, must follow up when a patient misses an appointment to:

(a) Try to motivate the patient to stay in treatment; and

(b) Report a noncompliant patient to the committing authority as appropriate.

(5) A CDP, or CDP trainee under supervision of a CDP, must involve each patient's family or other support persons, when the patient gives written consent:

(a) In the treatment program; and

(b) In self-help groups.

(6) When transferring a patient from one certified treatment service to another within the same agency, at the same location, a CDP, or a CDP trainee under supervision of a CDP, must:

(a) Update the patient assessment and treatment plan (~~(using PPC)~~); and

(b) Provide a summary report of the patient's treatment and progress, in the patient's record (~~(-In detox, this may be done by a nurse or physician)~~).

(7) A CDP, or CDP trainee under supervision of a CDP, must meet with each patient at the time of discharge from any treatment agency, unless in detox or when a patient leaves treatment without notice, to:

(a) Finalize a continuing care plan (~~(using PPC)~~) to assist in determining appropriate recommendation for care;

(b) Assist the patient in making contact with necessary agencies or services; and

(c) Provide the patient a copy of the plan.

(8) When transferring a patient to another treatment provider, the current provider must forward copies of the following information to the receiving provider when a release of confidential information is signed by the patient:

(a) Patient demographic information;

(b) Diagnostic assessment statement and other assessment information, including:

(i) Documentation of the HIV/AIDS intervention;

(ii) TB test result;

(iii) A record of the patient's detox and treatment history;

(iv) The reason for the transfer (~~(-based on using PPC)~~); and

(v) Court mandated or agency recommended follow-up treatment.

(c) Discharge summary; and

(d) The plan for continuing care or treatment.

(9) A CDP, or CDP trainee under supervision of a CDP, must complete a discharge summary, within seven days of each patient's discharge from the agency, which includes:

(a) The date of discharge or transfer; and

(b) A summary of the patient's progress toward each treatment goal, except in detox (~~(-and~~

~~(e) In detox, a summary of the patient's physical condition)~~).

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-320 What are the requirements for a patient record system? Each service provider must have a comprehensive patient record system maintained in accord with recognized principles of health record management. The provider must ensure:

(1) A designated individual is responsible for the record system;

(2) A secure storage system which:

(a) Promotes confidentiality of and limits access to both active and inactive records; and

(b) Protects active and inactive files from damage during storage.

(3) Patient record policies and procedures on:

(a) Who has access to records;

(b) Content of active and inactive patient records;

(c) A systematic method of identifying and filing individual patient records so each can be readily retrieved;

(d) Assurance that each patient record is complete and authenticated by the person providing the observation, evaluation, or service;

(e) Retention of patient records for a minimum of ~~((five))~~ six years after the discharge or transfer of the patient; and

(f) Destruction of patient records.

(4) In addition to subsection (1) through (3) of this section, an opiate substitution treatment program provider must ensure that the patient record system comply with all federal and state reporting requirements relevant to opioid drugs approved for use in treatment of opioid addiction.

(5) In addition to subsection (1) through (3) of this section, providers maintaining electronic patient records must:

(a) Make records available in paper form upon request:

(i) For review by the department;

(ii) By patients requesting record review as authorized by WAC 388-805-305 (1)(f).

(b) Provide secure, limited access through means that prevent modification or deletion after initial preparation;

(c) Provide for back up of records in the event of equipment, media or human error;

(d) Provide for protection from unauthorized access, including network and Internet access.

~~((5))~~ (6) In case of an agency closure, the provider closing its treatment agency must arrange for the continued management of all patient records. The closing provider must notify the department in writing of the mailing and street address where records will be stored and specify the person managing the records. The closing provider may:

(a) Continue to manage the records and give assurance they will respond to authorized requests for copies of patient records within a reasonable period of time;

(b) Transfer records of patients who have given written consent to another certified provider;

(c) Enter into a qualified service organization agreement with a certified provider to store and manage records, when the outgoing provider will no longer be a chemical dependency treatment provider; or

(d) In the event none of the arrangements listed in (a) through (c) of this subsection can be made, the closing provider must arrange for transfer of patient records to the department.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-325 What are the requirements for patient record content? The service provider must ensure patient record content includes:

(1) Demographic information;

(2) A chemical dependency assessment and history of involvement with alcohol and other drugs;

(3) Documentation the patient was informed of the diagnostic assessment and options for referral or the reason not informed;

(4) ~~((A report of a physical examination by a medical practitioner in accord with a nonresidential provider's policy on medical oversight, when a patient is at risk of withdrawal from barbiturates or benzodiazepines, or used intravenous drugs within thirty days of admission;~~

~~((5))~~ Documentation the patient was informed of federal confidentiality requirements and received a copy of the patient notice required under 42 CFR, Part 2;

~~((6))~~ (5) Documentation the patient was informed of treatment service rules, translated when needed, signed and dated by the patient before beginning treatment;

~~((7))~~ (6) Voluntary consent to treatment signed and dated by the patient, parent or legal guardian, except as authorized by law for protective custody ~~((and)),~~ involuntary treatment, or the department of corrections;

~~((8) Evidence of)~~

(7) Documentation the patient received counselor disclosure information, acknowledged by the provider and patient by signature and date;

~~((9) Evidence of a)~~

(8) Documentation of the patient's tuberculosis test and results;

~~((10) Evidence of)~~

(9) Documentation the patient received the HIV/AIDS brief risk intervention;

~~((11))~~ (10) Initial and updated individual treatment plans, including results of the initial assessment and periodic reviews, addressing:

(a) Patient biopsychosocial problems;

(b) ~~((Short and long term))~~ Treatment goals;

(c) Estimated dates or conditions for completion of each treatment goal;

(d) Approaches to resolve the problems;

(e) Identification of persons responsible for implementing the approaches;

(f) Medical orders, if appropriate.

~~((12))~~ (11) Documentation of referrals made for specialized care or services;

~~((13))~~ (12) At least weekly individualized documentation of ongoing services in residential services, and as required in intensive outpatient and outpatient services, including:

(a) Date, duration, and content of counseling and other treatment sessions;

(b) Ongoing assessments of each patient's participation in and response to treatment and other activities;

(c) Progress notes as events occur, ~~((each shift in detox,))~~ and treatment plan reviews as specified under each treatment service of chapter 388-805 WAC; and

(d) Documentation of missed appointments.

~~((14))~~ (13) Medication records, if applicable;

~~((15))~~ (14) Laboratory reports, if applicable;

~~((16))~~ (15) Properly completed authorizations for release of information;

~~((17))~~ (16) Copies of all correspondence related to the patient, including reports of noncompliance;

~~((18))~~ (17) A copy of the continuing care plan signed and dated by the CDP and the patient; and

~~((19))~~ (18) The discharge summary.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-350 What are the requirements for outcomes evaluation? Each service provider must develop and implement policies and procedures for outcomes evaluation, to monitor and evaluate ~~((outcomes for the purpose of))~~ program effectiveness and patient satisfaction for the purpose of program improvement. ~~((Outcomes evaluation includes:~~

~~(1) A program description of:~~

~~(a) Measurable program objectives in the areas of effectiveness, efficiency, and patient satisfaction;~~

~~(b) Baseline measurement of program objectives; and measurement of outcomes at least two of the following times:~~

~~(i) During treatment, or~~

~~(ii) At discharge, or~~

~~(iii) After treatment.~~

~~(2) Use of the results.~~

~~(3) Measurement of a representative sample of patients served by the treatment provider.))~~

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-400 What are the requirements for detoxification providers? Detoxification services include acute and subacute services. To be certified to offer detoxification services, a provider must:

(1) Meet WAC 388-805-001 through 388-805-320, 388-805-330, and 388-805-350 requirements; and

(2) Meet relevant requirements of chapter ~~((246-326))~~ 246-337 WAC.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-410 What are the requirements for detox staffing and services? (1) The service provider must ensure staffing as follows:

(a) A chemical dependency professional (CDP), or a CDP trainee under supervision of a CDP, ~~((must))~~ to assess, counsel, and attempt to motivate each patient for referral;

(b) Other staff as necessary to provide services needed by each patient;

(c) All personnel providing patient care, except licensed staff and CDPs, must complete a minimum of forty hours of documented training before assignment of patient care duties. The personnel training must include:

(i) Chemical dependency;

(ii) HIV/AIDS and hepatitis B education;

(iii) TB prevention and control; and

(iv) Detox screening, admission, and signs of trauma.

(d) All personnel providing patient care must have current training in:

(i) Cardio-pulmonary resuscitation (CPR); and

(ii) First aid.

(2) The service provider must ensure detoxification services include:

(a) ~~((Screening of each person before admission by a person knowledgeable about alcoholism and other addictions and skilled in observation and eliciting information))~~ A staff member who demonstrates knowledge about addiction, and is skilled in observation and eliciting information, will perform a screening of each person prior to admission;

(b) ~~((A chemical dependency assessment, which must be attempted within forty-eight hours of a patient's admission;~~

~~(e)))~~ Counseling of each patient by a CDP, or CDP trainee under supervision of a CDP, at least once:

(i) Regarding the patient's chemical dependency; and

(ii) Attempting to motivate each person to accept referral into a continuum of care for chemical dependency treatment.

~~((d)))~~ (c) Sleeping arrangements that permit observation of patients;

~~((e)))~~ (d) Separate sleeping rooms for youth and adults; and

~~((f)))~~ (e) Referral of each patient to other appropriate treatment services.

(3) The service provider must ensure detoxification patient records include:

(a) Demographic information;

(b) Documentation the patient was informed of federal confidentiality requirements and received a copy of the patient notice required under 42 CFR, Part 2;

(c) Documentation the patient was informed of treatment service rules, translated when needed, signed and dated by the patient before beginning treatment;

(d) Voluntary consent to treatment signed and dated by the patient, parent or legal guardian, except as authorized by law for protective custody and involuntary treatment;

(e) Documentation the patient receive counselor disclosure information, acknowledged by the provider and patient by signature and date;

(f) Documentation the patient received the HIV/AIDS brief risk intervention;

(g) Progress notes each shift and as events occur;

(h) Medication records, if applicable;

(i) Laboratory reports, if applicable;

(j) Properly completed authorizations for release of information; and

(k) The discharge summary, which includes the patient's physical condition.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-500 What are the requirements for residential providers? To be certified to offer intensive inpatient, recovery, or long-term residential services, a provider must meet the requirements of:

(1) WAC 388-805-001 through 388-805-350;

(2) WAC 388-805-510 through 388-805-550 as applicable; and

(3) Chapter ~~((246-326))~~ 246-337 WAC as required for department of health licensing.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-520 What are the requirements for youth behavior management? (1) Upon application for a youth's admission, a service provider must:

(a) Advise the youth's parent and other referring persons of the programmatic and physical plant capabilities and constraints in regard to providing treatment with or without a youth's consent;

(b) Obtain the parent's or other referring person's agreement to participate in the treatment process as appropriate and possible; and

(c) Obtain the parent's or other referring person's agreement to return and take custody of the youth as necessary and appropriate on discharge or transfer.

(2) The administrator must ensure policies and procedures are written and implemented which detail least to increasingly restrictive practices used by the provider to stabilize and protect youth who are a danger to self or others, including:

(a) Obtaining signed behavioral contracts from the youth, at admission and updated as necessary;

(b) Acknowledging positive behavior and fostering dignity and self respect;

(c) Supporting self-control and the rights of others;

(d) Increased individual counseling;

(e) Increased staff monitoring;

(f) Verbal de-escalation;

(g) Use of unlocked room for voluntary containment or ~~((seclusion))~~ time-out;

(h) Use of ~~((restraints))~~ therapeutic physical intervention techniques during a time limited immediate crisis to prevent or limit free body movement that may cause harm to the person or others; and

(i) Emergency procedures, including notification of the parent, guardian or other referring person, and, when appropriate, law enforcement.

(3) The provider must ensure staff is trained in safe and therapeutic techniques for dealing with a youth's behavioral and emotional crises, including:

(a) Verbal de-escalation;

(b) Crisis intervention;

(c) Anger management;

(d) Suicide assessment and intervention;

(e) Conflict management and problem solving skills;

(f) Management of assaultive behavior;

(g) Proper use of ~~((restraint))~~ therapeutic physical intervention techniques; and

(h) Emergency procedures.

(4) To ~~((prevent))~~ reduce the possibility of a youth's unauthorized exit from the residential treatment site, the provider may have:

(a) An unlocked room for voluntary containment or ~~((seclusion))~~ time-out;

(b) A secure perimeter, such as a nonscalable fence with locked gates; and

(c) Locked windows and exterior doors.

(5) Providers using holding mechanisms in subsection (4) of this section must meet current Uniform Building Code

requirements, which include fire safety and special egress control devices, such as alarms and automatic releases.

(6) When less restrictive measures are not sufficient to de-escalate a behavioral crisis, clinical staff may ~~((contain or seclude))~~ use, for voluntary containment or time-out of a youth ((in)), a quiet unlocked room which has a window for observation and:

(a) The clinical supervisor or designated alternate must be notified immediately of the staff person's use of a quiet room for a youth, and must determine its appropriateness;

(b) A chemical dependency professional (CDP) or designated clinical alternate must consult with the youth immediately and at least every ten minutes, for counseling, assistance, and to maintain direct communication; and

(c) The clinical supervisor or designated alternate must evaluate the youth and determine the need for mental health consultation.

(7) Youth who demonstrate continuing refusal to participate in treatment or continuing to exhibit behaviors that present health and safety risks to self, other patients, or staff may be discharged or transferred to more appropriate care after:

(a) Interventions appropriate to the situation from those listed in subsection (2) of this section have been attempted without success;

(b) The person has been informed of the consequences and return options;

(c) The parents, guardian, or other referring person has been notified of the emergency and need to transfer or discharge the person; and

(d) Arrangements are made for the physical transfer of the person into the custody of the youth's parent, guardian, or other appropriate person or program.

(8) Involved staff must document the circumstances surrounding each incident requiring intervention in the youth's record and include:

(a) The precipitating circumstances;

(b) Measures taken to resolve the incident;

(c) Final resolution; and

(d) Record of notification of appropriate others.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-530 What are the requirements for intensive inpatient services? (1) A chemical dependency professional (CDP), or a CDP trainee under supervision of a CDP, must:

(a) Complete the initial treatment plan within five days of admission;

(b) Conduct at least one face-to-face individual chemical dependency counseling session with each patient each week;

(c) Provide a minimum of ten hours of chemical dependency counseling with each patient each week;

(d) Document a treatment plan review, at least weekly, which updates patient status, progress toward goals ~~((, and PPC level of service))~~; and

(e) Refer each patient for ongoing treatment or support, as necessary, upon completion of treatment.

(2) The provider must ensure a minimum of twenty hours of treatment services for each patient each week; up to ten hours may be education.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-540 What are the requirements for recovery house services? (1) A chemical dependency professional (CDP), or a CDP trainee under supervision of a CDP, must provide a minimum of five hours of treatment, for each patient each week, consisting of:

(a) Education regarding drug-free and sober living; and

(b) Individual or group counseling.

(2) A CDP, or CDP trainee under supervision of a CDP, must ~~((update patient records))~~ document a treatment plan review at least monthly; and

(3) Staff must assist patients with general reentry living skills and, for youth, continuation of educational or vocational training.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-550 What are the requirements for long-term treatment services? Each chemical dependency service provider must ensure each patient receives:

(1) Education regarding alcohol, other drugs, and other addictions, at least two hours each week.

(2) Individual or group counseling by a chemical dependency professional (CDP), or CDP trainee under supervision of a CDP, a minimum of two hours each week.

(3) Education on social and coping skills.

(4) Social and recreational activities.

(5) Assistance in seeking employment, when appropriate.

(6) ~~((Patient record))~~ Document a treatment plan review ~~((and update))~~ at least monthly.

(7) Assistance with re-entry living skills.

(8) A living arrangement plan.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-600 What are the requirements for outpatient providers? To be certified to provide intensive or other outpatient services, a chemical dependency service provider must meet the requirements of:

(1) WAC 388-805-001 through 388-805-350;

(2) WAC 388-805-610 through 388-805-630, as applicable; and

(3) WAC 388-805-700 through 388-805-750, if offering opiate substitution treatment program services.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-610 What are the requirements for intensive outpatient treatment services? (1) Patients admitted to intensive outpatient treatment under a deferred prosecution order pursuant to chapter 10.05 RCW, must com-

plete intensive treatment as described in subsection (2) of this section. Any exceptions to this requirement must be approved, in writing, by the court having jurisdiction in the case.

(2) Each chemical dependency service provider must ensure intensive outpatient services are designed to deliver:

(a) A minimum of seventy-two hours of treatment services within a maximum of twelve weeks,

(b) The first four weeks of treatment must consist of:

(i) At least three sessions each week;

(ii) Each group session must last at least one hour; and

(iii) Each session must be on separate days of the week.

(c) Individual chemical dependency counseling sessions with each patient ~~((every twenty hours of treatment))~~ at least once a month, or more if clinically indicated;

(d) Education totaling not more than fifty percent of ~~((the))~~ patient treatment services regarding alcohol, other drugs, relapse prevention, HIV/AIDS, hepatitis B, hepatitis C, and TB prevention, and other air/blood-borne pathogens;

(e) Self-help group attendance in addition to the seventy-two hours;

(f) A chemical dependency professional (CDP), or a CDP trainee under supervision of a CDP, must conduct and document a review of each patient's treatment plan ~~((every twenty hours of treatment))~~ in individual chemical dependency counseling sessions, if appropriate, to assess adequacy and attainment of goals~~((, using PPC))~~;

(g) Upon completion of intensive outpatient treatment, a CDP, or a CDP trainee under the supervision of a CDP, must refer each patient for ongoing treatment or support, as necessary~~((, using PPC))~~.

~~(3) Patients not under deferred prosecution orders, including youth patients, may be admitted to levels of care as determined appropriate using PPC).~~

NEW SECTION

WAC 388-805-625 What are the requirements for outpatient services for persons subject to RCW 46.61.5056? (1) Patients admitted to outpatient treatment subject to RCW 46.61.5056, must complete outpatient treatment as described in subsection (2) of this section.

(2) A chemical dependency professional (CDP), or a CDP trainee under supervision of a CDP, must:

(a) For the first sixty days of treatment:

(i) Conduct group or individual chemical dependency counseling sessions for each patient, each week, according to an individual treatment plan.

(ii) Conduct at least one individual chemical dependency counseling session of no less than thirty minutes duration excluding a chemical dependency assessment for each patient, according to an individual treatment plan.

(iii) Conduct alcohol and drug basic education for each patient.

(iv) Document patient participation in self-help groups described in WAC 388-805-300(16) for patients with a diagnosis of substance dependence.

(v) For patients with a diagnosis of substance dependence who received intensive inpatient chemical dependency treatment services, the balance of the sixty-day time period

will consist, at a minimum, of weekly outpatient counseling sessions according to an individual treatment plan.

(b) For the next one hundred twenty days of treatment:

(i) Conduct group or individual chemical dependency counseling sessions for each patient, every two weeks, according to an individual treatment plan.

(ii) Conduct at least one individual chemical dependency counseling session of no less than thirty minutes duration every sixty days for each patient, according to an individual treatment plan.

(c) Upon completion of one hundred eighty days of intensive treatment, a CDP, or a CDP trainee under the supervision of a CDP, must refer each patient for ongoing treatment or support, as necessary, using PPC.

(3) For client's that are assessed with insufficient evidence of substance dependence or substance abuse, a CDP must refer the client to alcohol/drug information school.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-700 What are the requirements for opiate substitution treatment program providers? An opiate substitution treatment program provider must meet requirements of:

(1) WAC 388-805-001 through 388-805-350;

(2) WAC ~~((388-805-610 and))~~ 388-805-620; ~~((and))~~

(3) WAC 388-805-700 through 388-805-750; and

(4) 42 Code of Federal Regulations, Part 8.12.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-710 What are the requirements for opiate substitution medical management? (1) The medical director must assume responsibility for administering all medical services performed by the opiate substitution treatment program.

(2) The medical director must be responsible for ensuring that the opiate substitution treatment program is in compliance with all applicable federal, state, and local laws and regulations.

(3) A program physician or authorized health care professional under supervision of a program physician, must provide oversight for determination of opiate physical addiction and conducting a complete, fully documented physical evaluation for each patient before admission ((unless the patient is exempted by the Federal Food and Drug Administration, and:

~~(a) Be available for consultation when an opiate physical addiction determination is conducted by anyone other than the program physician; and~~

~~(b) Conduct the opiate physical addiction determination for all youth patients.~~

~~(2))) .~~

(4) A physical examination must be conducted on each patient:

(a) By a program physician or other medical practitioner; and

(b) Within ~~((twenty-one))~~ fourteen days of admission.

~~((3))~~ (5) Following the patient's initial dose of opiate substitution treatment, the physician must establish adequacy of dose, considering:

- (a) Signs and symptoms of withdrawal;
- (b) Patient comfort; and
- (c) Side effects from over medication.

~~((4) At the appropriate time))~~

(6) Prior to the beginning of detox, a program physician must approve an individual detoxification schedule for each patient being detoxified.

NEW SECTION

WAC 388-805-715 What are the requirements for opiate substitution medication management? (1) An opiate substitution treatment program must use only those opioid agonist treatment medications that are approved by the Food and Drug Administration under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) for use in the treatment of opioid addiction.

(2) In addition, an opiate substitution treatment program who is fully compliant with the protocol of an investigational use of a drug and other conditions set forth in the application may administer a drug that has been authorized by the Food and Drug Administration under an investigational new drug application under section 505(i) of the Federal Food, Drug, and Cosmetic Act for investigational use in the treatment of opioid addiction. Currently the following opioid agonist treatment medications will be considered to be approved by the Food and Drug Administration for use in the treatment of opioid addiction:

- (a) Methadone;
- (b) Levomethadyl acetate (LAAM); and
- (c) Buprenorphine distributed as Subutex and suboxone.

(3) An opiate substitution treatment program must maintain current procedures that are adequate to ensure that the following dosage form and initial dosing requirements are met:

(a) Methadone must be administered or dispensed only in oral form and must be formulated in such a way as to reduce its potential for parenteral abuse;

(b) For each new patient enrolled in a program, the initial dose of methadone must not exceed thirty milligrams and the total dose for the first day must not exceed forty milligrams, unless the program physician documents in the patient's record that forty milligrams did not suppress opiate abstinence symptoms.

(4) An opiate substitution treatment program must maintain current procedures adequate to ensure that each opioid agonist treatment medication used by the program is administered and dispensed in accordance with its approved product labeling. Dosing and administration decisions must be made by a program physician familiar with the most up-to-date product labeling. These procedures must ensure that any significant deviations from the approved labeling, including deviations with regard to dose, frequency, or the conditions of use described in the approved labeling, are specifically documented in the patient's record.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-720 What are the requirements for ~~((urinalysis))~~ drug testing in opiate substitution treatment? (1) The provider must obtain a ~~((urine))~~ specimen sample from each patient for ~~((urinalysis))~~ drug testing:

- (a) At least ~~((once each month))~~ eight times per year; and
- (b) Randomly, without notice to the patient.

(2) Staff must observe the collection of each ~~((urine))~~ specimen sample and use proper chain of custody techniques when handling each sample;

(3) When a patient refuses to provide a ~~((urine))~~ specimen sample or initial the log of sample numbers, staff must consider the ~~((urine))~~ specimen positive; and

(4) Staff must document a positive ~~((urine))~~ specimen and discuss the findings with the patient ~~((in a))~~ at the next scheduled counseling session ~~((within seven days of receiving the results of the test))~~.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-730 What are the requirements for opiate substitution treatment dispensaries? (1) Each opiate substitution treatment provider must comply with applicable portions of 21 CFR, Part 1301 requirements, as now or later amended.

(2) The administrator must ensure written policies and procedures to verify the identity of patients.

(3) Dispensary staff must maintain a file with a photograph of each patient. Dispensary staff must ensure pictures are updated when:

(a) The patient's physical appearance changes significantly; or

(b) Every two years, whichever comes first.

(4) In addition to notifying the ~~((Food and))~~ Federal CSAT, SAMHSA and the Federal Drug Enforcement Administration, the administrator must immediately notify the department and the state board of pharmacy of any theft or significant loss of a controlled substance.

(5) The administrator must have a written diversion control plan that contains specific measures to reduce the possibility of diversion of controlled substances from legitimate treatment use and that assigns specific responsibility to the medical and administrative staff members for carrying out the diversion control measures and functions described in the plan.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-740 What are the requirements for opiate substitution treatment counseling? (1) A chemical dependency professional (CDP), or a CDP trainee under supervision of a CDP, must provide individual or group counseling sessions once each:

(a) Week, for the first ninety days, for a new patient or a patient readmitted more than ninety days since the person's most recent discharge from opiate substitution treatment;

(b) Week, for the first month, for a patient readmitted within ninety days of the most recent discharge from opiate substitution treatment; and

(c) Month, for a patient transferring from another opiate substitution treatment (~~(agency)~~) program where the patient stayed for ninety or more days.

(2) A CDP, or a CDP trainee under supervision of a CDP, must conduct and document a continuing care review with each patient to review progress, discuss facts, and determine the need for continuing opiate substitution treatment:

- (a) Between six and seven months after admission; and
- (b) Once every six months thereafter.

(3) A CDP, or a CDP trainee under supervision of a CDP, must provide counseling in a location that is physically separate from other activities.

~~(4) ((The administrator must ensure at least one full time CDP, or a CDP trainee under supervision of a CDP, for each fifty patients:~~

~~(a) A CDP with one or more CDP trainees may be assigned as primary counselor for up to seventy five patients, including those assigned to the CDP trainee; and~~

~~(b) A CDP trainee may be assigned up to thirty five patients:~~

~~(5)) A pregnant woman and any other patient who requests, must receive at least one-half hour of counseling and education each month on:~~

- ~~(a) Matters relating to pregnancy and street drugs;~~
- ~~(b) Pregnancy spacing and planning; and~~

~~(c) The effects of opiate substitution treatment on the woman and fetus, when opiate substitution treatment occurs during pregnancy.~~

~~((6)) (5) Staff must provide at least one-half hour of counseling on family planning with each patient through either individual or group counseling.~~

~~((7)) (6) The administrator must ensure there is one staff member who has training in family planning, prenatal health care, and parenting skills.~~

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-750 What are the requirements for opiate substitution treatment take-home medications? (1) An opiate substitution treatment provider may authorize take-home medications for a patient when:

(a) The medication is for a Sunday or legal holiday, as identified under RCW 1.16.050; or

(b) Travel to the facility presents a safety risk for patients or staff due to inclement weather.

(2) A service provider may permit take-home medications on other days for a stabilized patient who:

(a) Has received opiate substitution treatment medication for a minimum of ninety days; and

(b) Had negative urines for the last sixty days.

(3) The provider must meet ~~((21))~~ 42 CFR, Part ~~((291))~~ 8.12(i)(1-5) requirements.

(4) The provider may arrange for opiate substitution treatment medication to be administered by licensed staff or self-administered by a pregnant woman receiving treatment at a certified residential treatment agency when:

(a) The woman had been receiving treatment medication for ninety or more days; and

(b) The woman's use of treatment medication can be supervised.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-800 What are the requirements for ~~((free standing))~~ ADATSA assessment ~~((providers and))~~ services? (1) ~~((A))~~ An agency certified to conduct ADATSA ~~((assessment provider))~~ assessments must conduct ~~((an ADATSA))~~ the assessment for each eligible patient and be governed by the requirements under:

(a) WAC 388-805-001 through 388-805-310;

(b) WAC 388-805-020 and 388-805-325 (1), (2), (3), ~~((5), (10), (16), (17))~~ (4), (9), (15), (16), 388-805-330; and 388-805-350; and

(c) Chapter 388-800 WAC.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-810 What are the requirements for DUI assessment providers? (1) If located in a district or municipal probation department, each DUI service provider must meet the requirements of:

(a) WAC 388-805-001 through 388-805-135,

(b) WAC 388-805-145 (4), (5), and (6);

(c) WAC 388-805-150, the administrative manual, subsections (4), (7) through (11), (13), and (14);

(d) WAC 388-805-155, facilities, subsections (1)(b), (c), (d), and (2)(b);

(e) WAC 388-805-200 (1), (4), and (5);

(f) WAC 388-805-205 (1), (2), (3)(a) through ~~((e))~~ (d), (4), (6), and (7)(, and (8));

(g) WAC 388-805-220, 388-805-225, and 388-805-230;

(h) WAC 388-805-260, volunteers;

(i) WAC 388-805-300, clinical manual, subsections (1), (2), (3), ~~((7), (14), (18))~~ (9), and ~~((19))~~ (20)(e);

(j) WAC 388-805-305, patients' rights;

(k) WAC 388-805-310, assessments;

(l) WAC 388-805-320, patient record system, subsections (3)(a) through (f), and ~~((4))~~ (5);

(m) WAC 388-805-325, record content, subsections (1), (2), (3), ~~((5), (8), (10), (12), (16))~~ (4), (7), (9), (11), (15), and (17); and

(n) WAC 388-805-350, outcomes evaluation;

(o) WAC 388-805-815, DUI assessment services.

(2) If located in another certified chemical dependency treatment facility, the DUI service provider must meet the requirements of:

(a) WAC 388-805-001 through 388-805-260; 388-805-305 and 388-805-310;

(b) WAC 388-805-300, 388-805-320, 388-805-325 as noted in subsection (1) of this section, 388-805-350; and

(c) WAC 388-805-815.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-820 What are the requirements for alcohol and other drug information school? (1) Alcohol and other drug information school providers must be governed under:

- (a) WAC 388-805-001 through 388-805-135; and
- (b) This section.
- (2) The provider must:
 - (a) Inform each student of fees at the time of enrollment; and
 - (b) Ensure adequate and comfortable seating in well-lit and ventilated rooms.
 - (3) A certified information school instructor or a chemical dependency professional must teach the course and:
 - (a) Advise each student there is no assumption the student is an alcoholic or drug addict, and this is not a therapy session;
 - (b) Discuss the class rules;
 - (c) Review the course objectives;
 - (d) Follow curriculum contained in "Alcohol and Other Drugs Information School Training Curriculum," published in ~~((1991))~~ 2001, or later amended;
 - (e) Ensure not less than eight and not more than fifteen hours of class room instruction;
 - (f) Administer the post-test from the above reference to each enrolled student after the course is completed;
 - (g) Ensure individual client records include:
 - (i) Intake form;
 - (ii) Hours and date or dates in attendance;
 - (iii) Source of referral;
 - (iv) Copies of all reports, letters, certificates, and other correspondence;
 - (v) A record of any referrals made; and
 - (vi) A copy of the scored post-test.
 - (h) Complete and submit reports required by the courts and the department of licensing, in a timely manner.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-850 What are the requirements for treatment ~~((alternatives to street crime))~~ accountability for safer communities (TASC) providers and services? (1) A certified TASC provider must provide referral and case management services to each eligible patient and meet the requirements of:

- (a) WAC 388-805-001 through 388-805-210;
- (b) WAC 388-805-240, students;
- (c) WAC 388-805-260, volunteers;
- (d) WAC 388-805-300, clinical manual, subsections (1) through ~~((7), (13))~~ (6), (9) through ~~((18))~~ (15), and ~~((19))~~ (21)(a), (b), ~~((d))~~ and (e) ~~((and (f)))~~;
- (e) WAC 388-805-305, patients' rights, subsections (1) ~~((through (3), and (5) through (6)))~~ (3), (4), (6), and (7);
- (f) WAC 388-805-310, assessments, subsections (1) through ~~((7))~~ (6);
- (g) WAC 388-805-315, treatment, continuing care, transfer, and discharge plans, subsections (1), (2)(a), (c), (d), ~~((e), and (f))~~ (5), and (7) through (9);

(i) A CDP, or a CDP trainee under supervision of a CDP, must substitute referral and case management plans for treatment plan requirements in WAC 388-805-315 (1) and (2)(a) ~~((d))~~;

(ii) A CDP, or a CDP trainee under supervision of a CDP, must coordinate the referral of patients with the appropriate treatment provider for each identified problem, ensure they receive adequate treatment, and add new problems to the case management plan as they are identified;

(iii) A CDP, or a CDP trainee under supervision of a CDP, must coordinate the continuing care plan of the patient with appropriate treatment providers; and,

(iv) When transferring a patient to another treatment provider, a TASC provider will substitute a summary of the patient's progress toward each referral and case management goal.

(h) WAC 388-805-320, patient record system;

(i) WAC 388-805-325, patient record content, subsections (1) through ~~((3))~~ (4), (5) through ~~((10))~~ (9), and ~~((12))~~ (11) through ~~((19))~~ (18);

(j) WAC 388-805-330, reporting patient noncompliance; and

(k) WAC 388-805-350, outcomes evaluation.

(2) A CDP, or a CDP trainee under supervision of a CDP, must assess and document the adequacy of each client's referral and case management plan and attainment of goals once each month.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-805-900	What are the requirements for outpatient child care when a parent is in treatment?
WAC 388-805-905	What are the requirements for outpatient child care admission and health history?
WAC 388-805-910	What are the requirements for outpatient child care policies?
WAC 388-805-915	What are the requirements for an outpatient child care activity program?
WAC 388-805-920	What are the requirements for outpatient child care behavior management and discipline?
WAC 388-805-925	What are the requirements for outpatient child care diaper changing?
WAC 388-805-930	What are the requirements for outpatient child care food service?
WAC 388-805-935	What are the staffing requirements for outpatient child care services?

WSR 03-20-072
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed September 29, 2003, 2:41 p.m.]

Date of Adoption: September 25, 2003.

Purpose: The Division of Child Support has corrected erroneous cross-references in chapter 388-14A WAC. These errors mostly are due to changes in WAC or RCW numbers, but some are due to typographical errors in the rules when they were initially adopted.

Citation of Existing Rules Affected by this Order: Amending WAC 388-14A-1030, 388-14A-2040, 388-14A-2075, 388-14A-2135, 388-14A-2150, 388-14A-2155, 388-14A-3125, 388-14A-3135, 388-14A-3140, 388-14A-3205, 388-14A-3300, 388-14A-3315, 388-14A-3350, 388-14A-3375, 388-14A-3800, 388-14A-3865, 388-14A-3875, 388-14A-4605, 388-14A-5000, and 388-14A-5008.

Statutory Authority for Adoption: RCW 74.08.090, 34.05.310 (4)(d).

Other Authority: For WAC 388-14A-1030 What kinds of services can the division of child support provide? is RCW 74.08.090, 45 C.F.R. 303.106; for WAC 388-14A-2040 Do I have to cooperate with the division of child support in establishing or enforcing child support? and WAC 388-14A-2075 What happens if the division of child support determines that I am not cooperating? is RCW 74.08.090, 26.23.035, 74.20A.310; for WAC 388-14A-2135 When might DCS deny a request for address information without going through the notice and hearing process? is RCW 26.23.120, 74.08.090; for WAC 388-14A-2150 How much does it cost to get copies of DCS records?, 388-14A-2155 Can I appeal a denial of public disclosure by the division of child support?, and 388-14A-3300 How does the division of child support require me to make my support payments to the Washington state support registry when my support order says to pay someone else? is RCW 74.08.090; for WAC 388-14A-3125 The notice and finding of medical responsibility is used to set a medical support obligation when the custodial parent receiving medical assistance declines full child support enforcement services, 388-14A-3135 Late hearings, or hearing on untimely objections to support establishment notices, 388-14A-3140 What can happen at a hearing on a support establishment notice? and 388-14A-3205 How does DCS calculate my income? is RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056; for WAC 388-14A-3315 When DCS serves a notice of support debt or notice of support owed, we notify the custodial parent and/or the payee under the order, is RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310; for WAC 388-14A-3350 Are there any limits on how much back support the division of child support can seek to establish?, 388-14A-3375 What kinds of credits does the division of child support give when establishing or enforcing an administrative support order?, 388-14A-3865 Duties of the administrative law judge when a party requests a temporary support order and 388-14A-3875 What if a party does not agree with a temporary support order? is RCW 74.20A.055 and 74.08.090; for WAC 388-14A-3800 Once a support order is entered, can it be changed? is RCW

74.08.090, chapter 26.19 RCW, RCW 34.05.220(1), 74.20A.055, 74.20A.056; for WAC 388-14A-4605 Whose picture can go on the division of child support's DCS most wanted Internet site? is RCW 26.23.120(2), 74.08.090; and for WAC 388-14A-5000 How does the division of child support distribute support payments? and 388-14A-5008 Can the noncustodial parent prepay support? is RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310.

Adopted under notice filed as WSR 03-16-094 on August 6, 2003.

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 20, 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 20, Repealed 0.

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

September 25, 2003

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-1030 What kinds of services can the division of child support provide? The services provided by the division of child support include, but are not limited to the following:

- (1) Receiving payments and distributing the payments (see WAC 388-14A-5000);
- (2) Establishing or modifying administrative child support orders (see WAC 388-14A-3100 and 388-14A-3925);
- (3) Enforcing and modifying court orders for child support or maintenance (see WAC (~~388-14A-3305 and~~) 388-14A-3304, 388-14A-3310 and 388-14A-3900);
- (4) Referral to the prosecuting attorney for establishment of paternity;
- (5) Providing locate services as provided in WAC 388-14A-1035;
- (6) Referral for welfare to work services in conjunction with other parts of DSHS, the employment security department (ESD) and private contractors;
- (7) Cooperation with the IV-D agencies of other states and Indian tribes (see WAC 388-14A-1060); and
- (8) Providing any other services allowed by the state plan and applicable state and federal law.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-2040 Do I have to cooperate with the division of child support in establishing or enforcing child support? (1) You must cooperate with the division of child support (DCS) when you receive public assistance unless the department determines there is good cause not to cooperate under WAC 388-422-0020. For purposes of this section and WAC 388-14A-2075, cooperating with DCS includes cooperating with those acting on behalf of DCS (its "representatives"), namely the prosecuting attorney, the attorney general, or a private attorney paid per RCW 74.20.350. In cases where paternity is at issue, the custodial parent (CP) of a child who receives assistance must cooperate whether or not the parent receives assistance.

(2) Cooperation means giving information, attending interviews, attending hearings, or taking actions to help DCS establish and collect child support. This information and assistance is necessary for DCS to:

- (a) Identify and locate the responsible parent;
- (b) Establish the paternity of the child(ren) on assistance in the CP's care; and
- (c) Establish or collect support payments or resources such as property due the CP or the child(ren).

(3) The CP must also cooperate by sending to DCS any child support received by the CP while on assistance, as required by RCW ((74.20A.320)) 74.20A.275 (3)(c). If the client keeps these payments, known as retained support, the CP must sign an agreement to repay under RCW 74.20A.275, and the CP must honor that agreement.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-2075 What happens if the division of child support determines that I am not cooperating? (1) When the division of child support (DCS) or its representatives believe you are not cooperating as defined in WAC 388-14A-2040, DCS sends a notice to you and to the community service office (CSO) stating the noncooperation and explaining the following:

- (a) How the noncooperation was determined, including what actions were required;
- (b) What actions you must take to resume cooperation;
- (c) That this notice was sent to the CSO;
- (d) That you may contact the CSO immediately if you disagree with the notice, need help in order to cooperate, or believe the actions required are unreasonable; and
- (e) That the CSO may sanction you by either reducing or terminating the grant.

(2) The CSO sends a notice of planned action to you as provided by WAC ((388-245-1700 or any subsequent amendment)) 388-472-0005 (1)(i).

(3) Either the notice of alleged noncooperation or the CSO's notice of planned action may serve as the basis for a sanction.

(4) If the noncooperation was due to missing an interview without reasonable excuse, you will be considered to be cooperating when you appear for a rescheduled interview and either provide information or attest to the lack of information.

DCS or its representative must reschedule the interview within seven business days from the date you contact them to reschedule an interview.

(5) If the noncooperation was due to not taking a required action, cooperation resumes when you take that action.

(6) There is no hearing right for a notice of noncooperation, but you can request a hearing on the sanction imposed by the CSO.

AMENDATORY SECTION (Amending WSR 02-07-091, filed 3/19/02, effective 4/19/02)

WAC 388-14A-2135 When might DCS deny a request for address information without going through the notice and hearing process? (1) The division of child support (DCS) denies a request for address information without going through the notice process under WAC 388-14A-2114 if:

(a) The department has determined, under WAC ((388-422-0021)) 388-422-0020, that the custodial parent (CP) has good cause for refusing to cooperate;

(b) The order, on which the request is based, restricts or limits the address requesting party's right to contact or visit the other party or the child by imposing conditions to protect the party or the child from harm;

(c) An order has been entered finding that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of the information; or

(d) DCS has information which gives DCS reason to believe that release of the address may result in physical or emotional harm to the other party or to the children.

(2) Whenever DCS denies a request for disclosure under subsection (1) of this section, DCS notifies the nonrequesting party that disclosure of the address was requested and was denied.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-2150 How much does it cost to get copies of DCS records? (1) WAC ((388-01-030)) 388-01-080 authorizes the division of child support (DCS) to charge copying and postage costs for responses to public disclosure.

(2) DCS charges fifteen cents per page for copies.

(3) DCS may waive copy fees in appropriate circumstances.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-2155 Can I appeal a denial of public disclosure by the division of child support? (1) If the division of child support (DCS) denies a request for public disclosure, you may file an appeal with DCS Public Disclosure Appeals, P.O. Box 9162, Olympia WA 98507-9162.

(2) If DCS denies your appeal, you may pursue the other options listed in WAC ((388-01-080)) 388-01-130.

AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

WAC 388-14A-3125 The notice and finding of medical responsibility is used to set a medical support obligation when the custodial parent receiving medical assistance declines full child support enforcement services. (1)

A notice and finding of medical responsibility (NFMR) is an administrative notice served by the division of child support (DCS) that can become an enforceable order for support pursuant to chapter 74.20A RCW to establish and enforce a health insurance obligation.

(2) DCS may serve a NFMR when:

(a) The custodial parent (who is either a parent or the physical custodian of the child) or a dependent child receives or is certified eligible to receive medical assistance and is not receiving cash grant public assistance under 74.12 RCW; and

(b) The custodial parent has requested medical support enforcement services only and has asked DCS in writing not to collect monetary child support.

(3) The NFMR advises the NCP and the CP of the medical support obligation for the children named in the notice. The NFMR fully and fairly advises the parties of their rights and responsibilities under the NFMR.

(4) The NFMR warns the noncustodial parent and the custodial parent that at an administrative hearing on the notice, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from, the amount stated in the NFMR, if necessary for an accurate support order.

(5) The NFMR includes:

(a) The information required by ~~((WAC 388-11-210 (or as later amended)))~~ RCW 26.23.050;

(b) The noncustodial parent's health insurance obligation, pursuant to ~~((WAC 388-11-215 (or as later amended)))~~ RCW 26.18.170;

(c) The maximum premium amount the noncustodial parent must pay; and

(d) The income basis used to calculate the maximum premium amount, pursuant to WAC 388-14A-3200.

(6) The income basis for an obligation established by DCS for a NFMR is not binding on any party in any later action to establish a cash child support obligation.

(7) After service of the NFMR, the noncustodial parent (NCP) and the custodial parent must notify DCS of any change of address, or of any changes that may affect the support obligation.

(8) DCS may take enforcement action under RCW 26.18.170 ~~((, WAC 388-11-215, and 388-14-480 (or as these sections are later amended)))~~ and chapter 388-14A WAC without further notice when the NFMR is a final order. See WAC 388-14A-3110 for how a notice becomes a final order.

(9) In most cases, a child support obligation continues until the child reaches the age of eighteen. WAC ~~((388-11-155 (or as later amended)))~~ 388-14A-3810 describes when the obligation under the NFMR can end sooner or later than age eighteen.

(10) If the custodial parent applies for full enforcement services while a hearing on a NFMR is pending, DCS may, at any time before the hearing record is closed, convert the hearing to a hearing on a notice and finding of financial responsi-

bility (NFFR) under WAC 388-14A-3115 or a notice and finding of parental responsibility (NFPR) under WAC 388-14A-3120. To convert the hearing, DCS serves a NFFR or NFPR on the parents and files a copy with the administrative law judge (ALJ). The ALJ may grant a continuance if a party requests additional time to respond to the claim for monetary child support.

(11) In a NFMR hearing, the ALJ must determine the:

(a) Basic support obligation, without deviations; and

(b) Maximum premium amount under chapter 26.19 RCW ~~((and WAC 388-11-215 (or as later amended)))~~.

(12) A hearing on a NFMR is for the limited purpose of resolving the NCP's medical support responsibility. The NCP has the burden of proving defenses to liability.

AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

WAC 388-14A-3135 Late hearings, or hearing on untimely objections to support establishment notices. (1) For orders established before August 30, 1997, if the noncustodial parent did not timely object to the notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR), or notice and finding of medical responsibility (NFMR), only the noncustodial parent may petition for a late hearing, pursuant to WAC ~~((388-11-310 (or as later amended)))~~ 388-14A-3500.

(2) For orders established after August 30, 1997, if neither parent timely objected to the NFFR, NFPR, or NFMR, either the noncustodial parent or the custodial parent may petition for a late hearing, pursuant to WAC ~~((388-11-310 (or as later amended)))~~ 388-14A-3500. See WAC 388-14A-3110 for the time limits for a timely hearing request.

(3) The division of child support (DCS) continues to enforce the order even if a late request for hearing is filed.

(4) If DCS receives the late hearing request within one year of the date of service of the notice, the parent requesting the hearing is not required to show good cause to have a hearing on the merits of the notice.

(5) If DCS receives the late hearing request more than a year after the date of service of the notice, the parent requesting the hearing must show good cause why the hearing request was not timely. WAC ~~((388-11-011 (or as later amended)))~~ 388-14A-1020 contains the definition of good cause.

AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

WAC 388-14A-3140 What can happen at a hearing on a support establishment notice? (1) When a parent requests a hearing on a notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR), or notice and finding of medical responsibility (NFMR), the hearing is limited to resolving the accrued support debt, current support and future support obligation.

(2) The noncustodial parent has the burden of proving any defenses to liability. See WAC ~~((388-11-065 (or as later amended)))~~ 388-14A-3370.

(3) Both the NCP and the custodial parent (CP) must show cause why the terms in the NFFR, NFPR, or NFMR are incorrect.

(4) The administrative law judge (ALJ) or review judge has authority to enter a support obligation that may be higher or lower than the amounts set forth in the NFFR, NFPR, or NFMR, including the support debt, current support, and the future support obligation. The ALJ or review judge may enter an order that differs from the terms stated in the notice, including different debt periods, if the obligation is supported by credible evidence presented by any party at the hearing, without further notice to any nonappearing party, if the ALJ or review judge finds that due process requirements have been met.

(5) The ALJ has no authority to determine custody or visitation issues.

(6) When a party has advised the ALJ that they will participate by telephone, the ALJ attempts to contact that party on the record before beginning the proceeding or rules on a motion. The ALJ may not disclose to the other parties the telephone number of the location of the party appearing by phone.

(7) In certain cases, there is no "custodial parent" because the child or children are in foster care.

(a) If the NCP fails to appear for hearing, see WAC 388-14A-3131.

(b) If the NCP appears for hearing, see WAC 388-14A-3133.

(8) In certain cases, there can be two NCPs, called "joint NCPs." This happens when a husband and wife are jointly served a support establishment notice for a common child who is not residing in their home.

(a) If both NCPs fail to appear for hearing, see WAC 388-14A-3131;

(b) If both NCPs appear for hearing, see WAC 388-14A-3133; or

(c) One joint NCP may appear and represent the other joint NCP.

(9) When the CP asserts good cause level B (see WAC 388-422-0020), DCS notifies the CP that they will continue to receive documents, notices and orders. The CP may choose to participate at any time. Failure to appear at hearing results in a default order but does not result in a sanction for noncooperation under WAC (~~388-14-201 (or as later amended))~~ 388-14A-2041.

(10) If any party appears for the hearing and elects to proceed, absent the granting of a continuance the ALJ hears the matter and enters an initial decision and order based on the evidence presented. The ALJ includes a party's failure to appear in the initial decision and order as an order of default against that party. The direct appeal rights of the party who failed to appear shall be limited to an appeal on the record made at the hearing.

AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

WAC 388-14A-3205 How does DCS calculate my income? ((4)) The division of child support (DCS) calcu-

lates a parent's income using the best available information, in the following order:

((a)) (1) Actual income;

((b)) (2) Estimated income, if DCS has:

((i)) (a) Incomplete information;

((ii)) (b) Information based on the prevailing wage in the parent's trade or profession; or

((iii)) (c) Information that is not current.

((e)) (3) Imputed income under RCW 26.19.071(6).

((2) DCS calculates support obligations using the methods set forth in WAC 388-11-205 (or as later amended).)

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-3300 How does the division of child support require me to make my support payments to the Washington state support registry when my support order says to pay someone else? (1) If a support order requires the noncustodial parent (NCP) to pay support to anywhere other than the Washington state support registry (WSSR), the division of child support (DCS) may serve a notice on the NCP telling the NCP to make all future payments to the WSSR.

(2) DCS may serve a notice of support debt on a noncustodial parent (NCP) as provided in RCW 74.20A.040. See WAC (~~388-14A-3305~~) 388-14A-3304.

(3) DCS may serve a notice of support owed on an NCP as provided in RCW 26.23.110. See WAC 388-14A-3310.

(4) When DCS serves a notice of support debt or a notice of support owed, DCS sends a notice to the payee under the order. See WAC 388-14A-3315.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-3315 When DCS serves a notice of support debt or notice of support owed, we notify the custodial parent and/or the payee under the order. (1) The division of child support (DCS) sends a notice to a payee under a court order or foreign administrative order for support when DCS receives proof of service on the noncustodial parent (NCP) of:

(a) A notice of support owed under WAC (~~388-14A-3305~~) 388-14A-3310; or

(b) A notice of support debt under WAC (~~388-14A-3310~~) 388-14A-3304.

(2) DCS sends the notice to payee by first class mail to the last known address of the payee and encloses a copy of the notice served on the NCP.

(3) In a notice to payee, DCS informs the payee of the right to file a request with DCS for a hearing on a notice of support owed under WAC (~~388-14A-3105~~) 388-14A-3310 or a notice of support debt under WAC (~~388-14A-3310~~) 388-14A-3304 within twenty days of the date of a notice to payee that was mailed to a Washington address.

(4) If the notice to payee was mailed to an out-of-state address, the payee may request a hearing within sixty days of the date of the notice to payee.

(5) The effective date of a hearing request is the date DCS receives the request.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-3350 Are there any limits on how much back support the division of child support can seek to establish? (1) When no public assistance is being paid to the custodial parent (CP) and the children, the division of child support (DCS) starts the claim for support as of the date DCS receives the application for nonassistance services.

(2) When another state or an Indian tribe is paying public assistance to the CP and children, DCS starts the claim for support as of the date specified by the other state or tribe.

(3) For the notice and finding of parental responsibility, WAC 388-14A-3120(9) limits the back support obligation.

(4) When the state of Washington is paying public assistance to the CP and/or the children, the following rules apply:

(a) For support obligations owed for months on or after September 1, 1979, DCS must exercise reasonable efforts to locate the noncustodial parent (NCP);

(b) DCS serves a notice and finding of financial or parental responsibility within sixty days of the date the state assumes responsibility for the support of a dependent child on whose behalf support is sought;

(c) If DCS does not serve the notice within sixty days, DCS loses the right to reimbursement of public assistance payments made after the sixtieth day and before the notice is served;

(d) DCS does not lose the right to reimbursement of public assistance payments for any period of time:

(i) During which DCS exercised reasonable efforts to locate the NCP; or

(ii) For sixty days after the date on which DCS received an acknowledgment of paternity for the child for whom the state has assumed responsibility, and paternity has not been established.

(5) The limitation in subsection (4) does not apply to:

(a) Cases in which the physical custodian is claiming good cause for not cooperating with the department; and

(b) Cases where parentage is an issue and:

(i) Has not been established by superior court order; or

(ii) Is not the subject of a presumption under RCW ((26.26.040(1)(a) or (e))) 26.26.320.

(6) DCS considers a prorated share of each monthly public assistance payment as paid on each day of the month.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-3375 What kinds of credits does the division of child support give when establishing or enforcing an administrative support order? (1) After the noncustodial parent (NCP) has been advised of the requirement to make payments to the Washington state support registry (WSSR) by service of a support establishment notice, or by entry of a support order requiring payments to WSSR, the NCP may obtain credit against the support obligation only:

(a) By cash, check, electronic funds transfer, or money order payments through WSSR or payment of health insurance premiums; or

(b) As provided under subsections (3) and (6) of this section.

(2) The division of child support (DCS) allows credit against a NCP's support debt for family needs provided directly to a custodial parent (CP), a child, or provided through a vendor or third party only when the:

(a) Items are provided before service of the notice on the NCP;

(b) NCP proves the items provided were intended to satisfy the NCP's support obligation; and

(c) Items are food, clothing, shelter, or medical attendance directly related to the care, support, and maintenance of a child.

(3) After service of the notice, an NCP may obtain credit against the parent's current support obligation only when the NCP proves that the payments were made and:

(a) DCS determines there:

(i) Is no prejudice to:

(A) The CP, a child, or other person; or

(B) An agency entitled to receive the support payments.

(ii) Are special circumstances of an equitable nature justifying credit for payments.

(b) A court of competent jurisdiction determines credit should be granted after a hearing where all interested parties were given an opportunity to be heard.

(4) DCS does not allow credit for shelter payments made before service of the notice in an amount more than the greater of the:

(a) Shelter allocation in the public assistance standards for the period when payments were made; or

(b) One-half of the actual shelter payment.

(5) DCS does not allow credit for shelter payments made after service of the notice.

(6) DCS applies credits for dependent benefits allowed under RCW ((26.19.190)) 26.18.190 as required by WAC 388-14A-4200.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-3800 Once a support order is entered, can it be changed? (1) Only the court that entered the order can modify a support order entered by a superior court or tribal court. If the order specifically states how the amount of support may be adjusted, the division of child support (DCS) may bring an administrative action under RCW 26.23.110 and WAC 388-14A-3310.

(2) As provided in WAC ((388-14A-3925)) 388-14A-3900, DCS may review any support order to determine whether DCS should petition to modify the support provisions of the order.

(3) Either DCS, the CP or the NCP may petition to modify an administrative order under WAC 388-14A-3925.

(4) Under appropriate circumstances, an administrative support order may be vacated. See WAC 388-14A-3700.

AMENDATORY SECTION (Amending WSR 00-09-076, filed 4/18/00, effective 5/19/00)

WAC 388-14A-3865 Duties of the administrative law judge when a party requests a temporary support order.

(1) An administrative law judge (ALJ) who hears a request for a temporary support order must:

- (a) Issue a written order which either:
- (i) Determines the responsible parent's current and future support obligation beginning no later than the month following the hearing; or
 - (ii) Denies the request for a temporary support order.
- (b) Include in the temporary order:
- (i) A statement that any amounts collected under the temporary order will be credited and will be offset against any debt established in the initial decision;
 - (ii) A statement that amounts collected will be distributed and may be subject to recovery under WAC ((~~388-14-272~~) 388-14A-5300 from the physical custodian; and
 - (iii) The information required by WAC ((~~388-11-210~~) RCW 26.23.050 and 26.18.170).
- (c) Issue the temporary order within twenty calendar days of the date the request for temporary order is heard by the ALJ.
- (2) If the temporary order is entered subsequent to a continuance, the ALJ must set a new hearing date within ninety days from the date of the date the ALJ hears the request for continuance;
- (3) The ALJ must comply with the DSHS rules on child support and include a Washington state child support schedule worksheet when entering a temporary support order.

AMENDATORY SECTION (Amending WSR 00-09-076, filed 4/18/00, effective 5/19/00)

WAC 388-14A-3875 What if a party does not agree with a temporary support order? (1) A temporary support order or the denial of a TSO is not an initial decision subject to review under WAC ((~~388-08-464~~) 388-02-0560). This means that no party has the right to file a petition for review of a temporary support order.

(2) The terms of a temporary order are not binding on the administrative law judge (ALJ) who later enters the initial decision in the matter.

(3) The issuance of a temporary support order does not affect any party's right to ask for review of the initial decision subsequently entered in the matter.

AMENDATORY SECTION (Amending WSR 01-24-083, filed 12/3/01, effective 1/3/02)

WAC 388-14A-4605 Whose picture can go on the division of child support's DCS most wanted Internet site? (1) If the child's custodial parent (CP) requests DCS to post the NCP to the DCS most wanted Internet site (also called the "site"), the CP must:

(a) Give written permission to DCS to post the NCP on the site; and

(b) Provide a photograph of the NCP.

(2) Only the NCP's photograph appears on the site. If the CP submits a group photograph, DCS edits out everyone except the NCP.

(3) DCS may post an NCP to the site when:

(a) The NCP:

(i) Has made no payments in at least six months (intercepted IRS refunds are not considered to be payments for purposes of this section); and

(ii) Owes at least five thousand dollars in back child support; or

(b) DCS has been unable to locate the NCP after trying other means for at least twelve months, and:

(i) There is a valid support order; or

(ii) There is a valid paternity affidavit filed for a child on the case, or

(iii) The NCP is:

(A) The mother of the child(ren) on the case; or

(B) The presumed father under RCW ((~~26.26-040~~) 26.26.320).

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-5000 How does the division of child support distribute support payments? (1) Under state and federal law, the division of child support (DCS) distributes support money it collects or receives to the:

(a) Department when the department provides or has provided public assistance payments for the support of the family;

(b) Payee under the order, or to the custodial parent (CP) of the child according to WAC 388-14A-5050;

(c) Child support enforcement agency in another state or foreign country which submitted a request for support enforcement services;

(d) Indian tribe which has a TANF program and/or a cooperative agreement regarding the delivery of child support services; or

(e) Person or entity making the payment when DCS is unable to identify the person to whom the support money is payable after making reasonable efforts to obtain identification information.

(2) If DCS is unable to distribute support money because the location of the family or person is unknown, it must exercise reasonable efforts to locate the family or person. When the family or person cannot be located, DCS handles the money in accordance with chapter ((~~458-65-WAC~~) 63.29 RCW), the uniform unclaimed property act ((~~rules~~)).

(3) WAC 388-14A-5000 and sections WAC 388-14A-5001 through 388-14A-5008 contain the rules for distribution of support money by DCS.

(4) DCS changes the distribution rules based on changes in federal statutes and regulations.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-5008 Can the noncustodial parent prepay support? If the division of child support (DCS) receives or collects support money representing payment on the required support obligation for future months, DCS must:

(1) Apply the support money to future months when the support debt is paid in full;

(2) Distribute the support money on a monthly basis when payments become due in the future; and

(3) Mail a notice to the last known address of the person entitled to receive support money. The notice informs the person that:

(a) DCS received prepaid support money;

(b) DCS intends to distribute the prepaid money as support payments become due in the future; and

(c) The person may request a conference board under WAC 388-14A-6400 to determine if DCS should immediately distribute the prepaid support money.

(d) DCS does not mail the notice referred to in ((WAC 388-14A-5008)) subsection (3) of this section if the prepaid support is equal to or less than one month's support obligation.

WSR 03-21-001
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-255—Filed October 1, 2003, 1:58 p.m.]

Date of Adoption: October 1, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-126.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-14-069 on June 26, 2003.

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.

October 1, 2003

J. P. Koenings

Director

by Larry Peck

AMENDATORY SECTION (Amending Order 01-24, filed 3/5/01, effective 5/1/01)

WAC 220-56-126 Nonbuoyant lures and night closures—Saltwater. It is unlawful to fish for or possess salmon taken for personal use from the following saltwater areas unless the hooks meet the requirements of this section.

(1) Nonbuoyant lure restriction: In the following waters during the periods shown, it is unlawful to use a nonbuoyant lure that has more than one single hook or has a hook measuring more than 3/4 inch point to shank:

Area	Time Period
Duwamish waterway downstream from the First Avenue South Bridge to an east-west line through SW Hanford Street on Harbor Island parallel to SW Spokane Street where it crosses Harbor Island Budd Inlet - waters south of a line true west from the KGY radio station to the mainland and north of the closed zone provided for in WAC 220-56-128	July 1 - ((November 30)) <u>October 31</u>
Westport Boat Basin	July 16 - October 31 August 16 - January 31

(2) During the gear restricted periods provided for in this section it is unlawful to fish for food fish or shellfish from one hour after official sunset to one hour before official sunrise.

(3) No leads, weights, or sinkers may be attached below or less than 12 inches above a lure.

(4) All hooks must be attached within 3 inches of the bait or lure.

(5) It is unlawful to use forage fish jigger gear.

WSR 03-21-019
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed October 6, 2003, 11:55 a.m.]

Date of Adoption: September 23, 2003.

Purpose: Require that real estate licensees obtain receipts for earnest money, deliver all receipts to brokers, and disclose to consumers the risks in depositing earnest money with third party holders.

Citation of Existing Rules Affected by this Order: Amending WAC 308-124E-013(4).

Statutory Authority for Adoption: RCW 18.85.040(1).

Adopted under notice filed as WSR 03-13-024 on June 9, 2003.

Changes Other than Editing from Proposed to Adopted Version: Change reference to "the broker" to "a broker."

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

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

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ing: 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.

October 6, 2003

Sydney W. Beckett

Acting Assistant Director

AMENDATORY SECTION (Amending WSR 00-08-035, filed 3/29/00, effective 7/1/00)

WAC 308-124E-013 Administration of funds held in trust—Real estate and business opportunity transactions. The procedures in this section are applicable to funds received by the broker in connection with real estate sales or business opportunity transactions or options thereon. These procedures are in addition to the requirements of the general trust account procedures contained in WAC 308-124E-012.

(1) Bank accounts shall be designated as trust accounts in the firm or DBA name of the real estate broker as licensed. Trust bank accounts for real estate sales or business opportunity transactions shall be interest bearing demand deposit accounts. These accounts shall be established as described in RCW 18.85.310 and this section.

(a) The broker shall maintain a pooled interest bearing trust account identified as housing trust fund account for deposit of trust funds which are ten thousand dollars or less.

Interest income from this account will be paid to the department by the depository institution in accordance with RCW 18.85.310(7) after deduction of reasonable bank service charges and fees, which shall not include check printing fees or fees for bookkeeping systems. The department shall remit the funds to the state treasurer.

(b) The agent shall disclose in writing to the party depositing more than ten thousand dollars that the party has an option between (i) and (ii) below;

(i) All trust funds not required to be deposited in the account specified in (a) of this subsection shall be deposited in a separate interest-bearing trust account for the particular party or party's matter on which the interest will be paid to the party(ies); or

(ii) In the pooled interest-bearing account specified in (a) of this subsection if the parties to the transaction agree in writing.

(c)(i) For accounts established as specified in (a) of this subsection, the broker will maintain an additional ledger card with the heading identified as "Housing trust account interest." As the monthly bank statements are received, indicating interest credited, the broker will post the amount to the pooled interest ledger card. When the bank statement indicates that the interest was paid to the state or bank fees were charged, the broker will debit the ledger card accordingly.

(ii) For accounts established as specified in (b)(i) of this subsection, the interest earned or bank fees charged will be posted to the individual ledger card.

(d) When the bank charges/fees exceed the interest earned, causing the balance to be less than trust account liability, the broker shall within one banking day after receipt of such notice, deposit funds from the brokers business account or other non-trust account to bring the trust account into balance with outstanding liability. The broker may be reim-

bursed by the party depositing the funds for these charges for accounts established as specified in (b)(i) of this subsection, if the reimbursement is authorized in writing by the party depositing the funds. For accounts established under (a) of this subsection, the broker will absorb the excess bank charges/fees as a business expense.

(2) A separate check shall be drawn on the real estate trust bank account, payable to the broker as licensed, for each commission earned, after the final closing of the real estate or business opportunity transaction. Each commission check shall be identified to the transaction to which it applies.

(3) No disbursements from the real estate trust bank account shall be made in advance of closing of a real estate or business opportunity transaction or before the happening of a condition set forth in the earnest money agreement, to any person or for any reason, without a written release from both the purchaser and seller; except that

(i) If the agreement terminates according to its own terms prior to closing, disbursement of funds shall be made as provided by the agreement without a written release; and

(ii) Funds may be disbursed to the escrow agent designated in writing by the purchaser and seller to close the transaction, reasonably prior to the date of closing in order to permit checks to clear.

(4) When a transaction provides for the earnest money deposit/note or other instrument to be held by a party other than the broker, ~~((the))~~ a broker shall deliver the deposit to the party designated to hold the funds ~~(, unless the parties to the transaction instruct otherwise in writing)~~. The delivery shall be made within one banking day after all parties to the transaction have signed the agreement, unless parties to the transaction instruct otherwise in writing. A dated receipt will be obtained and placed in the transaction file.

WSR 03-21-024

PERMANENT RULES

OFFICE OF

FINANCIAL MANAGEMENT

[Filed October 7, 2003, 1:46 p.m.]

Date of Adoption: October 7, 2003.

Purpose: To establish the rules that are necessary to define the adjudicative hearing procedures that will apply if an employee appeals an agency decision regarding a wage overpayment pursuant to chapter 34.05 RCW.

Statutory Authority for Adoption: Chapter 77, Laws of 2003.

Adopted under notice filed as WSR 03-16-039 on July 30, 2003.

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 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.

October 7, 2003

Roselyn Marcus
Rules Coordinator

Chapter 82-04 WAC

Wage Overpayment Adjudicative Hearings

NEW SECTION

WAC 82-04-010 Appellant notice to request adjudicative hearing. (1) Once the appellant has notified the agency that he or she wishes to appeal the agency's review decision, the agency shall transmit the appellant's application for an adjudicative proceeding (request for hearing) to the office of administrative hearings (OAH) within ten business days after receiving it from the appellant.

(2) In any wage overpayment matter that is appealed, the agency shall provide OAH with the following information:

(a) The name of the agency contact in the matter and any contact information;

(b) The name of the appellant and any contact information, including address and telephone number;

(c) The name and address of the agency contact for billing purposes; and

(d) The name and address of the agency contact where the file should be sent after OAH closes the adjudicative proceeding.

(3) The agency shall transmit all requests for hearing to the following address: Office of Administrative Hearings, 919 Lakeridge Way SW, P.O. Box 42488, Olympia, WA 98504-2488; (360) 664-8717; fax (360) 664-8721.

NEW SECTION

WAC 82-04-020 Agency transmissions to the office of administrative hearings. Within ten business days of receipt of the appellant's request for hearing, the agency shall also transmit to OAH the relevant case file, including documents which the agency intends to use as exhibits in the hearing. The case file and documents may be transmitted to OAH together with the request for hearing. If the case file and documents are exceptionally voluminous, the agency should contact OAH for instructions before transmitting them.

NEW SECTION

WAC 82-04-030 Adjudicative hearing process. (1) It shall be the responsibility of OAH to issue the notice of hearing to the appellant and the agency.

(2) Either party may request a prehearing conference.

(3) The hearing shall be held telephonically unless the rights of the parties will be prejudiced thereby or at the discretion of the administrative law judge (ALJ).

(4) The hearing shall be recorded electronically and no transcript is required, unless specified otherwise in law or rule.

(5) In any adjudicative proceedings for wage overpayments, the ALJ shall apply the model rules of procedure, set forth in chapter 10-08 WAC, which shall govern the proceedings regardless of WAC 10-08-001(4) or other agency procedural rules to the contrary.

(6) All costs of the hearing shall be borne by the agency and OAH shall bill the agency for the hearing costs incurred.

NEW SECTION

WAC 82-04-040 Adjudicative hearing requirements.

The ALJ shall hear the evidence presented by both the appellant and the agency regarding the wage overpayment. The ALJ shall decide based upon that evidence whether a wage overpayment has occurred and, if so, what amount appellant owes the agency. Recoupment of an overpayment shall be conducted pursuant to chapter 77, Laws of 2003 (Substitute House Bill 1738) and the ALJ shall not have authority to decide repayment issues.

NEW SECTION

WAC 82-04-050 Adjudicative hearing decision. The decision of the ALJ in any wage overpayment adjudicative proceeding shall be considered a final order.

NEW SECTION

WAC 82-04-060 Good cause requirements. (1) If a person with a right to an adjudicative proceeding under chapter 77, Laws of 2003, files a request for hearing after the period for doing so has passed, the person must show good cause why the request for hearing should be granted.

(2)(a) If the ALJ finds good cause for filing a late hearing request, the ALJ shall conduct a hearing on the merits.

(b) If the ALJ does not find good cause for filing a late hearing request, the agency's overpayment decision is deemed final and the agency shall proceed to collect the wage overpayment as provided in chapter 77, Laws of 2003.

(3) As used in this section, "good cause" means a substantial reason or legal justification for failing to file a request for an adjudicative proceeding within the time period mandated by statute.

NEW SECTION

WAC 82-04-070 Exclusions to Administrative Procedure Act. For purposes of adjudicative proceedings of state employee wage overpayments, the exclusions to the administrative procedure act found in RCW 34.05.030 do not apply.

WSR 03-21-027
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed October 7, 2003, 4:28 p.m., effective December 1, 2003]

Date of Adoption: October 3, 2003.

Purpose: To correct a typographical error to the WAC reference in subsection (3) from WAC 388-468-0007 to 388-418-0007 and to update the name of the food assistance program from food stamps or food assistance to basic food.

Citation of Existing Rules Affected by this Order: Amending WAC 388-410-0030.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Adopted under notice filed as WSR 03-17-086 on August 19, 2003.

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

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

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

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

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

Effective Date of Rule: December 1, 2003.

October 3, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-01-005, filed 12/4/02, effective 2/1/03)

WAC 388-410-0030 How does the department calculate and set up my Basic Food ((assistance)) overpayment? (1) The department calculates the amount of your Basic Food ((assistance)) overpayment by counting the difference between:

- (a) The benefits your assistance unit (AU) received; and
- (b) The benefits your AU should have received.

(2) To calculate the benefits your AU should have received, we determine what we would have authorized if we:

- (a) Had correct and complete information; and
- (b) Followed all the necessary procedures to determine your AU's eligibility and benefits.

(3) If you did not report your earned income as required under WAC (~~388-468-0007~~) 388-418-0007, you do not get the earned income disregard under WAC 388-450-0185 when we calculate your overpayment amount.

(4) If you were underpaid Basic Food ((assistance)) benefits for a period of time, we will use these benefits to reduce your overpayment if:

(a) We have **not** already issued you benefits to replace what you were underpaid; and

(b) We have **not** used this amount to reduce another overpayment.

(5) We set up an inadvertent household error or administrative error overpayment if:

(a) We discovered the overpayment through the quality control process;

(b) You currently get Basic Food ((assistance)) benefits; or

(c) The overpayment is over one hundred twenty-five dollars and you do not currently get Basic Food ((assistance)) benefits.

(6) We do not set up inadvertent household error or administrative error overpayment if:

(a) We cannot find the responsible AU members; or

(b) We have referred your inadvertent household error for prosecution or an administrative disqualification hearing and collecting the overpayment could negatively impact this process.

(7) We set up an intentional program violation overpayment based on the results of an administrative hearing (chapter 388-02 WAC) unless:

(a) Your AU has repaid the overpayment;

(b) We cannot find the responsible AU members; or

(c) We have referred your inadvertent household error for prosecution and collecting the overpayment could negatively impact this process.

WSR 03-21-028
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed October 7, 2003, 4:29 p.m., effective November 1, 2003]

Date of Adoption: October 3, 2003.

Purpose: Amend WAC 388-418-0005, 388-418-0007, and 388-418-0020 to comply with federal requirements on reporting changes for the food stamp program and to rewrite the text of the rules to be more easily understood. This is Part 1 of 2. Part 2 includes related amended rules in chapters 388-450 and 388-490 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 388-418-0005, 388-418-0007, and 388-418-0020.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Adopted under notice filed as WSR 03-17-087 on August 19, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 3, 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 3, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: These rules must be effective and implemented by November 1, 2003, to comply with 7 C.F.R. 273 and 7 U.S.C. chapter 51.

Effective Date of Rule: November 1, 2003.

October 3, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-11-109, filed 5/21/01, effective 7/1/01)

WAC 388-418-0005 What type of changes must I report for cash, Basic Food, and medical assistance? For purposes of this section, an "assistance unit" or "AU" is a group of people who live together and whose income or resources we count to decide what benefits the AU gets. Even if someone in your AU is not eligible to get a benefit, we still count that person's income or resources if they are financially responsible for you or someone in your AU, such as a common child. If you are a parent of a child who gets long-term care benefits, you need only report changes in income or resources that are actually contributed to the child. Tables one, two and three below show the types of changes you must report based on the type of assistance you get. Use table one to see if you must report a change for cash or **Basic Food** ((**assistance**)). Use table two to see if you must report a change for children's, pregnant women's, or family medical assistance. Use table three to see if you must report a change for SSI-related medical or long-term care medical assistance.

Type of change to report when you or anyone in your assistance unit AU):	Do I have to report this change for cash assistance?	Do I have to report this change for Basic Food ((assistance))?
(1) Starts to get money from a new source;	Yes	Yes
(2) Has unearned income that changed by more than ((twenty-five) <u>fifty</u>) dollars from amount we budgeted;	Yes	Yes
(3) Moves into or out of your home, including newborns or if an AU member dies. This also includes when someone temporarily moves in or out;	Yes	Yes

Type of change to report when you or anyone in your assistance unit AU):	Do I have to report this change for cash assistance?	Do I have to report this change for Basic Food ((assistance))?
(4) Moves to a new residence;	Yes	Yes
(5) Has a change in shelter costs;	Yes, but only if you went from having no shelter costs to having a shelter cost, or from having shelter costs to not having to pay anything. You don't have to report a change in the amount you pay.	Yes, report the change at your recertification. If your shelter costs go up, you could get more ((food-assistance) <u>benefits</u>). Report the change sooner to see if you will get more benefits.
(6) Gets married, divorced, or separated;	Yes	Yes
(7) Gets a vehicle;	Yes	Yes
(8) Has a disability that ends;	Yes	Yes
(9) Has countable resources that are more than the resource limits under WAC 388-470-0005;	Yes	Yes
(10) Gets a job or changes employers;	Yes	<u>Yes, but only if it causes a change in the person's income.</u>
(11) Changes from part-time to full-time or full-time to part-time work. We use your employer's definition of part-time and full-time work;	Yes	Yes
(12) Has a change in hourly wage rate or salary;	Yes	Yes
(13) Stops working;	Yes	Yes
(14) Has a pregnancy that begins or ends;	Yes	No
(15) Has a change in uncovered medical expenses;	No	Yes, report this change only at your next eligibility review. If you are elderly or disabled and you have an increase in uncovered medical expenses, report this change sooner as you may be eligible to get more benefits.

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for family medical assistance (i.e., TANF/SFA-related) or Children's Medical ?	Do I have to report this change for ((children's medical and/or) <u>Pregnancy Medical</u>)?
(16) <u>A change in work hours to below 20 hours per week averaged monthly.</u>	No	<u>Yes, but only if there are no children in your AU and the person is a nonexempt ABAWD under WAC 388-444-0030 and 388-444-0035.</u>

PERMANENT

Table 2 - Medical Assistance

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for family medical assistance (i.e., TANF/SFA-related) or Children's Medical?	Do I have to report this change for (children's medical and/or) Pregnancy Medical?
(17) A change in legal obligation to pay child support.	No	Yes
(18) Starts to get money from a new source;	Yes	No
((17)) (19) Has unearned income that changed;	Yes	No
((18)) (20) Moves into or out of your home, including newborns or if an AU member dies. This also includes when someone temporarily moves in or out;	Yes	Yes
((19)) (21) Moves to a new residence;	Yes	Yes
((20)) (22) Has a change in shelter costs;	No	No
((21)) (23) Gets married, divorced, or separated;	Yes	No
((22)) (24) Gets a vehicle;	No	No
((23)) (25) Has a disability that ends;	No	No
((24)) (26) Has countable resources that are more than the resource limits under WAC 388-470-0005;	No	No
((25)) (27) Gets a job or changes employers;	Yes	No
((26)) (28) Changes from part-time to full-time or full-time to part-time work. We use your employer's definition of part-time and full-time work;	Yes	No
((27)) (29) Has a change in hourly wage rate or salary;	Yes	No
((28)) (30) Stops working;	Yes	No
((29)) (31) Has a pregnancy that begins or ends;	Yes	Yes
((30)) (32) Has a change in uncovered medical expenses.	No	Yes, but only if an AU member has a spend-down.

Table 3 - SSI-Related Medical Assistance and Long-Term Care

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for SSI-related medical assistance?	Do I have to report this change for long-term care (i.e., COPES, CAP, or nursing home)
((31)) (33) Starts to get money from a new source;	Yes	Yes
((32)) (34) Has unearned income that changed;	Yes	Yes
((33)) (35) Has a change in earnings or stops working	Yes	Yes
((34)) (36) Moves into or out of your home, including newborns or if an AU member dies. This also includes when someone temporarily moves in or out;	Yes	Yes
((35)) (37) Moves to a new residence;	Yes	Yes
((36)) (38) Has a change in shelter costs;	No, unless you went from paying rent to not paying any rent. You do not need to report if your rent amount changes.	Yes, if client or community spouse live in their own home
((37)) (39) Gets married, divorced, or separated;	Yes	Yes
((38)) (40) Gets a vehicle;	Yes, but only if that person or their spouse gets SSI-related medical	Yes, but only if that person gets long-term care
((39)) (41) Has a disability that ends;	Yes	Yes
((40)) (42) Has countable resources that are more than the resource limits, under WAC 388-470-0005 or 388-513-1350;	Yes, but only if that person or their spouse get SSI-related medical	Yes, but only if that person gets long-term care
((41)) (43) Has a change in uncovered medical expenses.	Yes, but only if an AU member has a spend-down.	Yes.

AMENDATORY SECTION (Amending WSR 01-11-109, filed 5/21/01, effective 7/1/01)

WAC 388-418-0007 When do I have to report changes in my circumstances? (1) If you are applying for cash and/or **Basic Food** (**assistance**) and have had a change:

(a) After the date you applied but before your interview, you must report the change at the time of your interview; or

(b) After you have been interviewed, you must report the change within ten days of the date of your approval notice.

(2) If you get TANF/SFA, you must report within five calendar days from the day you learn that a child in the AU will be gone from your home longer than ninety days. If you do not report this within five days:

(a) You are not eligible for cash benefits for one month; and

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(b) All of your countable income as described in WAC 388-450-0162 is budgeted against the cash benefits for the remaining AU members.

(3) If you receive cash (~~and~~) or Basic Food (~~assistance, all other~~), you must report changes described in WAC (~~388-417-0005 must be reported~~) 388-418-0005 within ten days from the day you become aware of the change.

(4) If you receive medical assistance you must report the changes described in WAC 388-418-0005 within twenty days from the day you become aware of the change.

(5) If you report changes late, you may get the wrong amount or wrong type of benefits. If you get more benefits than you are eligible for, you may have to pay them back as described in chapter 388-410 WAC.

AMENDATORY SECTION (Amending WSR 02-14-086, filed 6/28/02, effective 7/1/02)

WAC 388-418-0020 How does the department determine the date a change affects my benefits? (1) Unless otherwise specified, the rules in this chapter refer to cash, (~~food and~~) medical assistance, and Basic Food benefits.

(2) If you report a change that happened between the date you applied for benefits and the date we interview you under WAC 388-452-0005, we take this change into consideration when we process your application for benefits.

(3) If you report a change in your income that we expect to continue at least a month beyond the month when you reported the change, we recalculate the income we estimated under WAC 388-450-0215 based on this change.

(4) When a change causes an increase in benefits, (~~the client~~) you must provide proof of the change before we adjust (~~the benefit amount~~) your benefits.

(a) If you give us the proof within ten days from the date we requested it, we increase your benefits starting the month after the month you reported the change.

(b) If you give us the proof more than ten days after the date we requested it, we increase your benefits starting the month after the month we got the proof.

(c) If you are (~~entitled to get~~) eligible for more benefits and we have already sent you benefits for that month, we (~~must send them to you~~) provide you the additional benefits within ten days of the day we got the proof.

(~~(3)~~) (5) When a change causes a decrease in benefits, we change your benefit amount before we ask for proof:

(a) If you report the change within the time limits in WAC 388-418-0007, we decrease your benefits starting the first month following the advance notice period. The advance notice period:

(i) Begins on the day we send you a letter about the change, and

(ii) Is determined according to the rules in WAC (~~388-458-0010~~) 388-458-0025.

(b) If you do not report the change within the time limits in WAC 388-418-0007:

(i) We figure out the effective date as if you had reported it on time. This includes:

(A) Ten days for you to report the change, and

(B) Ten days for the advance notice period to begin, if required under (~~chapter 388-458~~) WAC 388-458-0030.

(ii) If the effective date should have been a past month:

(A) We establish an overpayment claim according to the rules in chapter 388-410 WAC for all the appropriate months; and

(B) Decrease your benefits starting the following month.

(iii) We establish an overpayment claim and decrease your benefits starting the month after next when:

(A) The effective date should have been next month; and

(B) It is less than ten days away; and

(C) We (~~were supposed to~~) must give you ten days notice under WAC 388-458-0030.

(iv) If the effective date should have been next month or the following month and we have time to give you ten-days notice, we decrease your benefits starting that month.

(c) We have until your next recertification/eligibility review to ask for proof.

(~~(4)~~) (6) If we are not sure how the change will affect your benefits, we send you a letter as described in WAC 388-458-0020 requesting information from you.

(a) We give you ten days to provide the information. If you need more time, you can ask for it.

(b) If you do not give us the information in time, we will stop your benefits after giving you advance notice, if required, as described in WAC 388-458-0030.

(~~(5)~~) (7) Within ten days of the day we learn about a change, we:

(a) Send advance notice according to the rules in chapter 388-458 WAC; and

(b) Take necessary action to correct the benefit. We wait to take action on a change if you request a hearing about a proposed decrease in benefits before the effective date or within the advance notice period as described in WAC 388-458-0040.

(~~(6)~~) (8) If you disagree with a decision we made to change your benefits, you may request a fair hearing under chapter 388-02 WAC. The fair hearing rules in chapter 388-02 WAC do not apply for a "mass change." A mass change is when we change the rules that impact all recipients and applicants.

(9) When you request a hearing and get continued benefits:

(a) We keep giving you the same benefits you got before the advance notice of reduction until the earliest of the following events occur:

(i) For Basic Food (~~assistance~~) only, your certification period expires;

(ii) The end of the month the fair hearing decision is mailed;

(iii) You state in writing that you do not want continued benefits;

(iv) You withdraw your fair hearing request in writing; or

(v) You abandon your fair hearing request; or

(vi) An administrative law judge issues a written order that ends continued benefits prior to the fair hearing.

(b) We establish an overpayment claim according to the rules in chapter 388-410 WAC when the hearing decision agrees with the action we took.

(~~(7)~~) (10) Some changes have a specific effective date as follows:

(a) When cash assistance benefits increase because a person is added to your assistance unit, we use the effective date rules for applications in WAC 388-406-0055.

(b) When cash assistance benefits increase because you start paying shelter costs, we use the date the change occurred.

(c) When a change in law or regulation changes the benefit amount, we use the date specified by the law or regulation.

(d) When institutional medical assistance participation changes, we calculate the new participation amount beginning with the month your income or allowable expense changes.

WSR 03-21-029

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 7, 2003, 4:30 p.m., effective November 1, 2003]

Date of Adoption: October 3, 2003.

Purpose: The department is amending WAC sections in chapters 388-450 and 388-490 WAC to comply with federal requirements on reporting changes and income budgeting for the food stamp program and to rewrite the text of the rules to be more easily understood. This is Part 2 of 2. Part 1 includes related amended rules in chapter 388-418 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0215, 388-450-0225, 388-450-0230, 388-450-0245, and 388-490-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, and 74.04.510.

Adopted under notice filed as WSR 03-17-088 on August 19, 2003.

Changes Other than Editing from Proposed to Adopted Version: Editorial changes only.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 5, 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 5, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: These rules must be effective and implemented by November 1, 2003, to comply with 7 C.F.R. 273 and 7 U.S.C. chapter 51.

Effective Date of Rule: November 1, 2003.

October 3, 2003

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-23-083, filed 11/16/99, effective 1/1/00)

WAC 388-450-0215 How does the department (~~estimate~~) estimate my assistance unit's income to determine ((your)) my eligibility and benefits((-)? The department uses prospective budgeting to determine (~~eligibility and~~) if your Assistance Unit (AU) is eligible and to calculate your benefits.

(1) (~~The department determines the amount of~~) We determine if your AU is eligible for benefits ((an assistance unit can receive each month based on an estimate of your income and circumstances)) and calculate your monthly benefits based on an estimate of your AU's income and expenses for that month. This is known as prospective budgeting.

(2) We base this estimate on what can be reasonably expected based on your current, past and future circumstances.

(3) We determine if our estimate is reasonable by looking at documents, statements, and other verification.

(4) (~~There are~~) We use two methods ((of estimating a client's)) to estimate your AU's income:

(a) **Anticipating monthly income:** We estimate the actual amount of income you expect to receive in the month; and

(b) **Averaging income:** We estimate your income based on adding the total income you expect to receive for a period of time and dividing by the number of months in the time period.

(5) When we use the anticipating monthly method, we estimate the actual amount of income your AU expects to receive in the month. Your benefits will vary based on the income that is expected for that month.

(6) In general, you can choose which method we use to estimate your income. However, we **must** use the anticipating monthly method:

(a) For all your AU's income in the following circumstances:

~~((a))~~ (i) If you receive SSI-related medical benefits under WAC 388-450-0150; or

(ii) If you are a destitute migrant or destitute seasonal farmworker ((as defined in)) under WAC 388-406-0021((-)), we must use the anticipating monthly method for the month your AU applied for benefits.

(b) (~~If you are receiving SSI, Social Security, or SSI-related medical benefits;~~

~~(e) If you have~~) For the income of any member of your AU who has income allocated to someone receiving SSI-related medical benefits under WAC 388-450-0150; ((e) If you have)

(c) For the following sources of income to your AU:

(i) SSI;
(ii) Social Security benefits; or
(iii) Income your AU already received ((income)) in the month that you ((apply)) applied for benefits((-

~~(6) When using~~). If we do not have to use the anticipated monthly method ~~(, we estimate the actual amount of income you expect to receive in the month. Your benefits will vary based on the income that is expected for that month)~~ for any other reason, we may average this income for the remaining months of your certification or review period.

(7) When ~~((using))~~ we use the averaging method, we take the expected changes in your AU's income ~~((are taken))~~ into consideration so your benefits do not change as much:

(a) ~~((Clients that))~~ If you receive ~~((their))~~ your income weekly or every other week ~~((will have their))~~, we convert this income converted to a monthly amount. If you are paid: If you are paid:

(i) Weekly, we multiply your expected pay by 4.3; or

(ii) Every other week, we multiply your expected pay by 2.15.

(b) ~~((Clients that))~~ In most cases if you receive ~~((their))~~ your income other than weekly or every other week ~~((will have their))~~, we estimate your monthly income ~~((estimated))~~ by:

(i) Adding the total amount of income ~~((expected to be received for the))~~ we expect you to receive for your certification or review period ~~((of time))~~; and

(ii) Dividing by the number of months in the period of time.

(c) If you receive your yearly income over less than a year because you are self employed or work under a contract, we average this income over the year unless you are:

(i) Paid on an hourly or piecework basis; or

(ii) A migrant or seasonal farmworker under WAC 388-406-0021.

(8) If you report a change in your AU's income, and we expect the change to last for at least a month beyond the month you reported the change, we recalculate your AU's income based on this change.

(9) If your actual income is different than the income we estimated, we ~~((will))~~ do not make you repay an overpayment under chapter 388-410 WAC or increase your benefits ~~((if your actual income is different than your estimated income))~~ unless:

(a) ~~((The information))~~ You provided ~~((was))~~ incomplete or false information; or

(b) We made an error in calculating your benefits.

AMENDATORY SECTION (Amending WSR 99-24-008, filed 11/19/99, effective 1/1/00)

WAC 388-450-0225 How ~~((the department calculates the benefit amount for the first month of eligibility))~~ are my assistance unit's benefits calculated for the first month I am eligible for cash assistance~~((s))~~? (1) To ~~((determine the client's))~~ calculate your AU's cash benefit ~~((amount for the first month of eligibility for cash assistance, the department compares the))~~ for your first month's benefits, we compare your AU's countable income to the payment standard as described in WAC 388-450-0162.

(2) Even if your AU has countable income ~~((exceeds))~~ over the payment standard, you ~~((can))~~ may still receive additional requirements.

(3) ~~((When))~~ If your countable income is less than the payment standard, we prorate your grant amount based on the date you are eligible.

(4) We do not prorate ~~((the))~~ any approved additional requirements.

(5) We prorate your grant by:

(a) Dividing ~~((the))~~ your AU's grant amount by the number of days in the first month of eligibility; and

(b) Multiplying the ~~((figure))~~ result in (5)(a) of this section by the number of days from the date of eligibility to the last day of the month.

AMENDATORY SECTION (Amending WSR 02-17-028, filed 8/12/02, effective 10/1/02)

WAC 388-450-0230 What income does the department count in the month I apply for Basic Food ~~((assistance))~~ when my assistance unit is destitute? (1) If your assistance unit (AU) ~~((includes a))~~ meets the requirements of a destitute migrant or seasonal farmworker ~~((and your AU is destitute))~~ under WAC 388-406-0021, we may exclude some of your income in the month you apply for Basic Food ~~((assistance))~~.

(2) In the month of application, we:

(a) Count only income your AU received between the first of the month and the date you apply for Basic Food ~~((assistance))~~; and

(b) Disregard any income from a new source that you expect to receive after the date you apply for Basic Food ~~((assistance))~~.

AMENDATORY SECTION (Amending WSR 00-01-012, filed 12/3/99, effective 1/1/00)

WAC 388-450-0245 When are my benefits suspended? (1) ~~((In the))~~ For TANF/SFA, RCA, GA and Basic Food ~~((assistance programs, the word))~~, "suspend" means ~~((that))~~ the department stops your benefits for one month.

(2) We suspend your AU's benefits for one month when your expected total countable income ~~((as defined in))~~ under WAC 388-450-0162:

(a) ~~((Exceeds))~~ Is more than the dollar ~~((limits for your household size))~~ limit for your AU; and

(b) ~~((Exceeds those))~~ If over these limits for only that one month~~((~~

~~((3) We end your benefits when your expected countable income exceeds the limits for your household size for two or more consecutive months.~~

~~((4) If your expected income drops below the limits for your household size, you may be eligible if you reapply for benefits)).~~

AMENDATORY SECTION (Amending WSR 00-08-091, filed 4/5/00, effective 5/6/00)

WAC 388-490-0005 The department requires proof before authorizing benefits for cash, medical, and Basic Food ~~((assistance))~~. This rule applies to cash, medical, and Basic Food ~~((assistance))~~.

(1) When you first apply for benefits, the department may require you to provide proof of things that help us decide

~~((your eligibility))~~ if you are eligible for benefits. This is also called "verification." The types of things that need to be proven are different for each program.

(2) After that, we will ask you to give us proof when:

- (a) You report a change;
- (b) We find out that your circumstances have changed;

or

(c) The information we have is questionable ~~((or))~~, confusing, or outdated.

(3) Whenever we ask for proof, we will give you a notice as described in WAC ~~((388-458-0001))~~ 388-458-0020.

(4) You must give us the proof within the time limits described in:

(a) WAC 388-406-0030 ~~((and 388-406-0035))~~ if you are applying for benefits; and

(b) WAC ~~((388-458-0001))~~ 388-458-0020 if you currently receive benefits.

(5) We will accept any proof that you can easily get when it reasonably supports your statement or circumstances. The proof you give to us must:

- (a) Clearly relate to what you are trying to prove;
- (b) Be from a reliable source; and
- (c) Be accurate, complete, and consistent.

(6) We cannot make you give us a specific type or form of proof.

(7) If the only type of proof that you can get costs money, we will pay for it.

(8) If the proof that you give to us is questionable or confusing, we may:

(a) Ask you to give us more proof ~~((or provide))~~, which may include providing a collateral ~~((contact))~~ statement. A "collateral ~~((contact))~~ statement" is ~~((a statement))~~ from someone outside of your residence ~~((that))~~ who knows your situation~~((?))~~;

(b) Schedule a visit to come to your home and verify your circumstances; or

(c) Send an investigator from the Division of Fraud Investigations (DFI) to make an unannounced visit to your home to verify your circumstances.

(9) By signing the application, eligibility review, or change of circumstances form, you give us permission to contact other people, agencies, or institutions.

(10) If you do not give us all of the proof that we have asked for, we will determine if you are eligible based on the information that we already have. If we cannot determine that you are eligible based on this information, we will deny or stop your benefits.

standards for basic food and WASHCAP. These changes are necessary to comply with federal requirements for the food stamp program. When effective, these permanent rules will replace emergency rules filed as WSR 03-20-071.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0185, 388-450-0190, 388-450-0195, 388-478-0060, 388-492-0040, and 388-492-0070.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Adopted under notice filed as WSR 03-17-089 on August 19, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 6, 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 6, Repealed 0.

Effective Date of Rule: December 1, 2003.

October 3, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-22-044, filed 10/30/02, effective 12/1/02)

WAC 388-450-0185 Does the department count all of my income to determine my eligibility and benefits for Basic Food ~~((assistance))~~? We subtract the following amounts from your assistance unit's (AU's) countable income before we determine your Basic Food ~~((assistance))~~ benefit amount:

(1) A standard deduction based on the number of people in your AU under WAC 388-408-0035:

Eligible and ineligible AU members	Standard deduction
1	\$134
2	\$134
3	\$134
4	\$134
5	\$(147)) <u>149</u>
6 or more	\$(168)) <u>171</u>

(2) Twenty percent of your AU's gross earned income (earned income deduction);

(3) Your AU's expected monthly dependent care expense as described below:

(a) The dependent care must be needed for AU member to:

WSR 03-21-030
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 7, 2003, 4:31 p.m., effective December 1, 2003]

Date of Adoption: October 3, 2003.

Purpose: Amend rules in chapters 388-450, 388-478, and 388-492 WAC to update income, benefit, and deduction

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- (i) Keep work, look for work, or accept work;
 - (ii) Attend training or education to prepare for employment; or
 - (iii) Meet employment and training requirements under chapter 388-444 WAC.
- (b) We subtract allowable dependent care expenses that are payable to someone outside ~~((of))~~ of your AU:
- (i) Up to two hundred dollars for each dependent under age two; and
 - (ii) Up to one hundred seventy-five dollars for each dependent age two or older.
- (4) Medical expenses over thirty-five dollars a month owed or anticipated by an elderly or disabled ~~((household member as described))~~ person in your AU as allowed under WAC 388-450-0200.

- (5) Legally obligated current or back child support paid to someone outside of your AU:
- (a) For a person who is not in your AU; or
 - (b) For a person who is in your AU to cover a period of time when they were not living with you.
- (6) A portion of your shelter costs as described in WAC 388-450-0190.

AMENDATORY SECTION (Amending WSR 02-22-045, filed 10/30/02, effective 12/1/02)

WAC 388-450-0190 How does the department figure my shelter cost income deduction for **Basic Food ((assistance))**? The department calculates your shelter cost income deduction as follows:

- (1) First, we add up the amounts your assistance unit (AU) must pay each month for shelter. We do not count any overdue amounts, late fees, penalties or any amount you pay ahead of time as an allowable cost. We count the following expenses as an allowable shelter cost:
- (a) Ongoing rent, lease, and mortgage payments;
 - (b) Property taxes;
 - (c) Homeowner's association or condo fees;
 - (d) Homeowner's insurance for the building only;
 - (e) Utility allowance your AU is eligible for under WAC 388-450-0195;
 - (f) Out-of-pocket repairs for the home if it was substantially damaged or destroyed due to a natural disaster such as a fire or flood;
 - (g) Expense of a temporarily unoccupied home because of employment, training away from the home, illness, or abandonment caused by a natural disaster or casualty loss if your:
 - (i) AU intends to return to the home;
 - (ii) AU has current occupants who are not claiming the shelter costs for **Basic Food ((assistance))** purposes; and
 - (iii) AU's home is not being leased or rented during your AU's absence.
- (2) Second, we subtract all deductions your AU is eligible for under WAC 388-450-0185 (1) through (5) from your AU's gross income. The result is your AU's net income.
- (3) Finally, we subtract one-half of your AU's net income from your AU's total shelter costs. The result is your excess shelter costs. Your AU's shelter cost deduction is the excess shelter costs:

- (a) Up to a maximum of three hundred ~~((sixty-seven))~~ seventy-eight dollars if no one in your AU is elderly or disabled and you were found eligible for benefits or were recertified for benefits either on or after March 1, 2001; or
- (b) The entire amount if someone in your AU is elderly or disabled, even if the amount is over three hundred ~~((sixty-seven))~~ seventy-eight dollars.

AMENDATORY SECTION (Amending WSR 02-22-045, filed 10/30/02, effective 12/1/02)

WAC 388-450-0195 Utility allowances for **Basic Food ((assistance))** programs. (1) For **Basic Food ((assistance programs))**, "utilities" include the following:

- (a) Heating and cooking fuel;
- (b) Cooling and electricity;
- (c) Water and ~~((sewerage))~~ sewer;
- (d) Garbage and trash collection; and
- (e) Basic telephone service.

(2) The department uses the amounts below if you have utility costs separate from your rent or mortgage payment. We add your utility allowance to your rent or mortgage payment to determine your total shelter costs. We use total shelter costs to determine your **Basic Food ((assistance))** benefits.

(a) If you have heating or cooling costs, you get a standard utility allowance (SUA) that depends on your assistance unit's size.

Assistance Unit (AU) Size	Utility Allowance
1	\$ ((275)) <u>287</u>
2	\$ ((283)) <u>295</u>
3	\$ ((291)) <u>304</u>
4	\$ ((300)) <u>313</u>
5	\$ ((308)) <u>321</u>
6 or more	\$ ((316)) <u>330</u>

(b) If your AU does not qualify for the SUA and you have utility costs other than telephone costs, you get a limited utility allowance (LUA) of two hundred ~~((fifteen))~~ twenty-three dollars.

(c) If your AU has only telephone costs and no other utility costs, you get a telephone utility allowance (TUA) of ~~((thirty-five))~~ thirty-six dollars.

AMENDATORY SECTION (Amending WSR 02-21-050, filed 10/14/02, effective 12/1/02)

WAC 388-478-0060 What are the income limits and maximum benefit amounts for **Basic Food ((assistance))**? If your assistance unit (AU) meets all other eligibility requirements for **Basic Food ((assistance))**, your AU must have income at or below the limits in column B and C to get **Basic Food ((assistance))**, unless you meet one of the exceptions listed below. The maximum monthly food assistance benefit your AU could receive is listed in column D.

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EFFECTIVE ~~((10-1-2002))~~ 10-1-2003

Column A Number of Eligible AU Members	Column B Maximum Gross Monthly Income	Column C Maximum Net Monthly Income	Column D Maximum Allotment	Column E 165% of Poverty Level
1	\$(960) <u>973</u>	\$(739) <u>749</u>	\$(139) <u>141</u>	\$(1,219) <u>1,235</u>
2	((1,294)) <u>1,313</u>	((995)) <u>1,010</u>	((256)) <u>259</u>	((1,642)) <u>1,667</u>
3	((1,628)) <u>1,654</u>	((1,252)) <u>1,272</u>	((366)) <u>371</u>	((2,066)) <u>2,099</u>
4	((1,961)) <u>1,994</u>	((1,509)) <u>1,534</u>	((465)) <u>471</u>	((2,489)) <u>2,530</u>
5	((2,295)) <u>2,334</u>	((1,765)) <u>1,795</u>	((553)) <u>560</u>	((2,913)) <u>2,962</u>
6	((2,629)) <u>2,674</u>	((2,022)) <u>2,057</u>	((663)) <u>672</u>	((3,336)) <u>3,394</u>
7	((2,962)) <u>3,014</u>	((2,279)) <u>2,319</u>	((733)) <u>743</u>	((3,760)) <u>3,826</u>
8	((3,296)) <u>3,354</u>	((2,535)) <u>2,580</u>	((838)) <u>849</u>	((4,183)) <u>4,257</u>
9	((3,630)) <u>3,695</u>	((2,792)) <u>2,842</u>	((943)) <u>955</u>	((4,607)) <u>4,689</u>
10	((3,964)) <u>4,036</u>	((3,049)) <u>3,104</u>	((1,048)) <u>1,061</u>	((5,031)) <u>5,121</u>
Each Additional Member	+((334)) <u>341</u>	+((257)) <u>262</u>	+((105)) <u>106</u>	+((424)) <u>432</u>

Exceptions:

(1) If your AU is categorically eligible as under WAC 388-414-0001, your AU does not have to meet the gross or net income standards in columns B and C. We do budget your AU's income to decide the amount of Basic Food (~~((assistance))~~) your AU will receive.

(2) If your AU includes a member who is sixty years of age or older or has a disability, your income must be at or below the limit in column C only.

(3) If you are sixty years of age or older and cannot buy and cook your own meals because of a permanent disability, we will use column E to decide if you can be a separate AU.

(4) If your AU has zero income, your benefits are the maximum allotment in column D, based on the number of eligible members in your AU.

AMENDATORY SECTION (Amending WSR 03-01-045, filed 12/10/02, effective 1/10/03)

WAC 388-492-0040 Can I choose whether I get WASHCAP or ~~((regular)) Basic Food~~ ~~((assistance))~~? You can choose to have ~~((regular)) Basic Food~~ ~~((assistance))~~ benefits instead of WASHCAP benefits when:

(1) Your shelter costs are more than ~~((four)) five~~ hundred ~~((ninety-nine)) fourteen~~ 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); or
 - (d) Mandatory homeowner's association or condo fees.
- (2) Your out-of-pocket medical expenses are more than thirty-five dollars a month;
- (3) You would get more benefits from being in the ~~((regular)) Basic Food~~ ~~((assistance))~~ program; or
- (4) You are waiting to receive WASHCAP benefits.

AMENDATORY SECTION (Amending WSR 03-01-045, filed 12/10/02, effective 1/10/03)

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 one hundred thirty-four dollars from your gross income to get your countable income.
- (3) We figure your shelter cost as follows:
 - (a) If SSA tells us you pay three hundred two dollars or more a month for shelter, we use three hundred ~~((twelve)) twenty-one~~ dollars as your shelter cost; or
 - (b) If SSA tells us you pay less than three hundred ~~((one)) two~~ dollars ~~((a month or less))~~ for shelter, we use one hundred fifty-five 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.

PERMANENT

(4) We figure your shelter deduction by subtracting one half of your countable income from your shelter cost.

(5) We figure your net income by subtracting your shelter deduction from your countable income.

(6) We figure your WASHCAP benefits (allotment) by:

(a) Multiplying your net 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.

WSR 03-21-039

PERMANENT RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed October 8, 2003, 2:55 p.m.]

Date of Adoption: October 3, 2003.

Purpose: The department is adopting rules to reflect operating changes that are necessary to: (1) Comply with federal requirements for Medicaid dialysis reimbursements; (2) meet Department of Social and Health Services (DSHS) utilization and cost containment initiative (UCCI) budget targets; and (3) comply with the Governor's Executive Order on Regulatory Reform. The new sections created by this rule change are WAC 388-540-015, 388-540-025, 388-540-035, 388-540-045, 388-540-055, 388-540-065, 388-540-101, 388-540-105, 388-540-110, 388-540-120, 388-540-130, 388-540-140, 388-540-150, 388-540-160, 388-540-170, 388-540-180, 388-540-190, 388-540-200, and 388-540-210.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-540-010, 388-540-020, 388-540-030, 388-540-040, 388-540-050 and 388-540-060; and amending WAC 388-540-001 and 388-540-005.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.510, 74.09.520, 74.09.522.

Other Authority: 42 C.F.R. 405.2101.

Adopted under notice filed as WSR 03-14-103 on June 30, 2003.

Changes Other than Editing from Proposed to Adopted Version: There is a correction to WAC 388-540-110 Eligibility, adding alien emergency medical and deleting medically indigent (MI). WAC 388-540-200 Epoetin alpha (EPO) therapy. WAC 388-540-200(1) was amended to add subsections (1)(c)(i) and (1)(c)(ii).

As a result of comments received, the following changes were made in the rules as proposed (Additions indicated by underlined text, deletions indicated by ~~strikethrough text~~):

NEW SECTION

WAC 388-540-110 Eligibility. (1) To be eligible for the kidney center services described in this section, a client must be diagnosed with end-stage renal disease (ESRD) or acute renal failure and be covered under one of the following programs:

(a) Categorically needy program (CNP);

(b) Children's health insurance program (CHIP);

(c) ~~Medically indigent program (MI) (Emergency hospital and ambulance only);~~

(cd) General assistance-unemployable (GAU);

(de) Limited casualty program—Medically needy program (MNP); or

(e) Alien emergency medical; or

(f) Qualified Medicare beneficiary (QMB)—(MAA pays only for Medicare premium, co-insurance and deductible);

(2) Managed care enrollees must have dialysis services arranged directly through their designated plan.

NEW SECTION

WAC 388-540-200 Epoetin alpha (EPO) therapy. The medical assistance administration (MAA) reimburses the kidney center for EPO therapy when:

(1) Administered in the kidney center to a client:

(a) With a hematocrit less than thirty-three percent or a hemoglobin less than eleven when therapy is initiated; or

(b) Continuing EPO therapy with a hematocrit between thirty and thirty-six percent.

(c) Medical justification documented in the client's record is required for hematocrits greater than thirty-six or hemoglobins greater than twelve. Medical justification includes:

(i) Documentation that dose is being titrated downward to bring a patient's hematocrit back within target range; or

(ii) Documentation that it is medically necessary for the client to have a target hematocrit greater than thirty-six percent.

(2) Provided to a home dialysis client:

(a) Under the same hematocrit/hemoglobin guidelines as stated in (1)(a) and (b) of this section; and

(b) When permitted by Washington Board of Pharmacy Rules. (Refer to WAC 246-905-020 Home dialysis program—Legend drugs.)

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 6, 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 13, Amended 2, Repealed 6.

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 19, Amended 2, Repealed 6.

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

October 3, 2003

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 03-22 issue of the Register.

WSR 03-21-040

PERMANENT RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed October 8, 2003, 4:25 p.m.]

Date of Adoption: September 10, 2003.

Purpose: To adopt revisions in the rules for school district maintenance and operations levy authority and local effort assistance.

Citation of Existing Rules Affected by this Order:
Amending chapter 392-139 WAC, Finance levies.

Statutory Authority for Adoption: RCW 84.52.0531(9) and 28A.150.290.

Adopted under notice filed as WSR 03-13-103 on June 17, 2003.

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 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 2, 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.

October 6, 2003

Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 02-17-113, filed 8/21/02, effective 9/21/02)

WAC 392-139-008 Effective date. This chapter applies to levy authority and local effort assistance calculations for the ~~((2003))~~ 2005 calendar year and thereafter. Levy authority and local effort assistance calculations for prior calendar years are governed by rules in effect as of January 1 of the calendar year.

AMENDATORY SECTION (Amending WSR 02-17-113, filed 8/21/02, effective 9/21/02)

WAC 392-139-310 Determination of excess levy base. The superintendent of public instruction shall calculate each school district's excess levy base as provided in this section.

(1) Sum the following state and federal allocations ~~((for))~~ from the prior school year(s) as determined in subsections (4) and (5) of this section:

(a) The basic education allocation as defined in WAC 392-139-115 and as reported on the August Report 1191;

(b) The state and federal categorical allocations for the following:

(i) Pupil transportation. Allocations for pupil transportation include allocations for the following accounts:

4199 Transportation - operations; and

4499 Transportation - depreciation.

(ii) Special education. Allocations for special education include allocations for the following accounts:

4121 Special education; and

6124 Special education supplemental;

(iii) Education of highly capable students. Allocations for education of highly capable students include allocations identified by account 4174 Highly capable.

(iv) Compensatory education. Allocations for compensatory education include allocations identified by the following accounts:

4155 Learning assistance;

4165 Transitional bilingual;

4166 Student achievement;

~~((6151 Remediation through 2001-02 school year;))~~

6151 Disadvantaged ~~((2002-03 school year and thereafter))~~);

6153 Migrant;

6164 Limited English proficiency ~~((2002-03 school year and thereafter))~~);

6264 Bilingual (direct);

6267 Indian education - JOM;

6268 Indian education - ED; and

6367 Indian education - JOM.

(v) Food services. Allocations for food services include allocations identified by the following accounts:

4198 School food services (state);

6198 School food services (federal); and

6998 USDA commodities.

(vi) Statewide block grant programs. Allocations for statewide block grant programs include allocations identified by the following accounts:

~~((4175 Local education program enhancement (through 2001-02 school year;))~~

4175 Flexible education ~~((2002-03 school year and thereafter))~~); and

6176 Targeted assistance.

(c) General federal programs. Allocations for general federal programs identified by the following accounts:

5200 General purpose direct federal grants - unassigned;

6100 Special purpose - OSPI - unassigned;

6121 Special education - Medicaid reimbursement;

6138 Secondary vocational education;

6146 Skills center;

6152 School improvement ~~((2002-03 school year and thereafter))~~);

6154 Reading first ~~((2002-03 school year and thereafter))~~);

6177 Eisenhower professional development;

6200 Direct special purpose grants; and

6300 Federal grants through other agencies - unassigned; and

6310 Medicaid administrative match ~~((2002-03 school year and thereafter))~~).

(2) Increase the result obtained in subsection (1) of this section by the percentage increase per full-time equivalent student in the state basic education appropriation between the prior school year and the current school year as stated in the state Operating Appropriations Act divided by 0.55.

(3) Revenue accounts referenced in this section are defined in the accounting manual for public school districts in the state of Washington. ~~((revised 2001, except those identified for the 2002-03 school year and thereafter, which are from the accounting manual))~~ revised 2002.

(4) The dollar amount of revenues for state and federal categorical allocations identified in this section shall come from the following sources:

(a) The following state and federal categorical allocations are taken from the Report 1197 Column A (Annual Allotment Due):

- 4121 Special education;
- 4155 Learning assistance;
- 4165 Transitional bilingual;
- 4166 Student achievement;
- 4174 Highly capable;

~~((4175 Local education program enhancement (through 2001-02 school year);))~~

4175 Flexible education (2002-03 school year and thereafter);

- 4198 School food services (state);
- 4199 Transportation - operations;
- 4499 Transportation - depreciation;
- 6121 Special education - Medicaid reimbursements;
- 6124 Special education - supplemental;
- 6138 Secondary vocational education;
- 6146 Skills center;

~~((6151 Remediation (through 2001-02 school year);))~~

6151 Disadvantaged ~~((2002-03 school year and thereafter));~~

6152 School improvement ~~((2002-03 school year and thereafter));~~

6153 Migrant;

6154 Reading first ~~((2002-03 school year and thereafter));~~

6164 Limited English proficiency ~~((2002-03 school year and thereafter));~~

6176 Targeted assistance;

6177 Eisenhower professional development; and

6198 School food services (federal).

(b) For the 2004 calendar year, the following state and federal allocations are taken from the F-195 budget including budget extensions.

For the 2005 calendar year and thereafter, the following federal allocations shall be taken from the school district's second prior year F-196 annual financial report:

5200 General purpose direct federal grants - unassigned;

6100 Special purpose - OSPI - unassigned;

6200 Direct special purpose grants;

6264 Bilingual (direct);

6267 Indian education - JOM;

6268 Indian education - ED;

6300 Federal grants through other agencies - unassigned;

6310 Medicaid administrative match ~~((2002-03 school year and thereafter));~~

6367 Indian education - JOM; and

6998 USDA commodities.

(5) Effective for levy authority and local effort assistance calculations for the 2005 calendar year and thereafter:

(a) District revenues determined in subsection (4) of this section shall be reduced for revenues received as a fiscal agent. School districts shall report fiscal agent revenues pursuant to instructions provided by the superintendent of public instruction.

(b) The amount determined in subsection (4)(b) of this section, after adjustment for fiscal agent moneys, shall be inflated for one year using the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the Bureau of Economic Analysis of the Federal Department of Commerce.

(6) State moneys generated by a school district's students and redirected by the superintendent of public instruction to an educational service district at the request of the school district shall be included in the district's levy base.

~~((6))~~ (7) State basic education moneys generated by a school district's students and allocated directly to a technical college shall be included in the district's levy base.

NEW SECTION

WAC 392-139-345 Definition—F-196. As used in this chapter, "F-196" means the annual school district financial reports filed by the school district with OSPI pursuant to WAC 392-117-035. This document includes the total amounts of revenue recorded from federal sources for the closed school year. These federal revenues reported on the school district's F-196 for the school year are included in the district's excess levy base pursuant to WAC 392-139-310 if they qualify for inclusion and are not reported on the Report 1197. The accounts included in the levy base and reported on the F-196 are listed in WAC 392-139-310 (4)(b).

NEW SECTION

WAC 392-139-350 Definition—Revenues in the levy base received as a fiscal agent. (1) As used in this chapter, "revenues in the levy base received as a fiscal agent" means revenues included in a district's levy base pursuant to WAC 392-139-310 that are:

(a) Received by the district as an administrator for a consortium or cooperative for the benefit of students enrolled in other school districts;

(b) Passed through to another entity for the benefit of students not enrolled in the school district or persons not employed by the school district; or

(c) Directly expended by the district for the benefit of students not enrolled in the school district or persons not employed by the school district.

(2) For the purposes of this chapter, "revenues in the levy base received as a fiscal agent" do not include:

(a) Revenues received for the operation of an interdistrict cooperation program authorized pursuant to RCW 28A.335.-160 or 28A.225.250 and chapter 392-135 WAC, if levy authority is transferred pursuant to WAC 392-139-330 or 392-139-901; or

(b) Revenues received by a high school district for serving students from a nonhigh school district pursuant to chapter 28A.545 RCW and chapter 392-132 WAC for which levy authority is transferred pursuant to WAC 392-139-340.

WSR 03-21-045
PERMANENT RULES
SOUTHWEST CLEAN
AIR AGENCY

[Filed October 9, 2003, 3:02 p.m.]

Date of Adoption: October 2, 2003.

Purpose: SWCAA 400-030 Definitions, this is an existing section. Proposed revisions to this section incorporate recent changes made in WAC 173-400-030, and the addition of new definitions that do not appear in the current version of SWCAA 400-030.

SWCAA 400-040 General Standards for Maximum Emissions, this is an existing section. The proposed changes consist of minor administrative editing.

SWCAA 400-045 Permit Application for Nonroad Engines, this is a new section. The proposed section is intended to provide a mechanism for the submittal of permit applications for projects involving units that meet the federal definition of "nonroad engine."

SWCAA 400-046 Application Review Process for Nonroad Engines, this is a new section. The proposed section is intended to provide a mechanism for the review and approval of projects involving units that meet the federal definition of "nonroad engine."

SWCAA 400-050 Emission Standards for Combustion and Incineration Units, this is an existing section. The proposed changes incorporate new standards for "commercial and industrial solid waste incineration units" and "small municipal waste combustion units." The proposed standards are consistent with requirements adopted by ecology in 2001.

SWCAA 400-052 Stack Sampling of Large Combustion Sources, this is an existing section. The proposed changes are intended to clarify the requirements of the section. The intent and meaning of the section remain unchanged with no significant changes in testing frequency or methodology.

SWCAA 400-060 Emission Standards for General Process Units, this is an existing section. The date of the EPA test method reference contained in the section (40 C.F.R. 60, Appendix A) is being updated. No other changes are proposed.

SWCAA 400-070 Emission Standards for Certain Source Categories, this is an existing section. The proposed changes incorporate requirements for source categories recently added to WAC 173-400-070, and the addition of new emission standards for source categories not currently included in WAC 173-400-070.

SWCAA 400-075 Emission Standards for Sources Emitting Hazardous Air Pollutants, this is an existing section. The proposed changes update adoption reference dates and incorporate new federal regulations contained in 40 C.F.R. Parts 63 and 65.

SWCAA 400-076 Emission Standards for Sources Emitting Toxic Air Pollutants, this is an existing section. The proposed changes update the definitions, cross sectional references, and sectional titles found in the text of SWCAA 400-076, and make minor corrections to maintain consistency with other sections of SWCAA 400.

SWCAA 400-081 Startup and Shutdown, this is an existing section. The proposed changes consist of minor administrative editing and small changes made in response to EPA

comments. The proposed revision does not contain any substantive changes.

SWCAA 400-091 Voluntary Limits on Emissions, this is an existing section. The proposed changes consist of minor changes in terminology to maintain consistency with other sections of SWCAA 400.

SWCAA 400-100 Registration Requirements, this is an existing section. The proposed changes correct outdated text and remove the operating permit program fee schedule (SWCAA 400-100(4)) from the section. The operating permit fee schedule is being moved to a new section because operating permit sources are not subject to the registration program, and the current format can be confusing to the public and affected sources.

SWCAA 400-101 Emission Units Exempt from Registration Requirements, this is an existing section. The proposed changes clarify the applicability language of the section and remove a number of exemption categories.

SWCAA 400-103 Operating Permit Fees, this a new section. The proposed section makes the fee schedule for operating permit sources into a self-contained rule section. The fee schedule is currently contained within the text of SWCAA 400-100 "Registration Requirements and Operating Permit Fees" along with requirements for SWCAA's registration program. This format is confusing and inappropriate because operating permit sources are not subject to any element of the registration program.

SWCAA 400-105 Records, Monitoring and Reporting, this is an existing section. The proposed changes update references to the Code of Federal Regulations and make administrative corrections.

SWCAA 400-106 Emission Testing and Monitoring at Air Contaminant Sources, this is an existing section. The proposed changes incorporate new monitoring requirements for combustion sources. The new requirements are equivalent to the emission monitoring requirements currently implemented on a case-by-case basis in approval orders for combustion sources.

SWCAA 400-107 Excess Emissions, this is an existing section. The proposed changes expand the existing section to include notification and reporting requirements for all excess emissions. The proposed language provides more detailed requirements for reporting excess emissions than found in the existing section.

SWCAA 400-109 Air Discharge Permit Applications, this is an existing section. The proposed changes incorporate new terminology, addition of the existing permit application fee table from SWCAA 400-110, and minor administrative changes.

SWCAA 400-110 Application Review Process for Stationary Sources (New Source Review), this is an existing section. The proposed changes incorporate new terminology, removal of the Notice of Construction application fee schedule, new requirements consistent with SWCAA 400-117, clarification of portable source applicability under SWCAA 400-110(6), approval criteria for modification of approval conditions, and minor administrative changes.

SWCAA 400-111 Requirements for New Sources in a Maintenance Plan Area, this is an existing section. The proposed changes incorporate administrative editing and minor

text changes intended to improve consistency with the format of SWCAA 400-112 and 400-113.

SWCAA 400-112 Requirements for New Sources in Nonattainment Areas, this is an existing section. The proposed changes incorporate administrative changes, previously uncited requirements from 40 C.F.R. 51, Appendix S, new requirements consistent with WAC 173-400-117, changes in terminology, and correction of outdated references and requirements.

SWCAA 400-113 Requirements for New Sources in Attainment or Nonclassifiable Areas, this is an existing section. The proposed changes incorporate minor text changes intended to improve consistency with the format of SWCAA 400-111 and 400-112, new requirements consistent with WAC 173-400-117, and administrative editing.

SWCAA 400-114 Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source, this is an existing section. The proposed changes incorporate new terminology and minor administrative editing.

SWCAA 400-115 Standards of Performance for New Sources, this is an existing section. The proposed changes incorporate updated adoption references and minor format changes intended to improve consistency with the corresponding sections of the WAC.

SWCAA 400-116 Maintenance of Equipment, this is an existing section. The proposed changes incorporate new terminology and clarification of requirements.

SWCAA 400-130 Use of Emission Reduction Credits, this is an existing section. The proposed changes correct outdated references in the text of the section.

SWCAA 400-131 Deposit of Emission Reduction Credits Into Bank, this is an existing section. The proposed changes incorporate administrative changes and a modification of the processing timeline for ERC applications.

SWCAA 400-136 Maintenance of Emission Reduction Credits in Bank, this is an existing section. The proposed changes incorporate minor clarifications and administrative changes.

SWCAA 400-140 Protection of Ambient Air Increments, this is a new section. The proposed section creates a mechanism for protection of ambient air increments pursuant to 40 C.F.R. 51.166 et seq.

SWCAA 400-141 Prevention of Significant Deterioration (PSD), this is an existing section. The proposed changes update the section to match the format and meaning of WAC 173-400-141 as currently adopted.

SWCAA 400-151 Retrofit Requirements for Visibility Protection, this is an existing section. The proposed changes update the section to match the format and meaning of WAC 173-400-151 as currently adopted.

SWCAA 400-171 Public Involvement, this is an existing section. The proposed changes revise the public involvement requirements for agency permitting and other proposed actions. These changes incorporate public notice via the internet, and correct a number of identified deficiencies in the current public involvement provisions of SWCAA 400-171.

SWCAA 400-180 Variance, this is an existing section. The proposed changes incorporate an updated reference to EPA.

SWCAA 400-190 Requirements for Nonattainment Areas, this is an existing section. The proposed changes incorporate new terminology.

SWCAA 400-230 Regulatory Actions and Civil Penalties, this is an existing section. The proposed changes incorporate new terminology and administrative editing.

SWCAA 400-250 Appeals, this is an existing section. The proposed changes revise existing provisions to improve consistency with applicable state regulations.

SWCAA 400-270 Confidentiality of Records and Information, this is an existing section. The proposed changes are intended to make the definition of confidential information more consistent with applicable state regulations and clarify how SWCAA uses and handles such information.

SWCAA 400, Appendix A, SWCAA Method 9/Visual Opacity Determination Method, this is an existing section. The proposed changes incorporate minor administrative editing and an updated federal regulation reference.

Citation of Existing Rules Affected by this Order: Amending SWCAA 400-030, 400-040, 400-050, 400-052, 400-060, 400-070, 400-075, 400-076, 400-081, 400-091, 400-100, 400-101, 400-105, 400-106, 400-107, 400-109, 400-110, 400-111, 400-112, 400-113, 400-114, 400-115, 400-116, 400-130, 400-131, 400-136, 400-141, 400-151, 400-171, 400-180, 400-190, 400-230, 400-250, 400-270, Appendix A.

Statutory Authority for Adoption: RCW 70.94.141.

Adopted under notice filed as WSR 03-15-098 on July 21, 2003.

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 4, Amended 35, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 35, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 35, Repealed 0.

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

October 7, 2003

Robert D. Elliott
Executive Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 03-23 issue of the Register.

WSR 03-21-049
PERMANENT RULES
WALLA WALLA
COMMUNITY COLLEGE
 [Filed October 10, 2003, 1:54 p.m.]

Date of Adoption: October 6, 2003.

Purpose: WAC 132T-28-010 being repealed and replaced by board of trustees resolution expanding appointing authority of college president.

WAC 132T-28-020 does not identify current exempt positions. This WAC being repealed and will be replaced by a board of trustees resolution delegating exempting authority to the college president.

Citation of Existing Rules Affected by this Order: Repealing WAC 132T-28-010 Designation of appointing authority and 132T-28-020 Classified employee exemptions.

Statutory Authority for Adoption: For WAC 132T-28-010 is RCW 28B.50.140 (3), (14) and 28B.10.528; and for WAC 132T-28-020 is RCW 28B.50.140 (3), (14), 28B.10.528, 41.06.070(2).

Adopted under notice filed as WSR 03-16-114 on August 6, 2003.

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 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 2.

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.

October 7, 2003

Nancy K. Reiff

Director of Human Resources

WSR 03-21-064
PERMANENT RULES
GAMBLING COMMISSION

[Order 423—Filed October 13, 2003, 9:30 a.m., effective January 1, 2004]

Date of Adoption: September 12 [October 10], 2003.

Purpose: **Card Tournaments:** Pretournament play restrictions were removed, as players regulate the activity and there isn't a need to have the restrictions in a rule. Language was added to require licensees to clearly post pretournament play requirements so players are fully informed. Furthermore, the maximum player entry fee was increased from \$50 to \$100 and the total buy-in from \$200 to \$400. These figures have not changed since 1986.

Citation of Existing Rules Affected by this Order: Amending WAC 230-40-055.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 03-14-104 with a published date of September 3, 2003 [WSR 03-17-104 on August 20, 2003].

Changes Other than Editing from Proposed to Adopted Version: At the request of the industry at the September commission meeting, the ten day limit to conduct a tournament in subsection (4), was increased to thirty days. Staff has no regulatory concerns with this.

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

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

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

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

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

Effective Date of Rule: January 1, 2004.

October 10, 2003

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending Order 403, filed 6/19/01, effective 7/20/01)

WAC 230-40-055 Card tournaments for fee and prizes—Reporting requirements. A card tournament wherein a fee is charged to the participants and prizes are awarded to the winning players shall be licensed by the commission.

License not required.

(1) Card room licensees with a Class A, B, E, F or house-banked license may conduct a card tournament for a fee without obtaining a card tournament license: Provided, That licensees are limited to only those card games authorized under their license class.

Class D licensees.

(2) Card room licensees with a Class D license must first obtain a card tournament license before they can conduct a card tournament in which the players are charged a fee to enter.

Notification.

(3) The licensee shall notify the commission ten days in advance of any card tournament where the single or multiple buy-in exceeds fifty dollars.

Length of tournament.

(4) A card tournament shall not exceed ~~((ten))~~ thirty consecutive calendar days.

Entry fees.

(5) The fee for a player to enter a card tournament for prizes shall not exceed ~~((fifty))~~ one hundred dollars. The ~~((fifty-dollar))~~ fee shall include all separate fees which might be paid by a player for various phases, events of the tournament, food and drink offerings, and promotional material.

Posting entry fee requirements.

(6) The fee to enter a tournament and a description of all goods and services to be provided as a part of the tournament must be fully disclosed to each entrant prior to their paying such fee. Such disclosure must be posted conspicuously on the premises at the time payment is received and remain posted until the tournament is complete.

Customer appreciation.

(7) Operators may offer customer appreciation tournaments ~~((: Provided, That the pretournament play requirements do not exceed the fifty-dollar entry fee limitation: Provided, That licensees collecting fees using the rake method (WAC 230-40-050) cannot require pretournament play to exceed ten hours))~~. The licensee shall conspicuously post entry and buy-in requirements.

(a) Entrants in such tournaments must initially be provided with the same number of chips or points and the same opportunity for rebuys.

(b) All prizes awarded for customer appreciation tournaments may be deducted as prizes for determining adjusted net gambling receipts.

Fees are gross gambling receipts - exception for food and gifts.

(8) All fees paid to enter a tournament shall be reported as gross gambling receipts: Provided, That if an operator prepares and provides food and drink items to all tournament entrants on the licensed premises as a part of their entry fee, the fair market value of the food and drink provided, not to exceed twenty-five dollars or fifty percent of the entry fee, which ever is greater, shall be treated as sales of food and drink for on premises consumption and not included as gross gambling receipts. Such sales, must be properly supported by records: Provided further, That if an operator provides items promoting the tournament or licensed business, such as hats, t-shirts, etc., to all participants as a part of their entry fee, the actual cost of such items, supported by invoices and other such records, shall be deducted as prizes in determining adjusted net gambling receipts.

Buy-in.

(9) In addition to the entry fee, a minimum buy-in of chips may be required. The total buy-in per player shall not exceed ~~((two))~~ four hundred dollars per tournament and may be either a single or multiple buy-in during the course of the tournament. A record of the buy-ins for each participant will be maintained by the licensee in a format provided by the

commission. All buy-ins of chips are not gross gambling receipts and shall be returned to the participants in the form of prizes. Prizes from buy-ins are not deductible for commercial stimulant purposes.

Prizes.

(10) The chips used in card tournaments shall have no monetary value and may be redeemed only for prizes established by the licensee. The licensee may award prizes in excess of those entry fees collected as authorized in subsection (5) of this section. The licensee's actual cost, including any cash, for prizes awarded to the players may be deducted as prizes for determining adjusted net gambling receipts generated by the entry fees.

Posting and approval of rules.

(11) The licensee shall adopt tournament rules to facilitate the operation of card tournaments: Provided, That all tournament rules for tournaments where the single or multiple buy-in exceeds fifty dollars must be submitted to commission staff for approval: Provided, That once a tournament format is approved, notification will be sufficient for all subsequent tournaments identical in format and play. All tournament rules must be conspicuously posted where all tournament participants can see and read the rules.

Recording fees and players.

(12) The licensee shall maintain a record of all such fees collected and the number of participant for each tournament conducted. This information shall be entered in a format approved by the commission. The total gross gambling receipts for the tournament shall be entered on the card room daily control sheet for the time and date the tournament begins and the record of participants shall be attached and maintained with that daily control sheet.

Prize records.

(13) The licensee shall maintain a record of all prizes awarded to include the amount the licensed operator actually paid for each prize and the name and complete address of each winning participant: Provided, That the name and address of each participant receiving promotional items as set forth in subsection (8) of this section shall not be required on the prize record. The record shall be attached to the daily control sheet used on the date the majority of the prizes are awarded.

WSR 03-21-065

PERMANENT RULES

GAMBLING COMMISSION

[Order 425—Filed October 13, 2003, 9:31 a.m., effective January 1, 2004]

Date of Adoption: October 10, 2003.

Purpose: **Promotions:** In 2000, a rules package was adopted by the commission to streamline promotions related to gambling activities. This package includes several rules [that] were not included in that rules package to further streamline the requirements related to promotions. An

amendment was also made to remove restrictions on bingo operators transporting bingo players.

Citation of Existing Rules Affected by this Order: Repealing WAC 230-20-052 and 230-20-190; and amending WAC 230-12-050, 230-20-050, and 230-20-242.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 03-14-104, with a published date of September 3, 2003 [WSR 03-17-103 on August 20, 2003].

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 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 3, Repealed 2; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: January 1, 2004.

October 10, 2003

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-07-078, filed 3/19/96, effective 7/1/96)

WAC 230-20-050 Use of proceeds. No part of the proceeds of any bingo game, raffle, or amusement game conducted by a bona fide charitable or bona fide nonprofit organization, except qualified agricultural fairs, shall be used for the benefit of any person other than the organization conducting the activity; except that if the activity is conducted by a licensee for the charitable benefit of a specific person or persons who have been listed as recipients of the proceeds, or a specified portion thereof, on the application for a license to conduct the activity, then the proceeds or specified portion thereof, may be used for the benefit of such specific person or persons so designated if commission approval has been obtained prior to the organization conducting the activity for that purpose. ~~((: Provided, That for the purposes of this section, a licensee providing transportation to bingo players under the guidelines of WAC 230-20-052 shall not be deemed in violation of this rule)).~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-20-190 Bingo card prices.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-20-052 Transportation provided to bingo players.

AMENDATORY SECTION (Amending Order 413, filed 5/16/02, effective 7/1/02)

WAC 230-12-050 Extension of credit, loans, or gifts prohibited—Limited exception. No licensee, member or employee thereof shall extend credit, make a loan, or grant a gift to any person playing in an authorized gambling activity, or which enables a person to play in an authorized gambling activity.

Gifts prohibited—Exceptions.

(1) Gifts are items licensees give away to its customers and are not connected to gambling activities regulated by the commission. Licensees shall not offer gifts in conjunction with gambling activities, with the following exceptions:

(a) Promotions are allowed as authorized by WAC 230-12-045;

(b) Transportation services provided to and from gambling activities;

(c) Free or discounted food, drink or merchandise may be provided under the following conditions:

(i) The actual cost of any individual item may not exceed five hundred dollars;

(ii) The merchandise shall not be traded back to the licensee for cash or be used to further participate in an authorized gambling activity;

~~((e))~~ (d) For each individual gift with an actual cost over one hundred dollars, charitable and nonprofit organizations shall prepare and maintain a written record with the following information:

(i) How the recipients of the gifts were selected;

(ii) The number of gifts awarded; and

(iii) The total cost of each gift given.

Credit and loans prohibited—Exceptions.

(2) The consideration required to participate in the gambling activity shall be collected in full, by cash, check, or electronic point-of-sale bank transfer, prior to participation, with the following exceptions:

Punch boards/pull-tabs.

(a) The consideration paid for the opportunity to play a punch board or pull-tab series may be collected immediately after the play is completed only when such consideration is ten dollars or less;

Charitable/nonprofit organization's billing system for members.

(b) When a bona fide charitable or bona fide nonprofit organization conducting any of the activities authorized by chapter 9.46 RCW or commission rules has a regular billing system for all of the activities of its members with such organization, such billing system may be utilized in connection

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with the playing of any of the activities authorized hereunder if:

(i) The playing of such activity is limited to regular members of such organization who have become regular members prior to the commencement of such activity and whose qualifications for membership were not dependent upon, or in any way related to, the playing of such activity; and

(ii) The director has given prior written consent to the use of such billing system in connection with the conduct of activities authorized under these rules.

Raffle tickets purchased with credit cards.

(c) Charitable or nonprofit organizations utilizing credit cards, issued by a state and/or federally regulated financial institution, for payment to participate in raffles.

AMENDATORY SECTION (Amending Order 371, filed 5/18/99, effective 7/1/99)

WAC 230-20-242 Activities conducted as a part of bingo games—Authorization—Restrictions. Bingo licensees may award prizes to winners of activities authorized by this section when such activities are conducted as a part of bingo games. Such activities shall be deemed to be bingo games if all players paying to participate are allowed to compete equally and all prizes awarded are treated as bingo game prizes for purposes of compliance with WAC 230-20-059.

(1) Drawings. Each licensee shall be allowed to award prizes that are determined by a random drawing of tickets or by other random selection methods involving the numbering system on such tickets if the requirements of WAC 230-20-105 are followed: Provided, That upon approval by commission staff, a licensee may use bingo cards in place of tickets if the requirements of WAC 230-20-107 are followed, and:

(a) All rules regarding these drawings, including requirements to qualify for participation, time and date of the drawing, and whether a player must be present to win, are clearly posted and distinctly explained to the players;

(b) Tickets or other facsimiles used to enter such drawings are awarded only to players purchasing cards to play in bingo games;

(c) Tickets, from which the winners of any such drawing are selected, shall not be accumulated for a period that is longer than thirty days. Drawings may be conducted using tickets that accumulate during any bingo occasion, week, or any other period that does not exceed thirty consecutive days;

(d) Players may only be awarded or otherwise receive tickets to participate in drawings at bingo games by meeting the following criteria:

(i) Pay an amount not to exceed one dollar per ticket. If a licensee elects to charge for entry into drawings, such drawings shall not be combined with other means of entry allowed by this subsection, and the gross gambling receipts, prizes, and expenses shall be recorded and reported as bingo activities: Provided, that if players are required to purchase tickets to enter the drawing, they shall not be required to be present to win if the drawing is not held at the same session as tickets are purchased;

(ii) Be a winner of a bingo game during the session;

(iii) Be a "good neighbor" winner, as defined by subsection ~~((3))~~ (2) of this section; or

(iv) Meet other specific and predetermined criterion that has been approved by the director;

(e) The criterion for granting tickets, and the number of tickets awarded during each session, shall be recorded in the daily bingo record for each session. All winning tickets and other records shall be maintained as a part of the daily bingo records.

~~(2) ((Creativity and originality contests. A bingo licensee may conduct contests in which players may demonstrate their creativity and originality skills on up to eight occasions annually. The following rules must be observed in conducting these contests:~~

~~(a) The total value of prizes shall not exceed five hundred dollars during any occasion;~~

~~(b) Only players who have paid to participate in bingo games during the current session may participate in the contest; and~~

~~(c) A record shall be completed for each contest setting out the criterion for selecting the winners, the number of participants in the contest, and all details required by WAC 230-08-080 and 230-20-102. Such records shall be maintained as a part of the daily bingo records.~~

~~(3))~~ "Good neighbor" prize schemes. A licensee may award prizes based upon the seating location of a player or players in regards to a winner of a bingo game or other approved criteria. The following requirements must be observed prior to awarding "good neighbor" prizes:

(a) All rules regarding these prizes, including the amount to be awarded to each "good neighbor" or group of "good neighbors" and all requirements to qualify for a prize, must be clearly posted and distinctly explained to the players; and

(b) A record shall be completed setting out the criterion for awarding such prizes, the number of such prizes awarded during each session, and all details required by WAC 230-08-080 and 230-20-102. Such record shall be maintained as a part of the daily bingo records.

~~((4))~~ (3) Second element of chance schemes. Licensees may use these schemes to increase the minimum prize for a bingo game after the winner(s) of the game has been determined by calling numbers and symbols if:

(a) The schemes do not involve the use of gambling devices specifically prohibited by public policy or commission rules;

(b) A player's minimum odds of winning the highest prize is equal to or greater than one winner out of one hundred twenty-five chances or the probability of winning the highest prize is .008 or greater;

(c) The scheme does not require the player to risk any portion of a prize already won;

(d) Every possible outcome of the scheme provides the player with an additional prize;

(e) All rules regarding play of the game are clearly posted and distinctly explained to the players. At least the following information shall be disclosed:

(i) The players minimum odds of winning the highest prize;

(ii) How a winner is determined;

(iii) Any contingencies or special requirements that may affect the outcome;

(iv) The cash value of the highest prize available; and

(v) Any financial burden that must be borne by the winner, such as taxes or registration fees.

(f) All requirements of WAC 230-20-010 are met before cards are purchased; and

(g) The scheme and supporting records contain control factors necessary for commission audit.

~~((5) Birthday bonus prizes. Licensees may offer birthday bonus prizes to players who win a bingo game subject to the following restrictions:~~

~~(a) The maximum bonus prize is fifty dollars;~~

~~(b) The player's birthday must be within the calendar week that the winning combination occurred and the bonus is paid;~~

~~(c) A licensee may award only one birthday bonus to any player during any calendar year;~~

~~(d) In addition to all requirements of WAC 230-20-102, the prize receipt for such prizes must include:~~

~~(i) The address of the winner;~~

~~(ii) The player's date of birth; and~~

~~(iii) The type of identification provided by the player to verify the winner's date of birth.))~~

WSR 03-21-069

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed October 14, 2003, 9:30 a.m., effective December 1, 2003]

Date of Adoption: October 14, 2003.

Purpose: WAC 296-20-010 General information, 296-20-01002 Definitions, 296-20-01501 Physician's assistant rules, 296-20-02010 Review of health services providers, 296-20-12501 Physician assistant billing procedure, 296-20-170 Pharmacy, 296-23-240 Licensed nursing rules, 296-23-246 Attendant services, and 296-23A-0710 Definitions. These WACs will be amended to make clearer how to number claims, how to refer to the "healthcare common procedure coding system," how to bill as a physician assistant, that doctors certify timeless compensation, and that pharmacies must refund any charges paid up front by the worker once the claim is allowed. In addition, WAC 296-20-303 Attendant care services is renumbered to WAC 296-23-246.

Citation of Existing Rules Affected by this Order: Amending WAC 296-20-010, 296-20-01002, 296-20-01501, 296-20-02010, 296-20-12501, 296-20-170, 296-23-240, and 296-23A-0710.

Statutory Authority for Adoption: RCW 51.04.020.

Adopted under notice filed as WSR 03-14-127 on July 1, 2003.

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: December 1, 2003.

October 14, 2003

Paul Trause

Director

AMENDATORY SECTION (Amending WSR 96-10-086, filed 5/1/96, effective 7/1/96)

WAC 296-20-010 General information. (1) The following rules are promulgated pursuant to RCW 51.04.020 and 51.04.030. The department or self-insurer may purchase necessary physician and other provider services according to the fee schedules. The fee schedules shall be established in consultation with interested persons and updated at times determined by the department in consultation with those interested persons. Prior to the establishment or amendment of the fee schedules, the department will give at least thirty calendar days notice by mail to interested persons who have made timely request for advance notice of the establishment or amendment of the fee schedules. To request advance notice of the establishment or amendment of the fee schedules, interested persons must contact the department at the following address:

Department of Labor and Industries
Health Services Analysis
Interested Person's Mailing List for the Fee Schedules
P.O. Box 44322
Olympia, WA 98504-4322

The department or self-insurer will require the current version of the federal Health Care (~~Financing Administration's~~) Common Procedure Coding System (HCPCS) Level I (or CPT) and II codes on January 1, of each new year. CPT refers to the American Medical Association's Physicians' Current Procedural Terminology codes.

The department and self-insurer will allow a "grace period" in which codes deleted each year may be submitted for payment. This grace period will start on January 1 of each year and the length of time will be determined by department policy.

The adoption of these codes on an annual basis is designed to reduce the administrative burden on providers and lead to more accurate reporting of services. However, the inclusion of a service, product or supply within these new codes does not necessarily imply coverage, reimbursement or endorsement, by the department or self-insurer. The department will make coverage and reimbursement decisions for these new codes on an individual basis.

If there are any services, procedures or narrative text contained in the new HCPCS Level I and II codes that conflict with the medical aid rules or fee schedules, the department's rules and policies take precedence.

Copies of the HCPCS Level I and II codes are available for public inspection. These documents are available in each of the department's service locations.

Copies of the HCPCS Level II codes may be purchased from:

The Superintendent of Documents
United States Government Printing Office
Washington, DC 20402
(202) 783-3238

Copies of the Level I (or CPT) codes may be purchased from:

The American Medical Association
Chicago, Illinois 60601
(800) 621-8335

In addition to the sources listed above, both the Level I and II codes may be purchased from a variety of private sources.

(2) The fee schedules are intended to cover all services for accepted industrial insurance claims. All fees listed are the maximum fees allowable. Practitioners shall bill their usual and customary fee for services. **If a usual and customary fee for any particular service is lower to the general public than listed in the fee schedules, the practitioner shall bill the department or self-insurer at the lower rate.** The department or self-insurer will pay the lesser of the billed charge or the fee schedules' maximum allowable.

(3) The rules contained in the introductory section pertain to *all* practitioners regardless of specialty area or limitation of practice. Additional rules pertaining to specialty areas will be found in the appropriate section of the medical aid rules.

(4) The methodology for making conversion factor cost of living adjustments is listed in WAC 296-20-132. The conversion factors are listed in WAC 296-20-135.

(5) No fee is payable for missed appointments unless the appointment is for an examination arranged by the department or self-insurer.

(6) When a claim has been accepted by the department or self-insurer, no provider or his/her representative may bill the worker for the difference between the allowable fee and the usual and customary charge. Nor can the worker be charged a fee, either for interest or completion of forms, related to services rendered for the industrial injury or condition. Refer to chapter 51.04 RCW.

(7) Practitioners must maintain documentation in claimant medical or health care service records adequate to verify the level, type, and extent of services provided to claimants. A health care practitioner's bill for services, appointment book, accounting records, or other similar methodology do not qualify as appropriate documentation for services rendered. Refer to chapter 296-20 WAC and department policy for reporting requirements.

(8) Except as provided in WAC 296-20-055 (Limitation of treatment and temporary treatment of unrelated conditions

when retarding recovery), practitioners shall bill, and the department or self-insurer shall pay, only for proper and necessary medical care required for the diagnosis and curative or rehabilitative treatment of the accepted condition.

(9) When a worker is being treated concurrently for an unrelated condition the fee allowable for the service(s) rendered must be shared proportionally between the payors.

(10) Correspondence: Correspondence pertaining to state fund and department of energy claims should be sent to: Department of Labor and Industries, Claims Administration, P.O. Box 44291, Olympia, Washington 98504-4291.

Accident reports should be sent to: Department of Labor and Industries, P.O. Box 44299, Olympia, Washington 98504-4299.

Send provider bills by type (UB-92) to: Department of Labor and Industries, P.O. Box 44266, Olympia, Washington 98504-4266.

Adjustments, Home Nursing, Retraining, Job Modification, and Miscellaneous to: Department of Labor and Industries, P.O. Box 44267, Olympia, Washington 98504-4267.

Pharmacy to: Department of Labor and Industries, P.O. Box 44268, Olympia, Washington 98504-4268.

(~~(HCFA)~~) HCFA-1500 to: Department of Labor and Industries, P.O. Box 44269, Olympia, Washington 98504-4269.

State fund claims have six digit numbers preceded by a letter other than "S," "T," or "~~(W)~~W."

(~~(Department of energy claims have seven digit numbers with no letter prefix.)~~)

All correspondence and billings pertaining to *crime victims* claims should be sent to Crime Victims Division, Department of Labor and Industries, P.O. Box 44520, Olympia, Washington 98504-4520.

Crime victim claims have six digit numbers preceded by a "V(;-)" or five digit numbers preceded by "VA," "VB," "VC," "VH," "VJ," or "VK."

All correspondence and billings pertaining to self-insured claims should be sent directly to the employer or the service representative as the case may be.

Self-insured claims are six digit numbers preceded by ~~((a))~~ an "S," ~~((T))~~ "T," or "W."

Communications to the department or self-insurer must show the patient's full name and claim number. If the claim number is unavailable, providers should contact the department or self-insurer for the number, indicating the patient's name, Social Security number, the date and the nature of the injury, and the employer's name. A communication should refer to one claim only. Correspondence must be legible and reproducible, as department records are microfilmed. Correspondence regarding specific claim matters should be sent directly to the department in Olympia or self-insurer in order to avoid rehandling by the service location.

(11) The department's various local service locations should be utilized by providers to obtain information, supplies, or assistance in dealing with matters pertaining to industrial injuries.

AMENDATORY SECTION (Amending WSR 02-21-105, filed 10/22/02, effective 12/1/02)

WAC 296-20-01002 Definitions. Acceptance, accepted condition: Determination by a qualified representative of the department or self-insurer that reimbursement for the diagnosis and curative or rehabilitative treatment of a claimant's medical condition is the responsibility of the department or self-insurer. The condition being accepted must be specified by one or more diagnosis codes from the current edition of the International Classification of Diseases, Clinically Modified (ICD-CM).

Attendant care: Those proper and necessary personal care services provided to maintain the worker in his or her residence. Refer to WAC 296-20-303 for more information.

Attending doctor report: This type of report may also be referred to as a "60 day" or "special" report. The following information must be included in this type of report. Also, additional information may be requested by the department as needed.

(1) The condition(s) diagnosed including ICD-9-CM codes and the objective and subjective findings.

(2) Their relationship, if any, to the industrial injury or exposure.

(3) Outline of proposed treatment program, its length, components, and expected prognosis including an estimate of when treatment should be concluded and condition(s) stable. An estimated return to work date should be included. The probability, if any, of permanent partial disability resulting from industrial conditions should be noted.

(4) If the worker has not returned to work, the attending doctor should indicate whether a vocational assessment will be necessary to evaluate the worker's ability to return to work and why.

(5) If the worker has not returned to work, a doctor's estimate of physical capacities should be included with the report. If further information regarding physical capacities is needed or required, a performance-based physical capacities evaluation can be requested. Performance-based physical capacities evaluations should be conducted by a licensed occupational therapist or a licensed physical therapist. Performance-based physical capacities evaluations may also be conducted by other qualified professionals who provided performance-based physical capacities evaluations to the department prior to May 20, 1987, and who have received written approval to continue supplying this service based on formal department review of their qualifications.

Authorization: Notification by a qualified representative of the department or self-insurer that specific proper and necessary treatment, services, or equipment provided for the diagnosis and curative or rehabilitative treatment of an accepted condition will be reimbursed by the department or self-insurer.

Average wholesale price (AWP): A pharmacy reimbursement formula by which the pharmacist is reimbursed for the cost of the product plus a mark-up. The AWP is an industry benchmark which is developed independently by companies that specifically monitor drug pricing.

Baseline price (BLP): Is derived by calculating the mean average for all NDC's (National Drug Code) in a specific product group, determining the standard deviation, and

calculating a new mean average using all prices within one standard deviation of the original mean average. "Baseline price" is a drug pricing mechanism developed and updated by First Data Bank.

Bundled codes: When a bundled code is covered, payment for them is subsumed by the payment for the codes or services to which they are incident. (An example is a telephone call from a hospital nurse regarding care of a patient. This service is not separately payable because it is included in the payment for other services such as hospital visits.) Bundled codes and services are identified in the fee schedules.

By report: BR (by report) in the value column of the fee schedules indicates that the value of this service is to be determined by report (BR) because the service is too unusual, variable or new to be assigned a unit value. The report shall provide an adequate definition or description of the services or procedures that explain why the services or procedures (e.g., operative, medical, radiological, laboratory, pathology, or other similar service report) are too unusual, variable, or complex to be assigned a relative value unit, using any of the following as indicated:

(1) Diagnosis;

(2) Size, location and number of lesion(s) or procedure(s) where appropriate;

(3) Surgical procedure(s) and supplementary procedure(s);

(4) Whenever possible, list the nearest similar procedure by number according to the fee schedules;

(5) Estimated follow-up;

(6) Operative time;

(7) Describe in detail any service rendered and billed using an "unlisted" procedure code.

The department or self-insurer may adjust BR procedures when such action is indicated.

Chart notes: This type of documentation may also be referred to as "office" or "progress" notes. Providers must maintain charts and records in order to support and justify the services provided. "Chart" means a compendium of medical records on an individual patient. "Record" means dated reports supporting bills submitted to the department or self-insurer for medical services provided in an office, nursing facility, hospital, outpatient, emergency room, or other place of service. Records of service shall be entered in a chronological order by the practitioner who rendered the service. For reimbursement purposes, such records shall be legible, and shall include, but are not limited to:

(1) Date(s) of service;

(2) Patient's name and date of birth;

(3) Claim number;

(4) Name and title of the person performing the service;

(5) Chief complaint or reason for each visit;

(6) Pertinent medical history;

(7) Pertinent findings on examination;

(8) Medications and/or equipment/supplies prescribed or provided;

(9) Description of treatment (when applicable);

(10) Recommendations for additional treatments, procedures, or consultations;

(11) X rays, tests, and results; and

(12) Plan of treatment/care/outcome.

Consultation examination report: The following information must be included in this type of report. Additional information may be requested by the department as needed.

(1) A detailed history to establish:

(a) The type and severity of the industrial injury or occupational disease.

(b) The patient's previous physical and mental health.

(c) Any social and emotional factors which may effect recovery.

(2) A comparison history between history provided by attending doctor and injured worker, must be provided with exam.

(3) A detailed physical examination concerning all systems affected by the industrial accident.

(4) A general physical examination sufficient to demonstrate any preexisting impairments of function or concurrent condition.

(5) A complete diagnosis of all pathological conditions including ICD-9-CM codes found to be listed:

(a) Due solely to injury.

(b) Preexisting condition aggravated by the injury and the extent of aggravation.

(c) Other medical conditions neither related to nor aggravated by the injury but which may retard recovery.

(d) Coexisting disease (arthritis, congenital deformities, heart disease, etc.).

(6) Conclusions must include:

(a) Type of treatment recommended for each pathological condition and the probable duration of treatment.

(b) Expected degree of recovery from the industrial condition.

(c) Probability, if any, of permanent disability resulting from the industrial condition.

(d) Probability of returning to work.

(7) Reports of necessary, reasonable X-ray and laboratory studies to establish or confirm the diagnosis when indicated.

Doctor: For these rules, means a person licensed to practice one or more of the following professions: Medicine and surgery; osteopathic medicine and surgery; chiropractic; naturopathic physician; podiatry; dentistry; optometry.

Only those persons so licensed may sign report of accident forms and certify time loss ((~~earn~~s)) compensation except as provided in chapter 296-20 WAC.

Emergent hospital admission: Placement of the worker in an acute care hospital for treatment of a work related medical condition of an unforeseen or rapidly progressing nature which if not treated in an inpatient setting, is likely to jeopardize the worker's health or treatment outcome.

Fatal: When the attending doctor has reason to believe a worker has died as a result of an industrial injury or exposure, the doctor should notify the nearest department service location or the self-insurer immediately. Often an autopsy is required by the department or self-insurer. If so, it will be authorized by the service location manager or the self-insurer. Benefits payable include burial stipend and monthly payments to the surviving spouse and/or dependents.

Fee schedules or maximum fee schedule(s): The fee schedules consist of, but are not limited to, the following:

(a) Health Care ((~~Financing Administration's~~)) Common Procedure Coding System Level I and II Codes, descriptions and modifiers that describe medical and other services, supplies and materials.

(b) Codes, descriptions and modifiers developed by the department.

(c) Relative value units (RVUs), calculated or assigned dollar values, percent-of-allowed-charges (POAC), or diagnostic related groups (DRGs), that set the maximum allowable fee for services rendered.

(d) Billing instructions or policies relating to the submission of bills by providers and the payment of bills by the department or self-insurer.

(e) Average wholesale price (AWP), baseline price (BLP), and policies related to the purchase of medications.

Health services provider or provider: For these rules means any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of services related to the treatment of an industrially injured worker. It includes, but is not limited to, hospitals, medical doctors, dentists, chiropractors, vocational rehabilitation counselors, osteopathic physicians, pharmacists, podiatrists, physical therapists, occupational therapists, massage therapists, psychologists, naturopathic physicians, and durable medical equipment dealers.

Home nursing: Those nursing services that are proper and necessary to maintain the worker in his or her residence. These services must be provided through an agency licensed, certified or registered to provide home care, home health or hospice services. Refer to WAC 296-20-091 for more information.

Independent or separate procedure: Certain of the fee schedule's listed procedures are commonly carried out as an integral part of a total service, and as such do not warrant a separate charge. When such a procedure is carried out as a separate entity, not immediately related to other services, the indicated value for "independent procedure" is applicable.

Medical aid rules: The Washington Administrative Codes (WACs) that contain the administrative rules for medical and other services rendered to workers.

Modified work status: The worker is not able to return to their previous work, but is physically capable of carrying out work of a lighter nature. Workers should be urged to return to modified work as soon as reasonable as such work is frequently beneficial for body conditioning and regaining self confidence.

Under RCW 51.32.090, when the employer has modified work available for the worker, the employer must furnish the doctor and the worker with a statement describing the available work in terms that will enable the doctor to relate the physical activities of the job to the worker's physical limitations and capabilities. The doctor shall then determine whether the worker is physically able to perform the work described. The employer may not increase the physical requirements of the job without requesting the opinion of the doctor as to the worker's ability to perform such additional work. If after a trial period of reemployment the worker is unable to continue with such work, the worker's time loss compensation will be resumed upon certification by the attending doctor.

If the employer has no modified work available, the department should be notified immediately, so vocational assessment can be conducted to determine whether the worker will require assistance in returning to work.

Nonemergent (elective) hospital admission: Placement of the worker in an acute care hospital for medical treatment of an accepted condition which may be safely scheduled in advance without jeopardizing the worker's health or treatment outcome.

Physician: For these rules, means any person licensed to perform one or more of the following professions: Medicine and surgery; or osteopathic medicine and surgery.

Practitioner: For these rules, means any person defined as a "doctor" under these rules, or licensed to practice one or more of the following professions: Audiology; physical therapy; occupational therapy; pharmacy; prosthetics; orthotics; psychology; nursing; physician or osteopathic assistant; and massage therapy.

Proper and necessary:

(1) The department or self-insurer pays for proper and necessary health care services that are related to the diagnosis and treatment of an accepted condition.

(2) Under the Industrial Insurance Act, "proper and necessary" refers to those health care services which are:

(a) Reflective of accepted standards of good practice, within the scope of practice of the provider's license or certification;

(b) Curative or rehabilitative. Care must be of a type to cure the effects of a work-related injury or illness, or it must be rehabilitative. Curative treatment produces permanent changes, which eliminate or lessen the clinical effects of an accepted condition. Rehabilitative treatment allows an injured or ill worker to regain functional activity in the presence of an interfering accepted condition. Curative and rehabilitative care produce long-term changes;

(c) Not delivered primarily for the convenience of the claimant, the claimant's attending doctor, or any other provider; and

(d) Provided at the least cost and in the least intensive setting of care consistent with the other provisions of this definition.

(3) The department or self-insurer stops payment for health care services once a worker reaches a state of maximum medical improvement. Maximum medical improvement occurs when no fundamental or marked change in an accepted condition can be expected, with or without treatment. Maximum medical improvement may be present though there may be fluctuations in levels of pain and function. A worker's condition may have reached maximum medical improvement though it might be expected to improve or deteriorate with the passage of time. Once a worker's condition has reached maximum medical improvement, treatment that results only in temporary or transient changes is not proper and necessary. "Maximum medical improvement" is equivalent to "fixed and stable."

(4) In no case shall services which are inappropriate to the accepted condition or which present hazards in excess of the expected medical benefits be considered proper and necessary. Services that are controversial, obsolete, investigational or experimental are presumed not to be proper and nec-

essary, and shall be authorized only as provided in WAC 296-20-03002(6) and 296-20-02850.

Regular work status: The injured worker is physically capable of returning to his/her regular work. It is the duty of the attending doctor to notify the worker and the department or self-insurer, as the case may be, of the specific date of release to return to regular work. Compensation will be terminated on the release date. Further treatment can be allowed as requested by the attending doctor if the condition is not stationary and such treatment is needed and otherwise in order.

Temporary partial disability: Partial time loss compensation may be paid when the worker can return to work on a limited basis or return to a lesser paying job is necessitated by the accepted injury or condition. The worker must have a reduction in wages of more than five percent before consideration of partial time loss can be made. No partial time loss compensation can be paid after the worker's condition is stationary. **All time loss compensation must be certified by the attending doctor based on objective findings.**

Termination of treatment: When treatment is no longer required and/or the industrial condition is stabilized, a report indicating the date of stabilization should be submitted to the department or self-insurer. This is necessary to initiate closure of the industrial claim. The patient may require continued treatment for conditions not related to the industrial condition; however, financial responsibility for such care must be the patient's.

Total permanent disability: Loss of both legs or arms, or one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the worker from performing any work at any gainful employment. When the attending doctor feels a worker may be totally and permanently disabled, the attending doctor should communicate this information immediately to the department or self-insurer. A vocational evaluation and an independent rating of disability may be arranged by the department prior to a determination as to total permanent disability. Coverage for treatment does not usually continue after the date an injured worker is placed on pension.

Total temporary disability: Full-time loss compensation will be paid when the worker is unable to return to any type of reasonably continuous gainful employment as a direct result of an accepted industrial injury or exposure.

Unusual or unlisted procedure: Value of unlisted services or procedures should be substantiated "by report" (BR).

Utilization review: The assessment of a claimant's medical care to assure that it is proper and necessary and of good quality. This assessment typically considers the appropriateness of the place of care, level of care, and the duration, frequency or quantity of services provided in relation to the accepted condition being treated.

AMENDATORY SECTION (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

WAC 296-20-01501 Physician's assistant rules. (1) Physicians' assistants may perform only those medical services in industrial injury cases, for which the physician's assistant is trained and licensed, under the control and super-

vision of a licensed physician. Such control and supervision shall not be construed to require the personal presence of the supervising physician.

(2) Physicians' assistants may perform those medical services which are within the scope of their physician's assistant license for industrial injury cases within the limitations of subsection (3) of this section.

(3) Advance approval must be obtained from the department to treat industrial injury cases. To be eligible to treat industrial injuries, the physician's assistant must:

(a) Provide the department with a copy of his/her license.

(b) Provide the name and address and specialty of the supervising physician.

(c) Provide the department with the evidence of a reliable and rapid system of communication with the supervising physician.

(4) Physicians' assistants may prepare report of accident, time loss (~~cards~~) compensation certification, and progress reports for the supervising physician's signature. Physicians' assistants cannot submit such information under his/her signature.

AMENDATORY SECTION (Amending WSR 90-04-057, filed 2/2/90, effective 3/5/90)

WAC 296-20-02010 Review of health services providers. (1) The department may review providers' patient and billing related records to ensure workers are receiving proper and necessary medical care and to ensure providers' compliance with the department's medical aid rules, fee schedules, and policies. A records review may be the basis for corrective action against the provider.

(2) The department may review records before, during, or after delivery of health services. Records reviews may be for cause or at random and may include the utilization of statistical sampling methodologies and projections based upon sample findings. Records reviews may be conducted at or away from the provider's places of business, at the department's discretion.

(3) The department will give ten working days' written notification to any provider (~~except as authorized in WAC 296-18A-460~~) that the provider's patient and billing related records will be reviewed by an auditor at the provider's place(s) of business to determine compliance with medical aid rules and standards.

(4) The department may request legible copies of providers' records. Providers shall furnish copies of the requested records within thirty calendar days of receipt of the request.

(5) The department will not remove original records from provider's premises.

(6) For information regarding the formal appeals process refer to chapter 51.52 RCW.

AMENDATORY SECTION (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

WAC 296-20-12501 Physician assistant billing procedure. Billing for physician assistant services (~~can be made only by the supervising physician~~) will be paid at ninety percent of the value listed in the fee schedules. Payment will be made directly to the supervising physician. (~~All physician~~

~~assistant services must be identified by using physician assistant modifiers, as listed in chapter 296-21 WAC and the fee schedules.~~)

(1) Bills must be itemized on department or self-insurer forms, as the case may be, specifying: The date, type of service and the charges for each service.

(2) The bill form must be completed in detail to include the claim number. (~~While the name of the physician's assistant rendering service must be included on the bill,~~) All bills must be submitted under the ((supervising)) physician assistant's account number. Bills will be accepted when signed by other than the practitioner rendering services. When bills are prepared by someone else, the responsibility for the completeness and accuracy of the description of services and charges rests with the supervising physician.

(3) For a bill to be considered for payment, it must be received in the department or by the self-insurer within one year from the date each specific treatment and/or service was rendered or performed. Whenever possible, bills should be submitted monthly.

(4) Bills cannot be paid for services rendered while a claim is closed.

(5) The department or self-insurer may deny payment of bills for services rendered in violation of the medical aid rules or department policy. Workers may not be billed for services rendered in violation of these rules.

AMENDATORY SECTION (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

WAC 296-20-170 Pharmacy—Acceptance of rules and fees. Acceptance and filling of a prescription for a worker entitled to benefits under the industrial insurance law, constitutes acceptance of the department's rules and fees. When there is questionable eligibility, (i.e., no claim number, prescription is for medication other than usually prescribed for industrial injury; or pharmacist has reason to believe claim is closed or rejected), the pharmacist may require the worker to pay for the prescription. In these cases, the pharmacist must furnish the worker with a signed receipt and a non-negotiable copy of the prescription including national drug code and quantity or a completed department pharmacy bill form signed in the appropriate areas verifying worker has paid for the prescribed item(s) in order for the worker to bill the department or self-insurer for reimbursement. The worker may not be charged more than the amount allowable by the department or self-insurer. The worker must submit such reimbursement request within one year of the date of service.

See WAC 296-20-020 for details on providing a refund.

AMENDATORY SECTION (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

WAC 296-23-240 Licensed nursing rules. (1) Registered nurses and licensed practical nurses may perform private duty nursing care in industrial injury cases when the attending physician deems this care necessary. Registered nurses may be reimbursed for services as outlined by department policy. (See chapter 296-20 WAC for home nursing rules.)

(2) Advanced registered nurse practitioners (ARNPs) may perform advanced and specialized levels of nursing care on a fee for service basis in industrial injury cases within the limitations of this section. ARNPs may be reimbursed for services as outlined by department policy.

(3) In order to treat workers under the Industrial Insurance Act, the advanced registered nurse practitioner must be:

(a) Recognized by the Washington state board of nursing or other government agency as an advanced registered nurse practitioner (ARNP). For out-of-state nurses an equivalent title and training may be approved at the department's discretion.

(b) Capable of providing the department with evidence and documentation of a reliable and rapid system of obtaining physician consultations.

(4) Billing procedures outlined in the medical aid rules and fee schedules apply to all nurses.

(5) Advanced registered nurse practitioners cannot sign accident report forms or certify time loss ((eards)) compensation.

NEW SECTION

The following section of the Washington Administrative Code is recodified as follows:

Old WAC Number	New WAC Number
296-20-303	296-23-246

AMENDATORY SECTION (Amending WSR 01-24-045, filed 11/29/01, effective 1/1/02)

WAC 296-23A-0710 Definitions. "Alternate outpatient payment." A payment for proper and necessary services calculated using a method other than the APC method, such as the outpatient hospital rate or fee schedule.

"Ambulatory payment classification (APC) bill." An outpatient bill for hospital services that are grouped and paid using APCs.

"Ambulatory payment classification (APC) weight." The relative value assigned to each APC by CMS. For information on calculating the APC weights, please see 42 CFR, Chapter IV, Part 419, et al. Medicare Program; Prospective Payment System for Hospital Outpatient Services.

"Ambulatory payment classification (APC)." A grouping for outpatient visits which are similar both clinically and in the resources used.

"Ambulatory surgery centers (ASCs)." Ambulatory surgery centers as defined by the department. ASCs are excluded from the APC payment system.

"Blended rate." The dollar amount used to determine APC payments.

"Bundling." Including the costs of supplies and certain other items with the costs of APCs. Bundled services will not be paid separately.

"Cancer hospitals." Freestanding hospitals specializing in the treatment of individuals who have a neoplasm diagnosis.

"Children's hospitals." Freestanding hospitals specializing in the treatment of individuals less than fourteen years of age.

"CMS." Centers for Medicare and Medicaid Services, formerly the Health Care Financing Administration (HCFA).

"Correct coding initiative." A process to encourage hospitals to code the most appropriate diagnosis and procedure for the services rendered.

"Critical access hospitals." Critical access hospitals as defined by the department of health.

"Current procedural terminology (CPT)." A systematic listing of descriptive terms and identifying codes for reporting medical services, procedures, interventions performed by physicians; the American Medical Association (AMA) publishes it annually.

"Discount factor." The percentage applied to additional significant procedures when a claim has multiple significant procedures or when the same procedure is performed multiple times.

"Exempt services." Services and hospitals that have been identified by CMS and/or L&I as exempt from the APC-based payment system.

"Health care ((~~financing administration's~~)) common procedure coding system (HCPCS)." Medicare's procedure coding system, which consists of Level 1 CPT Codes, Level 2 National Codes, and Level 3 Local Codes.

"Incidental services." Proper and necessary services that are integral to the delivery of the significant procedure or medical visit and are not separately reimbursable.

"Inpatient only procedures." Certain procedures designated by CMS as being of sufficient resource intensity that an inpatient setting is always required.

"Modifier." A two-digit alphabetic and/or numeric identifier that is added to the procedure code to indicate the type of service performed. Modifiers add clarification to procedures and can affect payment. Modifiers are listed in the current CPT and HCPCS manuals.

"Non-APC services." Services specifically excluded by CMS or by L&I from APC payment.

"Out-of-state hospitals." Any hospital not physically located within the state of Washington.

"Outpatient code editor." A prepayment analysis program designed to exclude certain diagnostic and procedure codes from being classified within the APC payment system.

"Outpatient prospective payment system (OPPS)." A payment system that groups hospital outpatient visits into APCs and multiplies the relative weight factor by the OPPS conversion rate to determine the appropriate payment.

"Outpatient services." Proper and necessary health-care services and treatment ordinarily furnished by a hospital in which the injured worker is not admitted as an inpatient.

"Outpatient." A patient who receives proper and necessary health-care services or supplies in a hospital-type setting but is not admitted as an inpatient.

"Partial hospitalization." Mental health services provided in an inpatient setting without the traditional inpatient overnight stay.

"Pediatric services." Proper and necessary health-care services and treatment ordinarily furnished by a hospital in which the injured worker is under the age of fourteen.

"Peer group." Categories of hospitals adopted by the department of health for rate setting purposes. The categories are:

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- Group 1 - Usually rural hospitals.
- Group 2 - Usually urban hospitals without a medical education program.

• Group 3 - Hospitals with a medical education program.
"Psychiatric hospitals." Freestanding hospitals specializing in the treatment of individuals with a mental health disease.

"Rehabilitation hospitals." Freestanding hospitals specializing in the treatment of individuals in need of rehabilitative services.

"Related encounters or related services." Multiple encounters which are:

- Provided within the same window of service; and
- By the same provider (hospital).

"Single visit." A single visit includes all related services that are combined for reimbursement when they occur with the same hospital during the window of service.

"Special programs." Programs specifically designated by the department.

"Transitional pass-through." Certain drugs, devices and biologicals, as identified by CMS that are entitled to a specified payment until CMS assigns and reimburses them under their own APC.

"Window of service." A single date of service. All services associated with the visit for that date constitute a single visit, even when those services are provided on different days.

WSR 03-21-088

PERMANENT RULES

DEPARTMENT OF CORRECTIONS

[Filed October 17, 2003, 9:49 a.m.]

Date of Adoption: October 17, 2003.

Purpose: Administrative updates and changes to the nine WAC chapters below. The changes update statutory and other references, update titles of executive management, change addresses and other similar changes which do not change the effect of the rules.

Citation of Existing Rules Affected by this Order: Amending WAC 137-10-015, 137-12A-050, 137-12A-060, 137-12A-070, 137-58-010, 137-58-020, 137-58-030, 137-58-040, 137-67-015, 137-67-025, 137-67-030, 137-67-035, 137-67-040, 137-68-010, 137-68-020, 137-70-020, 137-70-060, 137-70-070, 137-75-020, 137-75-040, 137-75-050, 137-78-010, 137-78-030, 137-78-060, 137-78-070, 137-80-010, 137-80-020, 137-80-040, and 137-80-060.

Statutory Authority for Adoption: RCW 72.01.090.

Adopted under notice filed as WSR 03-16-073 on August 20 [4], 2003.

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 29, 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 29, Repealed 0.

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

October 16, 2003

Patria N. Robison-Martin
for Joseph D. Lehman
Secretary

AMENDATORY SECTION (Amending Order 85-11, filed 12/31/85)

WAC 137-10-015 Qualifications and filing. (1) Any interested person may petition the department for the promulgation of a new department rule, the amendment or repeal of an existing department rule, or for a declaratory ruling with respect to the applicability to any person, property, or state of facts of any rule or statute enforced by the department.

(2) All such petitions shall be delivered or mailed to the Office of the Secretary, Department of Corrections, P.O. Box ((9699)) 41101, Olympia, Washington 98504-1101.

AMENDATORY SECTION (Amending WSR 91-10-018, filed 4/23/91, effective 5/24/91)

WAC 137-12A-050 Application procedure. (1) A political subdivision must request funding under this chapter by submitting a written request to:

Department of Corrections
((Office of)) Contracts and ((Regulations)) Legal Affairs
P.O. Box ((9699)) 41114
Olympia, WA 98504-1114

(2) Requests must document the one-time cost impact for which reimbursement is requested. Such documentation may include reference to:

- Criminal justice costs.
- Social service or human service costs.
- Transportation, roads and utility costs.
- Other similar costs.

(3) Requests for reimbursement of costs related to inmate families shall be documented by the political subdivision and take into account offsetting revenues from federal, state, or charitable sources. Such documentation shall include, but not be limited to:

- Social service or human service costs within the community related to inmate families.
- Criminal justice costs.
- The relationship of those costs to the offender population.

(d) An affidavit that such costs are not funded or offset from other sources or subject to reimbursement by the recipient of such services.

(4) The burden of demonstrating the impact shall be on the requesting political subdivision. The department may

provide technical assistance to the political subdivision and verification of impact requests.

AMENDATORY SECTION (Amending WSR 91-10-018, filed 4/23/91, effective 5/24/91)

WAC 137-12A-060 Department review committee.

(1) All requests shall be reviewed by a department committee composed of the following individuals or their designees:

- ~~(a) ((The assistant director, siting;~~
- ~~(b) Director, division of management and budget;~~
- ~~(c) Director, division of prisons;~~
- ~~(d)) Deputy secretary, office of administrative services;~~
- ~~(b) Deputy secretary, office of correctional operations;~~
- ~~(c) Contracts and regulations administrator;~~
- ~~((e) Chief, facilities management and administrative services;~~
- ~~(f) Director, division of community corrections;))~~ (d) Administrator, capital planning and development; and the
- ~~((g))~~ (e) Senior assistant attorney general assigned to the department.

(2) The review committee shall approve or disapprove the requests. If a request is disapproved in total or in part, the committee shall send a letter to the requesting political subdivision with the reasons for disapproval.

(3) The committee decision shall be final unless appealed to the secretary within twenty days after a political subdivision receives notice of disapproval.

AMENDATORY SECTION (Amending WSR 91-10-018, filed 4/23/91, effective 5/24/91)

WAC 137-12A-070 Contracts. Requests approved for funding under this chapter shall be evidenced in a written contract document processed through the ~~((office of))~~ contracts and ~~((regulations))~~ legal affairs section and approved by the secretary and submitting jurisdiction. Funding shall be limited to actual costs incurred during the term of the contract.

AMENDATORY SECTION (Amending Order 82-005, filed 3/22/82)

WAC 137-58-010 Purpose. (1) The purpose of this chapter is to ensure department compliance with the State Environmental Policy Act, (SEPA), chapter 43.21C RCW, and the regulations promulgated thereto, chapter ~~((197-10))~~ 197-11 WAC and to set forth department procedures in regards to SEPA requirements.

(2) These rules are supplemental to chapter 43.21C RCW and chapter ~~((197-10))~~ 197-11 WAC and are not intended to provide a comprehensive description of the SEPA requirements therein listed.

AMENDATORY SECTION (Amending Order 82-005, filed 3/22/82)

WAC 137-58-020 Definitions. The definitions set forth in chapter ~~((197-10))~~ 197-11 WAC are hereby incorporated by reference into this chapter and should be referred to if necessary.

AMENDATORY SECTION (Amending Order 82-005, filed 3/22/82)

WAC 137-58-030 Agency responsibilities. (1) The secretary or his/her designee shall be responsible for making final decisions regarding threshold determinations, adequacy of draft EISs and adequacy of final EISs where the department is the lead agency.

(2) The department's ~~((office of capital programs, division of prisons;))~~ capital planning and development section shall be responsible for submitting the necessary data set forth in WAC 137-58-040 to the secretary for his/her decision.

AMENDATORY SECTION (Amending Order 82-005, filed 3/22/82)

WAC 137-58-040 Responsibilities, ~~((office of))~~ capital ~~((programs))~~ planning and development. The department's ~~((office of))~~ capital ~~((programs, division of prisons;))~~ planning and development section shall be responsible for complying with the threshold determination procedures of WAC ~~((197-10-300 through 197-10-390))~~ 197-11-300 through 197-11-390; and shall be responsible for the supervision, or actual preparation of draft EISs pursuant to WAC ~~((197-10-400 through 197-10-495))~~ 197-11-400 through 197-11-495, including the circulation of such statements, and the conduct of any public hearing required by chapter ~~((197-10))~~ 197-11 WAC. The office of capital programs shall also prepare or supervise the preparation of any required final EIS pursuant to WAC ~~((197-10-550 through 197-10-695))~~ 197-11-550 through 197-11-695.

AMENDATORY SECTION (Amending Order 85-07, filed 9/3/85)

WAC 137-67-015 Definitions. (1) "Department" is the department of corrections.

(2) "Adult correctional institution" and "institution" is a facility identified in RCW 72.01.050(2) and any similar facility hereafter established.

(3) "Secretary" is the secretary of the department of corrections or the secretary's designee.

(4) ~~((("Director" is the director of the division of prisons))~~ "Deputy secretary" is the deputy secretary, office of correctional operations, of the Washington state department of corrections or ~~((the director's))~~ his/her designee.

(5) "Superintendent" is a superintendent of an adult correctional institution or the superintendent's designee.

(6) "Treaty nation" is a country which has entered into a treaty with the United States on the execution of penal sentences.

(7) "Treaty" is a treaty under which an offender, sentenced in the courts of one country, may be transferred to the country of which the offender is a citizen or national, for the purpose of serving the sentence.

(8) "Country of origin or citizenship" is the country in which the inmate was born or in which the inmate has duly recognized citizenship.

(9) "OIA" is the Office of International Affairs, Criminal Division, United States Department of Justice.

(10) "United States" is the United States of America.

(11) "Detainer" is a hold or request for notification placed by any local, state, or federal law enforcement, penal, or prosecutorial agency based on untried charges, parole or probation violation, escape, unexpired sentence, bond-jumping, or any other fugitive matter.

AMENDATORY SECTION (Amending Order 85-07, filed 9/3/85)

WAC 137-67-025 Initial notification. At the time of admission to the Washington corrections center, or the ~~((Parody))~~ Washington corrections center for women, the orientation information given to all inmates will include information on international offender transfers. An inmate who is a citizen of a treaty nation will be informed of the existing treaty and be provided with the opportunity to indicate an interest or noninterest in a transfer to the inmate's country of origin or citizenship on an application form provided by the department. Whenever possible, the form will be bilingual or translated into the inmate's native language. The application will be processed consistent with the purpose and provisions of the applicable treaty.

AMENDATORY SECTION (Amending Order 85-07, filed 9/3/85)

WAC 137-67-030 Process for application. After the inmate's foreign country citizenship has been verified and that country has been identified as a treaty nation, the superintendent will forward the inmate's application for transfer and the verification of citizenship to the ~~((director))~~ deputy secretary. All applications for international transfer will be submitted by the ~~((director))~~ deputy secretary to the secretary for final department approval and recommended to the governor or the governor's designee pursuant to RCW 43.06.350.

AMENDATORY SECTION (Amending Order 85-07, filed 9/3/85)

WAC 137-67-035 Referral by the secretary to the Office of ~~((International Affairs))~~ Enforcement Operations, International Prisoner Transfer Program, Criminal Division, U.S. Department of Justice. After approval of an inmate's application for transfer by the governor or the governor's designee, the secretary will refer the inmate's application to ~~((OIA))~~ the International Prisoner Transfer Program (IPTP).

AMENDATORY SECTION (Amending Order 85-07, filed 9/3/85)

WAC 137-67-040 Verification hearing. Following ~~((OIA))~~ IPTP approval and approval of the treaty country, the inmate will be referred by ~~((OIA))~~ IPTP to a United States magistrate or a United States district court judge, or other appointed United States official to assure and document the inmate's voluntary request for transfer. Federal authorities will complete the necessary procedures to effect voluntary transfer under the applicable treaty and laws of the United States.

AMENDATORY SECTION (Amending Order 82-20, filed 12/22/82)

WAC 137-68-010 Definitions. (1) "Compact" is the interstate compact for supervision of probationers and parolees as codified in RCW 9.95.270.

(2) "Compact administrator" is the ~~((director of the division of community services))~~ deputy secretary, office of correctional operations, department of corrections, who is responsible for the administration of the interstate compact for the supervision of adult probationers and parolees.

(3) "Deputy compact administrator" is a person appointed by the compact administrator and delegated responsibility for the administration of the interstate compact.

(4) "Sending state" is the state in which the individual was granted probation or parole and in which the jurisdiction of the case is retained.

(5) "Receiving state" is the state providing supervision of the parolee or probationer under the interstate compact.

(6) "Probationer" is a person under jurisdiction of a state superior or circuit court who is being supervised under the compact.

(7) "Parolee" is a person under jurisdiction of a paroling authority who is being supervised under the interstate compact.

(8) "Parole officer" is a state ~~((probation and parole officer))~~ community corrections officer (CCO) employed by the department of corrections.

(9) ~~((("Supervising parole officer")))~~ "Supervising community corrections officer" is a ~~((parole officer))~~ CCO assigned to supervise a probationer or parolee as required by the interstate compact and to act in regard to all matters connected with hearings conducted pursuant to the interstate compact rules.

(10) "Violations specified" are charges and/or allegations made against probationer or parolee by a parole officer in regard to violation of law or failure to comply with the general conditions of probation or parole or special instructions and conditions as set forth by the court of jurisdiction or the paroling authority.

(11) "Preliminary hearing" is a hearing conducted in accordance with RCW ~~((9.95B.010 through 9.95B.900))~~ 10.88.290.

(12) "Hearing officer" is a person authorized by the compact administrator ~~((in accordance with RCW 9.95B.020))~~ to hear cases involving alleged violations of conditions of parole or probation. Neither the person making the allegations of violation or his or her direct supervisor shall act as hearing officer.

AMENDATORY SECTION (Amending Order 82-20, filed 12/22/82)

WAC 137-68-020 Detained or arrested probationer or parolee—Right to preliminary hearing. (1) A probationer or parolee being supervised for another state under the interstate compact if detained or arrested within the state of Washington shall have the right as provided in ~~((chapter 9.95B))~~ RCW 10.88.290, to a preliminary hearing to determine whether there is probable cause to believe a condition or

conditions of probation or parole have been violated and whether there is reason to believe the violations alleged are of such nature that a revocation of probation or parole should be considered by the sending state.

(2) The detained or arrested probationer or parolee may waive his or her right to such hearing in writing.

AMENDATORY SECTION (Amending Order 86-07, filed 1/14/87)

WAC 137-70-020 Definitions. As used in this chapter, the following words shall have the following meanings:

(1) "Secretary" shall mean the secretary of the department of corrections or the secretary's designee.

(2) "Deputy secretary" shall mean the deputy secretary of the department, or the deputy secretary's designee.

(3) "Contingency plan" shall mean a plan developed under RCW 72.02.150 by the secretary with representatives of political subdivisions for dealing with disturbances at a state penal facility.

(4) "Department" shall mean the department of corrections.

(5) "Inmate" shall mean an individual sentenced to the custody of the department under state law and an individual transferred to the custody of the department from another state or the federal government.

(6) "Institution" and "penal facility" shall mean any facility identified in RCW 72.01.050(2) and any community residential program under the department's jurisdiction operated pursuant to chapter 72.65 RCW.

(7) "Political subdivision" shall mean any city, town, or county.

(8) "Administrator" shall mean the administrator of the department's (~~office of~~) contracts and (~~regulations~~) legal affairs section, or the administrator's designee.

(9) All references to the singular shall include the plural unless noted otherwise.

AMENDATORY SECTION (Amending Order 85-04, filed 3/11/85)

WAC 137-70-060 Billing procedure. (1) All requests for reimbursement under this chapter must be submitted on a standard Washington State Invoice Voucher Form, A-19, in triplicate, showing the total reimbursement requested, accompanied by a completed request for reimbursement form issued by the department. The vouchers and form should be mailed or delivered to the Department of Corrections, (~~Division of Management and Budget, Office of Contracts and Regulations, P.O. Box 9699, FN-61~~) Office of Administrative Services, Contracts and Legal Affairs, P.O. Box 41114, Olympia, Washington 98504-1114.

(2) The department may require the requesting political subdivision to submit such other documentation and information the department deems necessary to further support or explain the request.

AMENDATORY SECTION (Amending Order 86-07, filed 1/14/87)

WAC 137-70-070 Department review. (1) All requests for reimbursement shall be reviewed by the administrator.

(2) The administrator shall approve or disapprove the requests for payment. If a request is disapproved in total or in part, the administrator shall notify the requesting political subdivision in writing, setting forth the reasons for disapproval.

(3) The administrator's decision shall be final unless appealed to the department's impact appeals panel within twenty days after a political subdivision receives notice of disapproval. The impact appeals panel shall be composed of the deputy secretary (~~and the director of the department's division of management and budget, or the director's~~), office of correctional operations and the deputy secretary, office of administrative services, or his/her designee.

(4) An appeal from the administrator's decision disapproving a political subdivision's request for reimbursement must be in writing and must set forth the reasons why the political subdivision believes its request should be approved. The appeal shall be addressed to the Impact Appeals Panel, Department of Corrections, P.O. Box (~~9699, Olympia, WA 98504, attention: Office of Contracts and Regulations~~) 41114, Olympia, WA 98504-1114, attention: Contracts and Legal Affairs.

(5) The decision of the impact appeals panel shall be deemed to be the department's final administrative action with respect to the appeal.

AMENDATORY SECTION (Amending Order 84-09, filed 7/17/84, effective 9/2/84)

WAC 137-75-020 Definitions. As used in this chapter, the following words shall have the following meanings:

(1) "Secretary" shall mean the secretary of the department of corrections or the secretary's designee;

(2) "Department" shall mean the department of corrections;

(3) (~~"Director" shall mean the director of the division of prisons or the director of the division of community services of the department, or their designees;~~) "Deputy secretary" shall mean the deputy secretary, office of correctional operations or his/her designee.

(4) "Institution" shall mean a facility designated in RCW 72.01.050(2), any similar facility hereafter established, and a work release facility;

(5) "Work release facility" shall mean a community residence operated pursuant to chapter 72.65 RCW;

(6) "Jail" shall mean a city or county holding facility as defined in RCW 70.48.020(1);

(7) "Parole hold" shall mean a detention of a person pursuant to an order of parole suspension or revocation issued in accordance with RCW 9.95.120;

(8) All references to the singular shall include the plural, unless otherwise noted.

AMENDATORY SECTION (Amending Order 84-09, filed 7/17/84, effective 9/2/84)

WAC 137-75-040 Extraordinary emergency medical treatment. (1) The department shall reimburse a city or county the actual cost of extraordinary emergency medical treatment provided to a person for whom the department is financially responsible.

(2) If a person for whom the department is financially responsible requires extraordinary and emergency medical treatment, the department is to be notified by a competent medical authority of the nature and course of such treatment as far in advance as practical. The department will then authorize such treatment or advise of alternative means by which such treatment may be provided. If it is not practical to give such notice prior to such treatment, notice will be given to the department as soon as practical after such treatment has been given.

(3) The notice required shall ~~((, in the case of parolees and work release inmates,))~~ be given to the ~~((director of the division of community services, and in all other cases such notice shall be given to the director of the division of prisons))~~ deputy secretary.

AMENDATORY SECTION (Amending Order 87-03, filed 6/30/87)

WAC 137-75-050 Request for reimbursement. (1) A city or county requesting reimbursement under this chapter shall complete a form supplied by the department and file it with the Administrator, ~~((Office of Contracts and Regulations, Department of Corrections, P.O. Box 9699, Olympia, Washington 98504))~~ Contracts and Legal Affairs, P.O. Box 41114, Olympia, WA 98504-1114, who will ~~((forward the request to the director. The director will))~~ confirm the accuracy of the information submitted with the request and determine whether the amount requested is properly reimbursable under chapter 70.48 RCW and this chapter.

(2) All such requests must be filed within thirty days after the costs for which reimbursement is requested were incurred. Provided, however, with respect to such costs incurred in the month of June in odd-numbered years, such requests must be filed no later than ten days after the close of the state fiscal biennium (June 30).

AMENDATORY SECTION (Amending Order 89-05, filed 7/19/89, effective 8/19/89)

WAC 137-78-010 Definitions. For the purposes of this chapter the following words shall have the following meanings:

(1) "Assault" means an intentional touching, striking, cutting, or shooting of a person or the body of another.

(2) "Assault benefits" means reimbursement to employees of some of their costs attributable to being the victim of an offender assault.

(3) ~~((("Chief, office of employee services")))~~ "Administrator, safety and risk management" means the individual who is appointed by the secretary to head the ~~((office of employee services))~~ safety and risk management section or his/her designee.

(4) "Department" means the department of corrections.

(5) "Employee" means any individual who is appointed by the secretary, and who serves under the supervision and authority of the department. The term "employee" shall not include an individual performing personal services under contract or offenders.

(6) "Deputy secretary" is the deputy secretary for the office of correctional operations or his/her designee.

(7) "Doctor" means a person licensed to practice one or more of the following professions: Medicine and surgery; osteopathic; chiropractic; drugless therapeutics; podiatry; dentistry; optometry.

~~((7))~~ (8) "Offender" means any person in the custody of or subject to the jurisdiction of the department of corrections.

~~((8))~~ (9) "Secretary" means the secretary of the department of corrections or the secretary's designee.

AMENDATORY SECTION (Amending Order 89-05, filed 7/19/89, effective 8/19/89)

WAC 137-78-030 Application process. Employees who meet the requirements of WAC 137-78-020 and elect to apply for assault benefits shall submit a signed application for assault benefits and a properly completed report of personal injury form (DOC 3-133 ~~((x))~~), together with the certificate of the doctor that attended him or her, to his or her ~~((supervisor))~~ locally designated representative or human resource office within ten working days of the occurrence of the assault or, if the application could not be reasonably submitted within that period, within ten working days of the time when application could reasonably have been made. Applications shall be reviewed through the ~~((appropriate division))~~ employee's chain of command. The ~~((division director))~~ deputy secretary shall forward the application, with appropriate recommendations, to the ~~((office of employee services))~~ safety and risk management section. The ~~((chief of the office of employee services))~~ administrator, safety and risk management shall grant or deny the request for assault benefits within ten working days after written notification from the employee or the department of labor and industries that the employee's application for compensation under Title 51 RCW has been approved, but may extend that time to gather additional information.

AMENDATORY SECTION (Amending Order 89-05, filed 7/19/89, effective 8/19/89)

WAC 137-78-060 Denial of application for assault benefits. If the employee's request for assault benefits is denied by the ~~((office of employee services))~~ safety and risk management administrator, the employee may, within ten working days from the date of denial, file a petition with the office of ~~((employee services))~~ administrative services (OAS) deputy secretary for reconsideration, stating the specific grounds upon which the application should be granted. ~~((The petition shall be in the format specified by the office of employee services. The petition shall be deemed to have been denied if not disposed of within twenty working days from the date the petition is filed.))~~ The OAS deputy secretary shall respond within twenty working days from the date the

petition was received; provided that the time may be extended to gather additional information.

AMENDATORY SECTION (Amending Order 89-05, filed 7/19/89, effective 8/19/89)

WAC 137-78-070 Appeal from denial of assault benefits/overpayments. (1) If the employee's petition for assault benefits to the ~~((chief of the office of employee services))~~ office of administrative services deputy secretary is denied, the employee may appeal that decision to the secretary in accordance with chapter 34.05 RCW and this section. The employee shall file a written petition with the Office of the Secretary at 410 W. 5th, P.O. Box ~~((9699))~~ 41101, Olympia, Washington 98504-~~1101~~, within thirty days after the denial of assault benefits ~~((or within ten days after disposition of the petition for reconsideration)).~~

(2) If a dispute exists between the employee and department concerning the amount of any overpayment to be repaid the department, the employee may request a hearing in accordance with chapter 34.05 RCW and this section. The employee shall file a written petition with the Office of the Secretary at 410 W. 5th, P.O. Box ~~((9699))~~ 41101, Olympia, Washington 98504-~~1101~~, within thirty days after the dispute arises.

AMENDATORY SECTION (Amending Order 82-11, filed 8/27/82)

WAC 137-80-010 Purpose. These rules and regulations are adopted pursuant to and in accordance with chapter ~~((34.04))~~ 34.05 RCW. The purpose is to provide standards and procedures for the operation of the division of institutional industries.

AMENDATORY SECTION (Amending Order 82-11, filed 8/27/82)

WAC 137-80-020 Definitions. (1) "Secretary" means the secretary of the department of corrections or his/her designee.

(2) ~~((("Director")))~~ "Program administrator" means the ~~((director))~~ administrator of the institutional industries ~~((division))~~ program appointed by the secretary.

(3) "Institutional industries board of directors" means the board established by the authority of the Corrections Reform Act of 1981, RCW 72.09.070.

(4) "Free venture industries" means any industry producing goods or services for sale to both the public and private sector which is operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. Inmates shall be paid a wage by the organization of not less than sixty percent of the approximate prevailing wage within the state for the occupation, as determined by the director, or minimum wage, whichever is greater.

(5) "Tax reduction industries" means any state-owned and operated enterprises designed to reduce the cost for services and goods for tax supported agencies and for nonprofit organizations which assist persons who are poor or infirm. Products of these enterprises may be sold to public agencies

and to nonprofit organizations which assist persons who are poor or infirm. Inmates shall be paid for their work on a gratuity scale, approved by the director, which shall not exceed the federal minimum wage.

(6) "Institutional support industries" means any industry operated by the department of corrections designed and managed to provide basic work training and experience to the inmate. All able and eligible inmates who are assigned work and who are not working in other classes of industries are included in this class. Inmates shall be paid for their work in accordance with an inmate gratuity scale adopted by the secretary.

(7) "Community work industries" means any industry operated by the department of corrections designed and managed to provide services in the inmate's resident community at a reduced cost. Services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations which assist the poor or infirm. Inmates shall receive a gratuity from a unit of local government which shall not exceed the minimum wage.

(8) "Community ~~((service))~~ restitution programs" means any program operated by the state, local unit of government, or a nonprofit agency which assists persons who are poor or infirm which is subject to supervision by the department of corrections which enables an offender, placed on probation, to work off all or part of a community service order as ordered by the sentencing court.

(9) "Department" means the department of corrections.

(10) "Institutional industries" means the ~~((division))~~ program within the department of corrections office of correctional operations charged with developing and managing comprehensive work programs to provide work skills, work experience and exposure to the work ethic for offenders under the jurisdiction of the department.

AMENDATORY SECTION (Amending Order 82-11, filed 8/27/82)

WAC 137-80-040 Sale of goods. (1) The ~~((director))~~ program administrator or his/her designee may sell all articles, materials, and supplies authorized by statute to be produced or manufactured in correctional institutions to any state agency, political subdivision of the state or as otherwise authorized by statute.

(2) The secretary shall require those institutions under his direction to give preference to those articles, materials, and supplies produced or manufactured by institutional industries when purchases are made for institution needs.

(3) The ~~((director))~~ program administrator may cause to be prepared annually, at such times he may determine, lists containing the descriptions of all articles and supplies manufactured and produced in state correctional institutions; copies of such list shall be sent to the supervisor of purchasing and to all departments, institutions and agencies of the state of Washington.

AMENDATORY SECTION (Amending Order 82-11, filed 8/27/82)

WAC 137-80-060 Inmate job opportunities. The ~~((director))~~ program administrator shall cause to be periodi-

cally prepared and distributed to a central location in each institution a list of prison industries' job opportunities. This list shall include, but not limited to, job descriptions and the educational and skill requirements of each job and shall be made available to personnel of the institution, institutional industries and to the inmates.

WSR 03-21-089
PERMANENT RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Filed October 17, 2003, 9:55 a.m.]

Date of Adoption: October 9, 2003.

Purpose: To amend the Grays Harbor pilotage district annual tariff to add a pilotage service charge that is a flat rate rather than a rate based on registered tonnage and draft for any vessel that will be calling at the new bulk loading facility at the Port of Grays Harbor Terminal 2.

Citation of Existing Rules Affected by this Order: Amending WAC 363-116-185.

Statutory Authority for Adoption: RCW 88.16.035.

Adopted under notice filed as WSR 03-18-069 on August 29, 2003.

Changes Other than Editing from Proposed to Adopted Version: Editing for clarification only.

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.

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

October 15, 2003

Judy Bell

Administrative Assistant

AMENDATORY SECTION (Amending WSR 03-14-042, filed 6/24/03, effective 8/1/03)

WAC 363-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district. Effective ((0001 hours August 1, 2003,)) through 2400 hours July 31, 2004.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Fees for piloting of vessels in the inland waters and tributaries of Grays Harbor shall consist of the following:

Draft and tonnage fees:

Each vessel shall be charged according to its draft and tonnage for each vessel movement inbound to the Grays Harbor pilotage district, and for each movement outbound from the district. The draft charges shall be \$80.99 per meter (or \$24.64 per foot) and the tonnage charge shall be \$0.2583 per net registered ton. The minimum net registered tonnage charge is \$903.79. The charge for an extra vessel (in case of tow) is \$516.48.

Provided that, due to unique circumstances in the Grays Harbor pilotage district, vessels that call, and load or discharge cargo, at Port of Grays Harbor Terminal No. 2 shall be charged \$5,000 per movement for each vessel movement inbound to the district for vessels that go directly to Terminal No. 2 or that go to anchor and then go directly to Terminal No. 2, and for each vessel movement outbound from the district from Terminal No. 2, and that this charge shall be in lieu of only the draft and tonnage fees listed above.

Boarding fee:

Per each boarding/deboarding from a boat or helicopter \$389.67

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage \$647.88
 Delays per hour \$154.49
 Cancellation charge (pilot only) \$258.22
 Cancellation charge (boat or helicopter only) \$774.69

Pension charge:

Charge per pilotage assignment, including cancellations \$172.00

Travel allowance:

Transportation fee per assignment \$55.00
 Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid \$903.82 for each day or fraction thereof, and the travel expense incurred \$903.82

Bridge transit:

Charge for each bridge transited \$283.61
 Additional surcharge for each bridge transited for vessels in excess of 27.5 meters in beam \$785.22

PERMANENT

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

WSR 03-21-100
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed October 17, 2003, 10:43 a.m.]

Date of Adoption: October 6, 2003.

Purpose: These rules implement changes in providing funding for salary bonuses to teachers who attain certification by the national board for professional teaching standards. The legislature has removed the previous four-year eligibility limit for those teachers to receive an annual bonus. Teachers who hold the certificate during the 2003-04 or 2004-05 school years are eligible for the bonus.

Citation of Existing Rules Affected by this Order: Amending WAC 392-140-974.

Statutory Authority for Adoption: RCW 28A.150.290 (1).

Other Authority: Section 513(11) of ESSB 5404 (the 2003-05 state operating budget).

Adopted under notice filed as WSR 03-17-059 on August 18, 2003.

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

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

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

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

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

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

October 6, 2003

Dr. Terry Bergeson
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending WSR 02-15-023, filed 7/9/02, effective 8/9/02)

WAC 392-140-974 Salary bonus for teachers who attain certification by the national board—Administrative procedures. (1) School districts that employ teachers eligible for the salary bonus shall report those employees to the office of superintendent of public instruction by submitting Form SPI 1525 for each individual.

(2) Districts shall document each teacher's eligibility by maintaining on file for audit a copy of the teacher's national board certification notice and, if the teacher is not shown on Report S-275, evidence of employment and duties assigned.

(3) Report forms received by the superintendent of public instruction by the 15th of the month shall be paid in that month's apportionment and displayed on Report 1197, in revenue account 4158.

(4) For each candidate, the superintendent of public instruction shall send the district the amount of the salary bonus set in the operating appropriations act plus an amount for the district's (employer) portion of social security benefits.

(5) The district shall pay the bonus to the employee in a lump sum amount on a supplemental contract pursuant to RCW 28A.400.200.

(6) The salary bonus is excluded from the definition of "earnable compensation" under RCW 41.32.010(10).

~~((7) Teachers achieving certification by the national board for professional teaching standards shall receive the salary bonus for no more than four years.))~~

WSR 03-21-114
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed October 20, 2003, 2:27 p.m.]

Date of Adoption: August 15, 2003.

Purpose: This rule sets the specific examination requirements for licensing audiologists, speech-language pathologists and hearing instrument fitter and dispensers.

Citation of Existing Rules Affected by this Order: Amending WAC 246-828-020.

Statutory Authority for Adoption: RCW 18.35.161.

Adopted under notice filed as WSR 03-14-033 on June 23, 2003.

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.

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

September 15, 2003

Tracy A. Hansen
 Program Manager

AMENDATORY SECTION (Amending WSR 98-13-110, filed 6/17/98, effective 7/18/98)

WAC 246-828-020 Examinations. (1) The examination required of hearing instrument fitter/dispenser license applicants shall be ~~((a written examination))~~ the International Institute for Hearing Instrument Studies (IIHIS) including a passing score according to standards established by the International Hearing Society.

~~(((a) The minimum passing grade shall be seventy or greater to pass the required examination for licensure.~~

~~(b))~~ Applications for examinations shall be received by the department at least sixty days prior to the date of the scheduled examination. If the application is received less than sixty days before the next scheduled examination, the applicant will be scheduled for the second examination following receipt of the application.

~~(((e) A national examination or examination administered by another licensing jurisdiction approved by the board may be accepted in lieu of the board's written examination.))~~

(2) The examination required of ~~((ah))~~ audiology ~~((certificate))~~ license applicants shall be the National Examination in Audiology (NESPA), including a passing examination score of six hundred or greater ~~((and written hearing instrument fitter/dispenser examination described in subsection (1) of this section, including a passing examination score of seventy or greater)).~~

(3) The examination required of speech-language pathologist ~~((certificate))~~ license applicants shall be the National Examination in Speech Language Pathology (NESPA), including a passing examination score of six hundred or greater.

WSR 03-21-116
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Orthotics and Prosthetics)
 [Filed October 20, 2003, 2:31 p.m.]

Date of Adoption: September 24, 2003.

Purpose: Reducing fees for obtaining and maintaining orthotics and prosthetics licensure. The reduction in fees will assure that revenues do not exceed the funding levels necessary to support the program.

Citation of Existing Rules Affected by this Order: Amending WAC 246-850-990.

Statutory Authority for Adoption: RCW 43.70.250.

Adopted under notice filed as WSR 03-17-091 on August 20, 2003.

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

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

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

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

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

Effective Date of Rule: December 31, 2003.

October 17, 2003
 Mary C. Selecky
 Secretary

AMENDATORY SECTION (Amending WSR 98-21-086, filed 10/21/98, effective 11/21/98)

WAC 246-850-990 Orthotic and prosthetic fees. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Orthotic application	\$(600.00) <u>250.00</u>
Prosthetic application	((600.00)) <u>250.00</u>
Orthotic renewal	((575.00)) <u>150.00</u>
Prosthetic renewal	((575.00)) <u>150.00</u>
Late renewal penalty fee	((287.50)) <u>75.00</u>
Expired credential reissuance fee	((287.50)) <u>75.00</u>
Inactive credential renewal fee	((350.00)) <u>125.00</u>
Late inactive renewal fee	((175.00)) <u>62.50</u>
Retired active credential renewal fee	((350.00)) <u>125.00</u>
Late retired active credential renewal fee	((175.00)) <u>62.50</u>
Duplicate credential or wall certificate	15.00
Certification	25.00

WSR 03-21-125
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed October 20, 2003, 4:39 p.m., effective November 1, 2003]

Date of Adoption: October 15, 2003.

Purpose: To amend the rule to add additional categories of SSI recipients who can get a state supplementary payment (SSP).

PERMANENT

Citation of Existing Rules Affected by this Order: Amending WAC 388-474-0012.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Adopted under notice filed as WSR 03-18-105 on September 2, 2003.

Changes Other than Editing from Proposed to Adopted Version: None, the only change from the proposed version is the removal of repealed WAC references in subsection (2)(e).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, 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 1, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The effective date of this permanent rule must be less than thirty-one days after filing to protect SSI aged and blind client rights to receive a public assistance payment (SSP). This action meets the requirements in RCW 34.05.380 (3)(c) "The earlier effective date is necessary because of imminent peril to the public health, safety, or welfare." The rules must become effective on November 1, 2003, to permit the department to expand the base of SSP-eligible recipients in order to remain in compliance with federal law, otherwise the state could face federal sanctions jeopardizing all Medicaid funding to the state. Federal law requiring state supplemental payments to SSI recipients is found under The Social Security Act of 1924, Sec. 201 (42 U.S.C. 401) and Public Law 99-509, Sec. 9342 (42 U.S.C. 1395b).

Effective Date of Rule: November 1, 2003.

October 15, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-03-114, filed 1/21/03, effective 2/23/03)

WAC 388-474-0012 What is a state supplemental payment and who can get it? (1) The state supplemental payment (SSP) is a state-paid cash assistance program for certain clients who the Social Security Administration determines are eligible for Supplemental Security Income (SSI).

(2) You can get an SSP if:

(a) You are a grandfathered SSI recipient under WAC 388-474-0001;

(b) You are an individual with an ineligible spouse under WAC 388-474-0001; ((e))

(c) You receive SSI because you are age sixty-five or older under WAC 388-474-0001;

(d) You receive SSI because you are blind under WAC 388-474-0001; or

(e) You are determined eligible for SSP by the division of developmental disabilities ((see ~~WAC 388-825-525 and 388-825-535~~)).

WSR 03-21-133
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-273—Filed October 21, 2003, 11:18 a.m., effective April 1, 2004]

Date of Adoption: October 16, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-282.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-13-086 on June 16, 2003.

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: April 1, 2004.

October 21, 2003

Susan Yeager
for Will Roehl, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 02-53 [03-209], filed 3/29/02 [8/20/03], effective 5/1/02 [9/20/03])

WAC 220-56-282 Sturgeon—Areas, seasons, limits and unlawful acts. (1) It is lawful to fish for sturgeon the entire year in saltwater and open in freshwater concurrent with a salmon or gamefish opening unless otherwise provided, except:

(a) It is unlawful to fish for sturgeon from a floating device May 1 through July 15 downstream from the boating deadline below Bonneville Dam to markers on the Oregon and Washington shores of the Columbia River at Beacon Rock;

(b) It is unlawful to fish for sturgeon inside the south navigation lock at Bonneville Dam from a marker on the

westernmost point of Robins Island to a marker on the Oregon mainland shore; and

(c) It is unlawful to fish for sturgeon in those waters of the Columbia River between the upstream line of Bonneville Dam and the lowermost Bonneville power line crossing, except when fishing with hand-casted hook and line gear from the mainland shore downstream of a line from a fishing boundary on the Washington shore approximately three-quarters of a mile below the dam to the downstream end of Cascade Island, thence to the Oregon fishing boundary marker on Bradford Island, located approximately 850 feet downstream from the fish ladder entrance.

(2) The daily limit is one sturgeon, with the following size restrictions:

(a) Minimum size 48 inches in length in the Columbia River and tributaries upstream from The Dalles Dam.

(b) Minimum size 42 inches in length in all other state waters.

(c) Maximum size 60 inches in length.

Once the daily limit has been retained, it is lawful to continue to fish for sturgeon in the mainstem of the Columbia River downstream from where the river forms the boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(3) The possession limit is two daily limits of fresh, frozen or processed sturgeon.

(4) There is an annual personal use limit of ~~((ten))~~ five sturgeon from April 1 through March 31, regardless of where the sturgeon were taken. After the annual limit of sturgeon has been taken, it is lawful to continue to fish for sturgeon in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(5) It is unlawful to fish for sturgeon with terminal gear other than bait and single barbless hooks. It is lawful to use artificial scent with bait when fishing for sturgeon.

(6) It is unlawful to fish for or possess sturgeon taken for personal use from freshwater, except the Chehalis River, from one hour after official sunset to one hour before official sunrise.

(7) It is unlawful to possess in the field sturgeon eggs without having retained the intact carcass of the fish from which the eggs have been removed.

(8) It is unlawful to use a gaff or other fish landing aid that penetrates the fish while restraining, handling or landing a sturgeon.

(9) It is unlawful to fail to immediately return to the water any undersize sturgeon.

(10) It is unlawful to totally or partially remove oversize sturgeon from the water.

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 03-21-136
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Filed October 21, 2003, 12:14 p.m.]

Date of Adoption: October 9, 2003.

Purpose: Amends WAC 136-150-022 and 136-150-023 changing due dates of required forms from March 15 of each year to April 1 of each year.

Citation of Existing Rules Affected by this Order: Amending WAC 136-150-022 and 136-150-023.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Adopted under notice filed as WSR 03-17-046 on August 15, 2003.

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.

October 21, 2003

Walt N. Olsen, P.E.

for Jay P. Weber

Executive Director

PERMANENT

AMENDATORY SECTION (Amending WSR 01-17-104, filed 8/21/01, effective 9/21/01)

WAC 136-150-022 Ascertaining the expenditures for traffic law enforcement. In those counties in which diverted road levy or transfer of road funds has been budgeted for traffic law enforcement, the county sheriff shall submit a certification showing the actual expenditure for traffic law enforcement in the previous budget year, provided that counties with a population of less than eight thousand shall be exempt from this requirement. Such certification shall be submitted to the county road administration board no later than ~~((March 15))~~ April 1 of each year.

AMENDATORY SECTION (Amending WSR 03-05-010, filed 2/7/03, effective 3/10/03)

WAC 136-150-023 Ascertaining the expenditures for fish passage barrier removal. In those counties in which road funds have been used for removal of barriers to fish passage and accompanying streambed and stream bank repair as specified in RCW 36.82.070, the county engineer shall submit a certification showing that activities related to the removal of barriers to fish passage performed beyond the

county right of way did not exceed twenty-five percent of the total costs for activities related to fish barrier removal on any one project, and that the total annual cost of activities related to the removal of barriers to fish passage performed beyond the county rights of way did not exceed one-half of one percent of the county's annual road construction budget. Such certification shall be submitted to the county road administration board no later than ~~((March 15))~~ April 1 of each year.

WSR 03-21-154
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed October 22, 2003, 8:21 a.m., effective October 27, 2003]

Date of Adoption: October 16, 2003.

Purpose: The amended rule will eliminate the transitional work expense from authorized WorkFirst support services. It will also reduce the amount that can be spent on different support services and reduce the length of time for support services in postemployment from one year down to six months. These changes are needed to keep WorkFirst support services expenditures within the amount budgeted.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-0800 and 388-310-1800.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, and 74.08A.340.

Other Authority: 2001-2003 Supplemental Budget (section 207, chapter 10, Laws of 2003).

Adopted under notice filed as WSR 03-18-104 on September 2, 2003.

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 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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The effective date of this permanent rule must be less than thirty-one days after filing to prevent the over expenditure of federal TANF funds, which would have to be replaced by general state funds and which are not authorized under RCW 74.08A.340 or the 2003-2004 budget bill. This action meets the requirements in RCW 34.05.380 (3)(c). These rules must become effective on October 27, 2003, to ensure expendi-

tures remain within budget and to replace emergency rules filed as WSR 03-14-105.

Effective Date of Rule: October 27, 2003.

October 16, 2003

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-11-130, filed 5/21/02, effective 7/1/02)

WAC 388-310-0800 WorkFirst—Support services.

(1) Who can get support services?

People who can get support services include:

- (a) WorkFirst participants who receive a TANF cash grant;
- (b) Sanctioned WorkFirst participants during the ~~((two-week))~~ required participation before the sanction is lifted (WAC 388-310-1600);
- (c) Unmarried or pregnant minors who are income eligible to receive TANF and are:
 - (i) Living in a department approved living arrangement (WAC 388-486-0005) and are meeting the school requirements (WAC 388-486-0010); or
 - (ii) Are actively working with a social worker and need support services to remove the barriers that are preventing them from living in a department approved living arrangements and/or meeting the school requirements.

(d) Former WorkFirst recipients who are working at least twenty hours or more per week for up to ~~((one-year))~~ six months after leaving TANF if they need support services to meet a temporary emergency. This can include up to four weeks of support services if they lose a job and are looking for another one (see also WAC 388-310-1800); or

(e) American Indians who receive a TANF cash grant and have identified specific needs due to location or employment.

(2) Why do I receive support services?

Although not an entitlement, you may receive support services for the following reasons:

- (a) To help you participate in work and WorkFirst activities that lead to independence.
- (b) To help you to participate in job search, accept a job, keep working, advance in your job, and/or increase your wages.
- (c) You can also get help in paying your child care expenses through the working connections child care assistance program. (Chapter 388-290 WAC describes the rules for this child care assistance program.)

(3) What type of support services may I receive and what limits apply?

There is a limit of three thousand dollars per person per program year (July 1st to June 30th) for WorkFirst support services you may receive. Most types of support services have dollar limits.

The chart below shows the types of support services that are available for the different activities (as indicated by an "x") and the limits that apply.

Definitions:

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- Work-related activities include looking for work or participating in workplace activities, such as community jobs or a work experience position.
- Safety-related activities include meeting significant or emergency family safety needs, such as dealing with family

violence. When approved, safety-related support services can exceed the dollar or category limits listed below.

••• Some support services are available if you need them for other required activities in your IRP.

Type of support service	Limit	• Work	•• Safety	••• Other
Reasonable accommodation for employment	\$1,000 for each request	x		
Clothing/uniforms	(\$200) \$75 per adult per program year	x		
Diapers	\$50 per child per month	x		
Haircut	\$40 per each request	x		
Lunch	Same rate as established by OFM for state employees	x		
Personal hygiene	\$50 per adult per program year	x		
Professional, trade, association, union and bonds	\$300 for each fee	x		
Relocation related to employment (can include rent, housing, and deposits)	\$1,000 per program year	x		
Short-term lodging and meals in connection with job interviews/tests	Same rate as established by OFM for state employees	x		
Tools/equipment	\$500 per program year	x		
Car repair needed to restore car to operable condition	(\$500) \$250 per program year	x	x	
License/fees(liability insurance)	(\$600) \$130 per program year	x	x	
Mileage, transportation, and/or public transportation	Same rate as established by OFM for state employees	x	x	
Transportation allotment	Up to: \$10 for immediate need, or \$20 twice a month if you live within 40 miles of your local WorkFirst office, or \$30 twice a month if you live more than 40 miles from your local WorkFirst office.	x	x	
Counseling	No limit	x	x	x
Educational expenses	\$300 for each request if it is an approved activity in your IRP and you do not qualify for sufficient student financial aid to meet the cost	x		x
Medical exams (not covered by Medicaid)	\$150 per exam	x	x	x
Public transportation	\$150 per month	x	x	x
Testing-diagnostic	\$200 each	x	x	x

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(4) What are the other requirements to receive support services?

Other restrictions on receiving support services are determined by the department or its agents. They will decide what support services you receive, as follows:

- (a) It is within available funds; and
- (b) It does not assist, promote, or deter religious activity; and

- (c) There is no other way to meet the cost.
- (5) ~~(What is a transitional work expense?~~

~~(a) A transitional work expense is a special type of support services that is only paid once in a lifetime. It is authorized in two payments of five hundred dollars to cover your work expenses and help you exit TANF sooner and stay off of assistance longer. The first payment is made in the month after your TANF grant closes if you can show you have a plan for staying employed and off of TANF.~~

~~(b) To qualify for the first transitional work expense payment of five hundred dollars, you must also meet the following conditions:~~

- ~~(i) You are in unsubsidized employment; or~~
- ~~(ii) You are in subsidized employment that does not use TANF funds or does not end with your TANF grant; and~~

~~(iii) You are in the assistance unit and getting a TANF/SFA grant of one hundred dollars or less a month; and~~

~~(iv) Neither you or anyone else in your assistance unit is in sanction status; and~~

~~(v) You voluntarily stop getting your TANF/SFA grant.~~

~~(e) To qualify for the second payment of five hundred dollars you must meet the following conditions:~~

~~(i) Have not received a TANF/SFA grant or diversion cash assistance (DCA) for three months after you stopped your TANF/SFA grant; and~~

~~(ii) Are still employed.~~

(6)) What happens to my support services if I do not participate as required?

The department will give you ten days notice, following the rules in WAC 388-310-1600, then discontinue your support services until you participate as required.

AMENDATORY SECTION (Amending WSR 02-15-067, filed 7/11/02, effective 8/1/02)

WAC 388-310-1800 WorkFirst—Post employment services. (1) What is the purpose of post employment services?

Post employment services help low-income parents who are working twenty hours or more a week keep and cope with their current jobs, look for better jobs, gain work skills for a career and become self sufficient.

(2) How do I obtain post employment services?

(a) You can obtain post employment services by:

(i) Asking for a referral from the local community service office;

(ii) Contacting community or technical colleges; or

(iii) Contacting the employment security department.

Employment security department staff may also telephone you if you got a job while you were on TANF or SFA to see if you are interested in receiving these services.

(b) You may qualify for different services (from various state or federal programs) depending on whether you:

(i) Are a mandatory participant (that is, you currently receive TANF or SFA benefits);

(ii) Used to receive TANF or SFA benefits; or

(iii) Have never been on TANF or SFA.

(3) Who provides post employment services and what kind of services do they provide?

(a) The employment security department can help you increase your wages, increase your job skills or find a better job by providing you with:

(i) Employment and career counseling;

(ii) Labor market information;

(iii) Job leads for a better job (sometimes called job development);

(iv) On the job training;

(v) Help with finding a job that matches your interests, abilities and skills (sometimes called job matching); and

(vi) Help with finding a new job after job loss (sometimes called reemployment).

(b) Any Washington state technical and community college can approve a skill-training program for you that will help you advance up the career ladder. Their staff will talk to you, help you decide what training would work best for you and then help you get enrolled in these programs. The college may approve the following types of training for you at any certified institution:

(i) High school/GED,

(ii) Vocational education training,

(iii) Job skills training,

(iv) Adult basic education,

(v) English as a second language training, or

(vi) Preemployment training.

(4) What other services are available while you receive post employment services?

While you receive post employment services, you may qualify for:

(a) Working connections childcare if you meet the criteria for this program (described in chapter 388-290 WAC).

(b) Other support services, such as help in paying for transportation or work expenses.

(c) Other types of assistance for low-income families such as food stamps, medical assistance or help with getting child support that is due to you and your children.

(5) Who is eligible for post employment service, support services and childcare?

You may qualify for post employment services, support services and child care if you are working twenty hours or more a week, and:

(a) You are current TANF or SFA recipient. You qualify for:

(i) All types of post employment services, unless you are in sanction status;

(ii) Tuition assistance from the community and technical college system;

(iii) WorkFirst support services; and

(iv) Working connections childcare.

(b) You are a former TANF or SFA recipient. You qualify for:

(i) Employment retention services (help with keeping a job) for up to ~~((twenty-four))~~ twelve months after exiting TANF or SFA.

(ii) Wage and skill progression services (help with finding a better job and/or obtaining better wages) for up to ~~((twenty-four))~~ twelve months after exiting TANF or SFA.

(iii) Tuition assistance or preemployment training from the community and technical college system;

(iv) Working connections childcare assistance; and/or

(v) WorkFirst support services for up to ~~((twelve))~~ six months after exiting TANF or SFA.

(c) You are a low wage earner (that is, your family income does not exceed one hundred seventy-five percent of the federal poverty level) who has never received TANF or SFA benefits, and are in a community or technical college-approved skill training program. You may qualify for:

(i) Tuition assistance or preemployment training from the community and technical college system; or

(ii) Working connections child care while you are in training or school for up to a total of thirty six months.

(6) What if I lose my job while I am receiving post employment services?

If you now receive or used to receive TANF or SFA, help is available to you for up to four weeks so that you can find another job and continue in your approved post employment.

(a) The employment security department will provide you with reemployment services.

(b) At the same time, your case manager can approve up to four weeks of support services and childcare for you.

WSR 03-21-166

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed October 22, 2003, 10:05 a.m.]

Date of Adoption: October 22, 2003.

Purpose: This rule-making order amends the following sections of rule by repealing fee schedules that were only in effect for one day (June 30, 2003) and were superceded on July 1, 2003, by the current fee schedules: WAC 16-328-011 Strawberry plant certification fees, 16-333-041 Caneberry certification fees, 16-401-027 Schedule of fees and charges—Applicable rates and charges, 16-401-041 Nursery dealer license fees, 16-470-912 Schedule of fees and charges—Applicable fees and charges, and 16-470-917

Schedule of fees and charges—Fees for post entry inspection services.

Citation of Existing Rules Affected by this Order: Amending WAC 16-328-011, 16-333-041, 16-401-027, 16-401-041, 16-470-912, and 16-470-917.

Statutory Authority for Adoption: Chapters 15.13, 15.14, 17.24, and 34.05 RCW.

Adopted under notice filed as WSR 03-17-075 on August 19, 2003.

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 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.

October 22, 2003

Valoria H. Loveland
Director

AMENDATORY SECTION (Amending WSR 03-10-080, filed 5/6/03, effective 6/30/03)

WAC 16-328-011 Strawberry plant certification fees. The strawberry plant certification fees are as follows:

	((Effective until June 30, 2003	Effective July 1, 2003
Application fee	\$136.34	\$140.70
Hourly inspection rate	\$27.26))	\$28.10

(1) Certification application fee. The applicant must furnish all information requested on the application for inspection, including, but not limited to, the crop, variety, class planted, date planted, source of seed or plants, acreage, field number, applicant's name and address, applicant's signature, and date of application. The applicant must allow the department to take plants or plant parts from any planting for inspection or testing purposes. A separate application is required for each cultivar and/or lot entered for certification. Applications for inspection must be filed with the Plant Services Program, P.O. Box 42560, Olympia, Washington, 98504-2560 by June 15 of each year and be accompanied by the application fee.

(2) Inspection fees. The department will conduct certification inspections at the hourly inspection rate plus mileage charged at a rate established by the state office of financial management. Testing fees will be charged at the rate established in chapter 16-470 WAC. Inspection and testing fees

are payable upon completion of work. Billing may be arranged subject to department policies and processes.

(3) The department will remove any applicant from the certification program for failing to pay fees when due.

(4) The department will not accept applications from growers owing the department for previous fees.

AMENDATORY SECTION (Amending WSR 03-10-081, filed 5/6/03, effective 6/30/03)

WAC 16-333-041 Caneberry certification fees. The caneberry certification fees are as follows:

	((Effective until June 30, 2003	Effective July 1, 2003
Application fee	\$136.34	\$140.70
Hourly inspection rate	\$27.26))	\$28.10

(1) Certification application fee. The applicant must furnish all information requested on the application form furnished by the department, including, but not limited to, the crop, variety, class planted, date planted, source of seed or plants, acreage, field number, applicant's name and address, applicant's signature, and date of application. The applicant must allow the department to take plants or plant parts from any planting for inspection and testing purposes. A separate application is required for each cultivar and/or lot entered for certification. Applications must be filed with the Plant Services Program, P.O. Box 42560, Olympia, Washington 98504-2560 by May 15 each year and be accompanied by the application fee.

(2) Inspection fees. The department will conduct certification inspections at the hourly inspection rate plus mileage charged at a rate established by the state office of financial management. Testing fees will be charged at the rate established in chapter 16-470 WAC. Inspection and testing fees are payable upon completion of work. Billing may be arranged subject to department policies and processes.

(3) The department will remove any applicant from the certification program for failing to pay fees when due.

(4) The department will not accept applications from growers owing the department for previous fees.

AMENDATORY SECTION (Amending WSR 03-10-083, filed 5/6/03, effective 6/30/03)

WAC 16-401-027 Schedule of fees and charges—Applicable rates and charges. The following rates apply for requested inspection services:

(1) Fee or Charge:	Effective ((Date))	
	((Until June 30, 2003	July 1, 2003
Hourly rate—business hours	\$29.33	\$30.20
Hourly rate—nonbusiness hours	\$37.49	\$38.60
Certificate issued at time if inspection	No charge	No charge
Certificate issued more than twenty-four hours after the inspection	\$14.04	\$14.40
Additional certificates	\$4.54	\$4.60

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Fumigation lot or container fee	\$11.72	\$12.05
Certificate of plant health for non-commercial movement	\$5.83	\$6.00
Compliance agreement	\$29.33	\$30.20
Inspection tags or stickers (lots of 250)	\$5.83 per lot	\$6.00 per lot
Inspection tags or stickers (minimum 10)	\$0.278 each	\$0.28 each

(2) Mileage at the established office of financial management rate (schedule A), per diem at actual cost, and travel time at the applicable hourly rate may be assessed for requested inspections that are not a part of a regular work schedule. Such charge may be prorated among applicants if more than one applicant is provided service during a workday or trip when mileage and/or per diem are applicable.

(3) Inspections for phytosanitary certification, including growing season field inspections, are provided at the applicable hourly rate provided in subsection (1) of this section except where an alternate certification inspection fee is provided in statute, in rule, or by a written agreement between the department and an industry entity, university, or public agency. When growing season field inspections for phytosanitary certification and regulatory inspections are performed simultaneously, the first two hours of inspection each calendar year for nurseries licensed under WAC 16-401-041 (1)(b) or (2)(a); and the first four hours of inspection per calendar year for nurseries licensed under WAC 16-401-041 (1)(c) or (2)(b), are without charge.

There is no additional charge for the first phytosanitary certificate issued at the time of the inspection.

(4) Inspection and certification of nonplant material or equipment for sanitation (freedom from soil or pests) by visual examination or through witnessing a prescribed treatment (steam cleaning, hydro-washing, etc.) is charged at the applicable hourly rate.

(5) Witnessing and certification of fumigation is charged at the applicable hourly rate, plus a per lot or container fee.

(6) The department may issue a certificate of plant health for noncommercial movement of plant materials between states by unlicensed persons, up to a maximum of five plants, and provided that the plants are brought to a plant services office for inspection.

Note: When two or more types of inspection, provided in this section, are performed simultaneously, only one hourly rate applies. One certificate for one service is issued at no charge.

AMENDATORY SECTION (Amending WSR 03-10-083, filed 5/6/03, effective 6/30/03)

WAC 16-401-041 Nursery dealer license fees. Annual license fees as established below, must accompany the application for nursery dealer license:

(1) Retail nursery dealer license fee:

(a) Gross business sales of horticultural plants and turf less than two thousand five hundred dollars \$37.67

(b) Gross business sales of horticultural plants and turf between two thousand five hundred dollars and fifteen thousand dollars, the license fee is \$80.72

(c) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more \$161.45

(2) Wholesale nursery dealer license fee:

(a) Gross business sales of horticultural plants and turf less than fifteen thousand dollars \$80.72

(b) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more \$161.45

(3) As provided in RCW 15.13.285, a surcharge of twenty percent of the base rate, in addition to the fees established on all classes of licenses in subsections (1) and (2) of this section, is established.

(4) Permit fee for those types of sales and organizations exempted from licensing requirements by RCW 15.13.270.

((a) Effective until June 30, 2003 \$5.83

(b)) Effective July 1, 2003 \$6.00

AMENDATORY SECTION (Amending WSR 03-10-082, filed 5/6/03, effective 6/30/03)

WAC 16-470-912 Schedule of fees and charges— Applicable fees and charges. (1) Hourly rate.

	((Effective until June 30, 2003	Effective July 1, 2003
Hourly rate - business hours	\$29.33	\$30.20
Hourly rate - nonbusiness hours	\$37.49))	\$38.60

(2) Laboratory diagnostic services, except as provided in subsection (3) or (4) of this section, are charged at the applicable hourly rate plus materials.

(3) Plant pathology laboratory diagnostic fees are as follows:

((Effective until June 30, 2003

Identity Determination	1 sample	5 samples	10 samples	50 samples	100+ samples
virus (ELISA)	At cost	At cost	\$9.70 ea	\$4.85 ea	\$2.84 ea
bacteria	38.83 ea	37.49 ea	35.17 ea	33.98 ea	33.98 ea
fungus	41.05 ea	35.17 ea	33.98 ea	32.84 ea	30.47 ea
nematode	30.47 ea	28.09 ea	25.77 ea	25.71 ea	23.44 ea

Note: To receive volume rates, samples must be submitted as a unit and identification requests must be for one specific virus, bacterium, fungus, or nematode. Samples tested for multiple pathogens will be considered as multiple samples unless all pathogens can be detected in a single test without additional inputs.)

Effective July 1, 2003

Identity Determination	1 sample	5 samples	10 samples	50 samples	100+ samples
virus (ELISA)	At cost	At cost	\$10.00 ea	\$5.00 ea	\$2.90 ea
bacteria	40.05 ea	38.65 ea	36.25 ea	35.05 ea	35.05 ea
fungus	42.35 ea	36.25 ea	35.05 ea	33.85 ea	31.40 ea
nematode	31.40 ea	28.95 ea	26.55 ea	25.90 ea	24.15 ea

PERMANENT

Note: To receive volume rates, samples must be submitted as a unit and identification requests must be for one specific virus, bacterium, fungus, or nematode. Samples tested for multiple pathogens will be considered as multiple samples unless all pathogens can be detected in a single test without additional inputs.

(4) The department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate for projects with at least one of the following characteristics:

- (a) Projects greater than one hundred samples;
- (b) Projects requiring materials not readily available; or
- (c) Projects requiring special handling or prolonged incubation periods.

The rate charged shall not be less than the cost to the department of performing the tests.

AMENDATORY SECTION (Amending WSR 03-10-082, filed 5/6/03, effective 6/30/03)

WAC 16-470-917 Schedule of fees and charges— Fees for post entry inspection services. (1) Post entry site inspection and/or permit review and approval:

((a) Effective until June 30, 2003\$58.66
((b)) Effective July 1, 2003\$60.50

(2) Subsequent inspections of post entry plant materials are provided at the applicable hourly rate.

(3) Post entry inspection fees may be waived for state universities, United States Department of Agriculture researchers, and other public entities.

PERMANENT



WSR 03-19-074
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)
 [Filed September 12, 2003, 4:07 p.m.]

Date of Adoption: September 5, 2003.

Purpose: The purpose of the proposed emergency rules for group receiving centers (GRC), chapter 388-140 WAC, is to establish licensing standards for facilities providing out-of-home receiving or emergency care to children for up to thirty days. Licensing standards do not currently exist for GRCs. The emergency rules would provide protection for children placed in facilities in emergency situations. Currently, the one group receiving center in operation is licensed under standards that do not accurately or adequately address the program.

Statutory Authority for Adoption: RCW 74.15.030(2), 74.08.090.

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; and 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: Children's Administration has licensed a facility as a group care program with several waivers as there are no current licensing standards for a group receiving center. After consulting with the state Attorney General's Office and representatives of the federal IV-E program, we have learned that the approval of waivers jeopardizes federal funds received by Children's Administration to support services to children. A stakeholder workgroup has been involved in preparation of these emergency rules and the rules being drafted for permanent adoption. The emergency rules are needed to protect the health and safety of children placed in these facilities until permanent rules are adopted. Children's Administration is amending licensing standards (chapter 388-148 WAC) for group care facilities and plans to incorporate these group receiving center rules into chapter 388-148 WAC. Stakeholders are reviewing a draft of revised chapter 388-148 WAC at this time and proposed rules will be filed soon.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rule or Standards: New 125, 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 Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 125, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 5, 2003

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

Chapter 388-140 WAC

LICENSING STANDARDS FOR GROUP RECEIVING CENTERS

PURPOSE

NEW SECTION

WAC 388-140-0005 What is the purpose of this chapter? The department issues or denies a license on the basis of compliance with licensing requirements. This chapter defines general and specific licensing requirements for group receiving centers. Unless noted otherwise, these requirements apply to people who want to be licensed or re-licensed to provide care as a group receiving center.

The department is committed to ensuring that children who receive receiving care in a group setting experience health, safety, and well-being. We want these children's experiences to be beneficial to them not only in the short term, but also in the long term. Our licensing requirements reflect our commitment to children.

DEFINITIONS

NEW SECTION

WAC 388-140-0010 What definitions apply to this chapter? The following definitions are important to understand these rules:

"Abuse or neglect" means injury, sexual abuse, sexual exploitation, negligent treatment or mistreatment of a child where the child's health, welfare and safety are harmed.

"Assessment" means the appraisal or evaluation of a child in terms of his or her physical, mental, and emotional condition.

"Capacity" means the maximum number of children that a home or facility is licensed to care for at a given time.

"Children" or "youth," means individuals who are under eighteen years old, including expectant mothers under eighteen years old.

"Compliance agreement" means a written licensing improvement plan to address specific skills, abilities, or other issues of a fully licensed home or facility to maintain and/or increase the safety and well-being of children in their care.

"DCFS" means the division of children and family services.

"DDD" means the division of developmental disabilities.

"DSHS" or "department" means the department of social and health services (DSHS).

"DLR" means the division of licensed resources.

"DOH" means the department of health.

"Group receiving center" or **"GRC"** is a facility providing the basic needs of food, shelter, and supervision for more than six children placed by the department, generally for thirty or less days.

"Firearms" means guns or weapons, including but not limited to the following: BB guns, pellet guns, air rifles, stun guns, antique guns, bows and arrows, handguns, rifles, and shotguns.

"Full licensure" means an entity meets the requirements established by the state for licensing or approved as meeting state licensing requirements.

"Hearing" means the department's administrative review process.

"I" refers to anyone who operates or owns group receiving center.

"Individual with developmental disabilities" means an individual who meets the eligibility requirements in RCW 71A.10.020 and WAC 388-825-030 for services. A developmental disability is any of the following: Mental retardation, cerebral palsy, epilepsy, autism, or another neurological condition described in WAC 388-825-030. These conditions must originate before the age of eighteen years; be expected to continue indefinitely; and result in a substantial handicap.

"Infants" means children under one year of age.

"License" means a permit issued by the department affirming that a home or facility meets the licensing requirements.

"Licensee" means the name of the individual or legal entity granted the license for a group receiving center.

"Licensor" means a division of licensed resources (DLR) employee at DSHS that:

- (1) Approves licenses for group receiving centers; and
- (2) Monitors centers to ensure that they continue to meet health and safety requirements.

"Medically fragile" means the condition of a child who has a chronic illness or severe medical disabilities requiring regular nursing visits, extraordinary medical monitoring, or under a physician's care.

"Nonambulatory" means not able to walk.

"Nonmobile" refers to children who are not yet walking, are unable to walk, or unable to use a wheelchair or other device to move about freely.

"Out-of-home placement" means a child's placement in a home or facility other than the child's parent, guardian, or legal custodian.

"Premises" means a facility's buildings and adjoining grounds that are managed by a person or agency in charge.

"Probationary license" means a license issued as a disciplinary measure to an individual or agency that has previously been issued a full license but is out of compliance with licensing standards.

"Psychotropic medication" means a type of medicine that is prescribed to affect or alter thought processes, mood, sleep, or behavior. These include anti-psychotic, antidepressants and anti-anxiety medications.

"Severe developmental disabilities" means significant disabling, physical and/or mental condition(s) that cause a child to need external support for self-direction, self-support and social participation.

"Service plan" means a description of the services to be provided or performed and who will provide or perform the activities.

"Universal precautions" is a term relating to procedures designed to prevent transmission of blood borne pathogens in health care and other settings. Under universal precautions (sometimes call standard precautions), blood or other potentially infectious materials of all people should always be considered potentially infectious for HIV and other pathogens. Individuals should take appropriate precautions using personal protective equipment like gloves to prevent contact with blood.

"We" or **"our"** refers to the department of social and health services, including DLR licensors and DCFS social workers.

"You" refers to anyone who operates a group receiving center.

GENERAL INFORMATION

NEW SECTION

WAC 388-140-0015 What is a group receiving center? A group receiving center is a facility licensed by the division of licensed resources to provide the basic needs of food, shelter, and supervision for more than six children placed by the department, generally for thirty or less days.

NEW SECTION

WAC 388-140-0020 Which children may I serve? If you are licensed as a group receiving center, you may serve children who meet one of the following conditions:

- (1) Need temporary placement after being taken into protective custody by law enforcement or the court;
- (2) Need temporary placement awaiting a more permanent placement; or
- (3) Need emergency placement during a temporary disruption of a current placement.

NEW SECTION

WAC 388-140-0025 What age children may a center serve? Group receiving centers may provide care for children from age two through seventeen.

NEW SECTION

WAC 388-140-0030 Who may place children at a group receiving center? The department of social and health services, a law enforcement officer, or the court may place children at a group receiving center.

NEW SECTION

WAC 388-140-0035 What hours must a center be open? A group receiving center must be open twenty-four hours a day, seven days a week.

NEW SECTION

WAC 388-140-0040 What are the basic expectations of a group receiving center program? (1) Your group receiving care center must provide a safe and healthy group living environment that meets the developmental needs of the children in your care, including;

- (a) A clean, homelike environment;
- (b) Basic necessities such as adequate food and appropriate clothing;
- (c) Safety; and
- (d) An age-appropriate environment with necessary structure, routine, and rules.

(2) Your center must be staffed with employees who are competent to provide for the safety and needs of the children in your care.

(3) You must provide a written statement that includes your mission, goals, and a description of the services you provide.

NEW SECTION

WAC 388-140-0045 What services are provided or arranged for by the group receiving center? (1) A group receiving center must provide direct receiving care and assessment or an appraisal of a child in terms of his or her physical, mental, and emotional condition.

(2) A group receiving center may provide transportation and/or family support services, such as the supervision of family visits.

NEW SECTION

WAC 388-140-0050 What school arrangements are required? A group receiving center must meet the following requirements for providing education instruction to the children under your care. You must:

- (1) Arrange for transportation for each child in care to travel to school;
- (2) Support each child participating in their education plan; and
- (3) Provide suitable study areas for children under your care.

NEW SECTION

WAC 388-140-0055 Is an orientation for a child required at a center? (1) As part of admission to a center, the staff must give an orientation to children that includes, but is not limited to:

- (a) A description of the program and services;
- (b) The physical facility;
- (c) The department-approved policy that states that youth may not have guns and other weapons, alcohol, tobacco, and drugs within the facility; and
- (d) The department approved policy on client visitation that includes access to the youth's attorney.

(2) Written documentation of this orientation must be in each child's file.

APPLICATION, LICENSING, AND PROGRAM APPROVALNEW SECTION

WAC 388-140-0060 Is a license required? A license is required to provide care to children at a group receiving center.

NEW SECTION

WAC 388-140-0065 How old do I have to be to apply for a license? You must be at least twenty-one years old to apply for a license to provide care to children at a group receiving center.

NEW SECTION

WAC 388-140-0070 What personal characteristics must I have to provide care to children at a center? If you are requesting a license or a position as an employee, volunteer, or intern in a group receiving center, you must:

- (1) Demonstrate an understanding, ability, physical health, emotional stability and personality suited to meet the physical, mental, emotional, and social needs of the children under your care.
- (2) You must not have been found to have committed abuse or neglect of a child or vulnerable adult, unless the department determines that you do not pose a risk to a child's safety, well-being, and long-term stability.
- (3) Be able to furnish the child with a nurturing, respectful, supportive, and responsive environment.
- (4) Not have been disqualified by our background check (chapter 388-06 WAC) before having unsupervised access to children.

NEW SECTION

WAC 388-140-0075 What personal information may I be required to provide to be licensed? (1) The department may request additional information at any time and it may include, but is not limited to:

- (a) Substance and alcohol abuse evaluations and/or documentation of treatment;
 - (b) Psychiatric evaluations;
 - (c) Psycho-sexual evaluations; and
 - (d) Medical evaluations and/or medical records.
- (2) The applicant/licensees pays for any evaluation requested by the department.

(3) The applicant/licensee must give permission for the licenser to speak with the evaluator/provider before and after the evaluation.

(4) If an applicant or licensee refuses to comply with subsections (1), (2), or (3) above, then DLR may deny the application or revoke the license.

NEW SECTION

WAC 388-140-0080 How do I apply for a license? (1) To apply for a group receiving center license, the person or

legal entity responsible for the center must send the application form to your licensor at DLR.

(2) With the application form, you must send written verification for each applicant of the following information:

(a) A tuberculosis test or chest X-ray unless you can demonstrate medical or religious reasons prohibiting the test;

Note: Written documentation from your physician that indicates that you are free of the signs and symptoms of tuberculosis may be accepted.

(b) First-aid and cardio-pulmonary resuscitation (CPR) training appropriate to the age of the children in care; and

(c) HIV/AIDS and blood borne pathogens training including infection control standards.

(3) You must send a completed background check form to your licensor on anyone on the premises having unsupervised access to children who:

(a) Is not a foster child; and

(b) Is at least sixteen years old.

(4) You must send a completed FBI fingerprint form for any individual at your facility who has lived outside Washington state within the last three years and meets subsection (3) above.

NEW SECTION

WAC 388-140-0085 What is required to document completed background checks on staff? You must keep a log of all background check results of employees, volunteers, and interns having unsupervised access to children on the premises of the group receiving center.

NEW SECTION

WAC 388-140-0090 What first aid and cardiopulmonary resuscitation (CPR) training is required? (1) You, your staff, volunteer, intern, or any individual who may at anytime be the sole caregiver at the group receiving center, must have the following current first-aid and CPR training:

(a) Basic standard first aid; and

(b) Approved age-appropriate cardiopulmonary resuscitation (CPR) training provided by an instructor certified in accordance with a nationally recognized standard.

(2) A person with first aid and CPR training must be on the premises of a group receiving center at all times, when children are present.

(3) The CPR training may be waived for persons with a statement from their physician that the training is not advised for medical reasons. However, another person with CPR training must be on the premises when children are present.

(4) You must keep records in your center showing who has completed current first aid and CPR training. This includes copies of the certificate of completion for the training for each staff person.

NEW SECTION

WAC 388-140-0095 What HIV/AIDS and blood borne pathogens training is required? (1) You must provide or arrange for training for yourself, your staff, or any person who may at any time be the sole caregiver at a group

receiving center, on infection control, prevention, and transmission of HIV and AIDS and blood borne pathogens.

(2) You must comply with infection control requirements and educational material consistent with the approved current curriculum "Know - HIV/AIDS Prevention Education for Health Care Facility Employees," published by the department of health, office on HIV/AIDS.

(3) Child care workers and anyone else providing direct care to children at a group receiving center must use Universal Precautions (see definitions) when coming in contact with the bodily fluids or secretions of a child.

NEW SECTION

WAC 388-140-0100 How long do I have to complete the licensing application packet? (1) You must complete your licensing application with supporting documents, such as training certificates, within ninety days of first applying for a group receiving center license.

(2) If you fail to meet this deadline and have not contacted your licensor, your licensor may consider your application withdrawn.

(3) If you are applying for a license renewal, you must send the application form to your licensor at least ninety days prior to the expiration of your current license.

NEW SECTION

WAC 388-140-0105 Does the department need to approve the program I offer? (1) The department must approve the program that you have developed for children under your care at group receiving center.

(2) You must send to DLR a detailed written program description outlining assessment, educational, recreational, therapeutic, and other services you will provide to children and their families.

(3) A sample of the schedule of daily activities for children under care must be included with the program description.

NEW SECTION

WAC 388-140-0110 How does the department decide how many children a center may serve? (1) The department approves the number of children that a group receiving center may serve based on an evaluation of these factors:

(a) Physical accommodations in the center;

(b) The number of staff and volunteers available for providing care;

(c) Your skills and the skills of your staff;

(d) The ages and characteristics of the children you are serving;

(e) The evaluation of fire safety by the office of the state fire marshal; and

(f) The evaluation of health and safety by the department of health.

(2) Based on the evaluation, the department may license you for the care of fewer children or different age groups than your facility could house.

NEW SECTION

WAC 388-140-0115 Will the department approve exceptions to the licensing requirements? (1) At its discretion, the department may make exceptions to the licensing requirements for a group receiving center. The exceptions:

- (a) Must only be nonsafety requirements; and
 - (b) Must not compromise the safety and well being of the children receiving care.
- (2) You must make a written request for an exception to the licensing requirements.
- (3) After granting an exception to a licensing requirement, the department may:
- (a) Limit or restrict your license; and/or
 - (b) Require you to enter into a compliance agreement to ensure the safety and well being of the children in your care.
- (4) You must keep a copy of the approved exception and any compliance agreement to the licensing requirements for your files.
- (5) You do not have appeal rights if the department denies your request for an exception to our licensing requirements.

CORRECTIVE ACTIONNEW SECTION

WAC 388-140-0120 Does the department issue probationary licenses? (1) The department may issue a group receiving center a probationary license as part of a corrective action plan with a licensed provider.

- (2) The department must base its decision about whether to issue a probationary license on the following:
- (a) Intentional or negligent noncompliance with the licensing rules;
 - (b) A history of noncompliance with the rules;
 - (c) Current noncompliance with the rules;
 - (d) Evidence of a good faith effort to comply; and
 - (e) Any other factors relevant to the specific situation.
- (3) A probationary license may be issued for up to six months. At its discretion, the department may extend the probationary license for an additional six months.

NEW SECTION

WAC 388-140-0125 When is a license denied, suspended or revoked? (1) A group receiving center license must be denied, suspended or revoked if the department decides that you cannot provide care for children in a way that ensures their safety, health and well-being.

- (2) The department must disqualify you for any of the reasons that follow:
- (a) Your facility fails to meet the health and safety requirements to receive a certificate of compliance as required by the department of health and/or office of the state fire marshal.
 - (b) You have been disqualified by your background check (see chapter 388-06 WAC).
 - (c) You or your staff have been found to have committed abuse, neglect, or you treat, permit or assist in treating children in your care with cruelty, indifference, or exploitation,

unless the department determines that you do not pose a risk to a child's safety, well-being, and long term stability.

(d) You or anyone on the premises had a license denied or revoked from an agency that provided care to children or vulnerable adults.

(e) You try to get a license deceitfully, such as making false statements or leaving out important information on the application.

(f) You commit, permit or assist in an illegal act on the premises of a group receiving center providing care to children.

(g) You are using illegal drugs, or excessively using alcohol and/or prescription drugs.

(h) You knowingly allowed employees or volunteers with false statements on their applications to work at your agency.

(i) You repeatedly lack qualified or an adequate number of staff to care for the number and types of children under your care.

(j) You have refused to allow our authorized staff and inspectors to have requested information or access to your facility, child and program files, and/or your staff and clients.

(k) You are unable to manage the property, fiscal responsibilities, or staff in your agency.

(l) You have failed to comply with the federal and state laws for any Native American children that you have under care.

NEW SECTION

WAC 388-140-0130 Are there any other reasons that could potentially cause me to lose my license? (1) The department may suspend or revoke your group receiving center license if you go beyond the conditions of your license by:

- (a) Having more children than your license allows; or
- (b) Having children with ages different than your license allows.

(2) The department also may suspend or revoke your license if you:

- (a) Fail to provide a safe, healthy and nurturing environment for children under your care; or
- (b) Fail to comply with any of our other licensing requirements.

NEW SECTION

WAC 388-140-0135 What happens when a licensor is notified that a licensee has received a noncompliance support order from the division of child support? (1) The department must suspend a group receiving center license, if the licensor receives a notice from the division of child support that the licensee is not in compliance with a support order under authority of RCW 43.20A.205 and 74.20A.320.

(2) In this situation, the suspension of a center license, for noncompliance of a support order, would be effective on the date the licensee receives a notice from the licensor.

(3) The license remains suspended until the licensee provides proof that he or she is in compliance with the child support order.

(4) The licensee does not have a right to an administrative hearing based on a suspension of the center license due to noncompliance of a child support order.

NEW SECTION

WAC 388-140-0140 How will the department notify me if my license is denied, suspended, or revoked? (1) The department will send you a certified letter informing you of any decision to deny, suspend or revoke your group receiving center license.

(2) In the letter, the department also will tell you what you may do if you disagree with the decision of the department to deny, suspend or revoke your group receiving center license.

NEW SECTION

WAC 388-140-0145 What may I do if I disagree with the department's decision to deny, suspend or revoke my license? (1) You have the right to appeal any decision the department makes to amend, deny, suspend, or revoke your group receiving center license. The exception is outlined in WAC 388-140-0135 and deals with noncompliance of a child support order.

(2) Your right to appeal and the procedures for that process are outlined in RCW 43.20A.205 and 74.14.130; chapter 34.05 RCW, and chapter 388-02 WAC.

POSTING LICENSE AND REPORTING CHANGES

NEW SECTION

WAC 388-140-0150 Where do I post my license? You must post your group receiving center license where the public can easily view it.

NEW SECTION

WAC 388-140-0155 What changes to my center must I report to my licensor? (1) You must report to your licensor immediately any changes in the original group receiving center licensing application. This includes changes in:

- (a) Your location or designated space, including address;
- (b) Your phone number;
- (c) The maximum number, age ranges, and sex of children you wish to serve; or
- (d) The changes in the structure of your facility or on the premises from events causing damage, such as a fire, or from remodeling.

(2) A license is valid only for the person or organization named on the license at a specific address. If you operate a group receiving center, you must also report any of the following changes to your licensor:

- (a) A change of your agency's executive director;
- (b) The death, retirement, or incapacity of the person who holds the license;
- (c) A change in the name of a licensed corporation, or the name by which your center is commonly known; or

(d) Changes in an agency's articles of incorporation and bylaws that apply to the operation or the license of the facility.

FIRE SAFETY

NEW SECTION

WAC 388-140-0160 Must I comply with the requirements of the State Fire Marshal to receive a license? (1) A group receiving center must comply with the requirements for fire safety of the office of the state fire marshal under WAC 212-12-210.

(2) The office of the state fire marshal will issue a notice of approval for licensing to the licensing agency when you have met their requirements for fire safety.

NEW SECTION

WAC 388-140-0165 Do I need to notify the local fire department of the location of my center? You must notify the local fire department of the location of your group receiving center so that medics and firefighters can easily locate your facility.

NEW SECTION

WAC 388-140-0170 Are local ordinances part of the licensing requirements? (1) Local ordinances (laws), such as zoning regulations and local building codes, are outside the scope of the licensing requirements for a group receiving center.

(2) The department may require you to provide proof that you have met local ordinances.

NEW SECTION

WAC 388-140-0175 Are there fire safety requirements? A group receiving center must comply with the fire safety requirements that follow.

(1) Every sleeping room used by children under care must have at least one operable window or door approved for emergency escape or rescue that must open directly into a public street, public alley, yard, or exit court.

(2) Centers with floors located more than four feet above or below ground (one-half story) must not be used for care of nonmobile children.

(3) Emergency windows must:

- (a) Be operable from the inside to provide a full, clear opening without the use of separate tools;
- (b) Have a minimum net clear open area of 5.7 square feet (0.53 mm);
- (c) Have a minimum net clear open height dimension of 24 inches (610 mm);
- (d) Minimum net clear open width dimension of 20 inches (508 mm);
- (e) Have a finished sill height of not more than 44 inches (1118 mm) above the floor.

(4) No child may occupy a space that is accessible only by a ladder, folding stairs, or a trap door.

EMERGENCY

(5) Every bathroom door lock must be designed to permit the opening of the locked door from the outside.

(6) Every closet door latch must be designed to open from the inside.

(7) Open-flame devices and fireplaces, heating and cooking appliances, and products capable of igniting clothing must not be left unattended or used incorrectly.

(8) Fireplaces, wood stoves and other heating systems that have a surface hot enough to cause a burn must have a barrier to prevent access by children under age six years.

NEW SECTION

WAC 388-140-0180 What are the requirements for smoke detectors? (1) Group receiving centers licensed for sixteen or more residents must have an approved automatic and manual fire alarm system.

(2) Operation of any fire alarm activating device must automatically, without delay, activate off-site monitoring and signal a general alarm indication and sound an audible alarm throughout the building or affected part of the building.

(3) Group receiving centers licensed for fewer than sixteen persons must have smoke detectors installed in all sleeping room, corridors, and in areas separating use areas from sleeping areas.

(4) Smoke detectors must be installed following the approved manufacturer's instructions.

NEW SECTION

WAC 388-140-0185 What are the requirements for a fire evacuation plan? (1) You must develop a written fire evacuation plan for your group receiving center.

(2) The evacuation plan must include:

(a) An evacuation floor plan, identifying exit doors and windows;

(b) Action that the person discovering a fire must take;

(c) Methods for sounding an alarm on the premises;

(d) Ways to evacuate the building that ensures responsibility for children; and

(e) Action that staff must take while waiting for the fire department.

(3) The plan must be posted at each exit door.

NEW SECTION

WAC 388-140-0190 What fire prevention measures must I take? The department requires that you must take the following fire prevention measures for your group receiving center:

(1) You must assure that furnace rooms are:

(a) Maintained free of lint, grease, and rubbish; and

(b) Suitably isolated, enclosed, or protected.

(2) Flammable or combustible materials must be stored away from exits and in areas that are not accessible to children. Combustible rubbish must not be allowed to collect and must be removed from the building or stored in closed, metal containers away from building exits.

(3) All trash must be removed daily from the building and thrown away in a safe manner outside the building. All

containers used for the disposal of waste material must consist of noncombustible materials and have tops.

(4) All electrical motors must be kept free of dust.

(5) Open-flame devices capable of igniting clothing must not be left on, unattended or used in a manner that could result in an accidental ignition of children's clothing.

(6) Candles must not be used.

(7) All electrical circuits, devices and appliances must be properly maintained. Circuits must not be overloaded. Extension cords and multi-plug adapters must not be used in place of permanent wiring and proper outlets.

(8) Fireplaces, woodstoves, and similar devices must be installed and approved according to the rules that were in effect at the time of installation (see the local building permit). These devices must be properly maintained and must be cleaned and certified at least once a year or maintained according to the manufacturer's recommendations.

(9) Separate hazardous areas by at least a "one-hour" fire-resistant wall. Hazardous areas include rooms or spaces containing:

(a) A commercial-type cooking kitchen;

(b) A boiler;

(c) A maintenance shop;

(d) A janitor closet;

(e) A woodworking shop;

(f) A vehicle garage;

(g) Flammable or combustible materials; or

(h) Painting operations.

(10) The department does not require a fire-resistant wall when:

(a) A kitchen contains only a domestic cooking range; and

(b) Food preparation does not produce smoke or grease-laden vapors.

NEW SECTION

WAC 388-140-0195 What are the requirements for fire drills? (1) You must conduct monthly fire drills to test and practice the evacuation procedures.

(2) The monthly fire drill must be conducted on each shift, so that each person providing care to children participates in the drill.

(3) You must consult with and follow the state fire marshal protocol for "mock" fire drills, if you care for nonambulatory children.

(4) You must maintain a written record on the premises that indicates the date and time that drill practices were completed at your group receiving center.

NEW SECTION

WAC 388-140-0200 What fire safety procedures do center staff need to know? You and your staff at a group receiving center must be familiar with:

(1) Safety procedures related to fire prevention; and

(2) All aspects of a fire drill.

(3) Your and your staff must be able to:

(a) Operate all fire extinguishers installed on the premises;

(b) Test smoke detectors (single station types);

(c) Conduct frequent inspections of the facility to identify fire hazards; and

(d) Correct any hazards noted during the inspection.

NEW SECTION

WAC 388-140-0205 What are the requirements for fire sprinkler systems? (1) Where a sprinkler system is required, a system complying with the uniform building code standards must be installed.

(2) A Washington state licensed fire sprinkler contractor must annually test and certify sprinkler systems installed in a group receiving center for fire prevention.

HEALTH AND ENVIRONMENT

NEW SECTION

WAC 388-140-0210 Does a center need approval from the department of health to operate? (1) A group receiving center must receive a certificate of compliance from the department of health before the division of licensed resources (DLR) will issue a group receiving center license.

(2) The department of health (DOH) conducts the health and safety survey. A registered nurse (RN) and/or a public health sanitarian may complete the survey.

NEW SECTION

WAC 388-140-0215 What are the physical structure safety requirements for a center? You must keep the equipment and the physical structures in your group receiving center safe and clean for the children you serve. You must:

(1) Maintain your buildings, premises, and equipment in a clean and sanitary condition, free of hazards, and in good repair.

(2) Provide handrails for steps, stairways, and ramps, if required by the department.

(3) Have emergency lighting devices available and in operational condition.

(4) Furnish your center appropriately, based on the age and activities of the children under care.

(5) Have washable, water-resistant floors in your center bathrooms, kitchens, and any other rooms exposed to moisture. The department may approve washable, short-pile carpeting that is kept clean and sanitary for your facility's kitchens.

(6) Provide tamper proof or tamper resistant electrical outlets or blank covers installed in areas accessible to children under the age of six or other persons with limited mental capacity or who might be endangered by access to them.

(7) Have easy access to rooms occupied by children in case an emergency arises. Some examples are bedrooms, toilet rooms, shower rooms, and bathrooms.

(8) Have a written disaster plan for emergencies such as fire and earthquakes.

NEW SECTION

WAC 388-140-0220 What are the requirements for the location of a center? (1) Your group receiving center

must be located on a well-drained site, free from hazardous conditions. Some examples of hazards are natural or man-made water hazards such as lakes or streams, steep banks, ravines, and busy streets.

(2) The safety of the children in care is paramount. You must discuss with the licensor any potential hazardous conditions, considering the children's ages, behaviors, and abilities.

(3) If DLR decides that hazardous conditions are present at the group receiving center, a supervision plan must be written for the children in care.

NEW SECTION

WAC 388-140-0225 What are the requirements for emergency aid vehicle access to my center? (1) Your group receiving center must be accessible to emergency vehicles.

(2) Your address must be clearly visible on the facility or mailbox so that firefighters or medics can easily find your center location.

NEW SECTION

WAC 388-140-0230 What steps must I take to ensure children's safety around outdoor bodies of water? (1) You must ensure children in your care at a group receiving center are safe around bodies of water.

(2) On a daily basis, you must empty and clean any portable wading pool that children use.

(3) When they are swimming, wading, or near a body of water, children under twelve must be in continuous visual range at all times by an adult with current first aid and age appropriate CPR.

(4) You must ensure age and developmentally appropriate supervision of any child that uses hot tubs, swimming pools, spas, and other man-made and natural bodies of water.

(5) All safety devices and rescue equipment, such as life jackets, must meet state water safety regulations.

(6) You must lock or secure hot tubs and spas when they are not in use.

(7) You must place a fence designed to discourage climbing and have a locking gate around a pool or have another DLR approved safety device. The pool must be inaccessible to children when not in use.

(8) A certified lifeguard must be on duty when children are using a swimming pool.

NEW SECTION

WAC 388-140-0235 What measures must I take for pest control? You must make reasonable attempts, using the least toxic methods, to keep the premises of the group receiving center free from pests. This includes rodents, flies, cockroaches, fleas, and other insects.

NEW SECTION

WAC 388-140-0240 What are the requirements regarding pets and animals at a center? (1) In a group receiving center, you must not have any common household

pets, exotic pets, other animals, birds, insects, reptiles, or fish that are dangerous or provide a risk to the children in care.

(2) Common household pets, exotic pets, animals, birds, insects, reptiles, and fish must:

(a) Be cared for in compliance with state regulations and local ordinances; and

(b) Be free from disease and cared for in a safe and sanitary manner.

NEW SECTION

WAC 388-140-0245 Are alcoholic beverages allowed at a center? You must not have alcohol on the premises of a group receiving center. The staff of the center may not consume alcohol on the premises or during breaks.

NEW SECTION

WAC 388-140-0250 Is smoking permitted around children? (1) You must prohibit smoking in the group receiving center and in motor vehicles while transporting children.

(2) You may permit adults to smoke outdoors away from children.

(3) Nothing in this section is meant to interfere with traditional or spiritual Native American ceremonies involving the use of tobacco.

NEW SECTION

WAC 388-140-0255 May I have firearms at a center? The department prohibits firearms, ammunition, and other weapons on the premises of a group receiving center.

NEW SECTION

WAC 388-140-0260 May I use wheeled baby walkers? The department prohibits the use of wheeled baby walkers in a group receiving center.

STORAGE OF MEDICATIONS AND CHEMICALS

NEW SECTION

WAC 388-140-0265 Are there requirements for the storage of medications? At a group receiving center:

(1) You must keep all medications, including pet medications, vitamins and herbal remedies, in locked storage.

(2) You must store external medications separately from internal medications.

(3) You must store medications according to the manufacturer or pharmacy instructions.

(4) Pet and human medications must be stored in separate places.

NEW SECTION

WAC 388-140-0270 Are there requirements for storing dangerous chemicals or other substances? (1) At a group receiving center, you must store the following items in a place that is not accessible to children, persons with limited

mental capacity, or anyone who might be endangered by access to the following products:

(a) Cleaning supplies;

(b) Toxic or poisonous substances;

(c) Aerosols; and

(d) Items with warning labels.

(2) When containers are filled with toxic substances from a stock supply, you must label the containers filled from a stock supply.

(3) Toxic substances must be stored separately from food items.

FIRST-AID SUPPLIES

NEW SECTION

WAC 388-140-0275 Are first-aid supplies required?

(1) At a group receiving center, first-aid supplies must be kept on hand for immediate use, including nonexpired syrup of ipecac that is to be used only when following the instruction of the poison control center.

(2) The following first-aid supplies must be kept on hand:

(a) Barrier gloves and one-way resuscitation mask;

(b) Bandages;

(c) Scissors and tweezers;

(d) Ace bandage;

(e) Gauze;

(f) Thermometer; and

(g) A first-aid manual.

MEDICAL CARE AND MEDICATION MANAGEMENT

NEW SECTION

WAC 388-140-0280 What are the requirements for medical policies and procedures for a center? (1) Group receiving centers must have written policies and procedures about the control of infections. These policies must include, but are not limited to, the following areas:

(a) Isolation;

(b) Aseptic procedures;

(c) Reporting communicable diseases;

(d) Hygiene, including hand washing, using the toilet, diapering, and laundering.

(2) Group receiving centers must maintain current written medical policies and procedures to be followed on:

(a) Prevention of the transmission of communicable diseases including:

(i) Hand washing for staff and children; and

(ii) Management and reporting of communicable diseases.

(b) Medication management, including steps to be taken if medication is incorrectly administered;

(c) First aid;

(d) Care of minor illnesses;

(e) Actions to be taken for medical emergencies;

(f) Infant care procedures when infants are under care; and

(g) General health practices.

(3) You must arrange to have one of the following help you develop and periodically review your medical policies and procedures:

- (a) An advisory physician,
- (b) A physician's assistant, or
- (c) A registered nurse.

NEW SECTION

WAC 388-140-0285 Must all children accepted for care have current immunizations? (1) Group receiving centers may accept a child for care who is not current with immunizations or whose immunization status is unknown.

(2) If a child's placement at a center extends beyond thirty days, you must obtain the child's immunization records and if the child is not current update immunizations as soon as medically possible.

NEW SECTION

WAC 388-140-0290 What must I do to prevent the spread of infections and communicable diseases? (1) You must take precautions to guard against infections and communicable diseases infecting the children under care in your center.

(2) In a group receiving center, staff with a reportable communicable disease or notifiable disease conditions, as defined by the department of health, in chapter 246-101 WAC, in an infectious stage must not be on duty until they have a physician's approval for returning to work.

(3) Applicants for a license or adults authorized to have unsupervised access to children in a center must have a tuberculin (TB) skin test by the Mantoux method of testing. They must have this skin test upon being employed or licensed unless:

- (a) The person has evidence of testing within the previous twelve months;
- (b) The person has evidence that they have a negative chest x-ray since a previously positive skin test;
- (c) The person has evidence of having completed adequate preventive therapy or adequate therapy for active tuberculosis.

(4) The department does not require a tuberculin skin test if:

- (a) A person has a tuberculosis skin test that has been documented as negative within the past twelve months; or
- (b) A physician indicates that the test is medically unadvisable.

(5) Persons whose tuberculosis skin test is positive must have a chest x-ray within thirty days following the skin test.

(6) The department does not require re-testing unless a person believes they have been exposed to someone with tuberculosis or if testing is recommended by their health care provider.

(7) The center must keep the results of the applicant and employees TB test results in the personnel file available for review by DLR.

NEW SECTION

WAC 388-140-0295 How do I manage medications for children? (1) You must meet the department's requirements for managing prescription and nonprescription medication for children under your care.

(2) If you care for children in the custody of a tribal court you must follow the direction of that court regarding giving or applying prescription and nonprescription medications or ointments.

(3) Only you or another authorized care provider (staff) may:

- (a) Have access to medications for the child under your care; and
- (b) Give medications, prescription and nonprescription, only on the written approval of a parent, person or agency having authority by court order to approve medical care.

Exception: There are several over-the-counter medications that may be given without a physician's order. Those medications are listed in WAC 388-140-0295(13).

(4) You or another authorized care provider must give medications, prescription and nonprescription:

- (a) Only as specified on the prescription label; or
 - (b) As otherwise approved by a physician or another person legally authorized to prescribe medication.
- (5) You must keep a record of all medications you give a child.

(6) You and other authorized care provider must consult with a pharmacist on the proper disposal of medications that are no longer being taken or have expired.

(7) The disposal of any prescription medication must be documented and contain the following information:

- (a) What medication was disposed;
- (b) The name of the child the medication was prescribed for;
- (c) The amount disposed;
- (d) The name of the individual disposing of the medication; and
- (e) The name of the individual witnessing the disposal.

(8) Children taking oral medications must have the prescribing physician's written authorization before any medications, herbal supplements or remedies, or vitamins and minerals are given.

Nonprescription medications

(9) Nonprescription medications may be given with a physician's standing order, if the order is child specific.

(10) The prescribing physician must be aware of all prescription and nonprescription medication the child is taking.

(11) You or another authorized care provider (staff) may give the following medications without a physician's order:

- (a) Nonaspirin antipyretics/analgesics, fever reducers/pain relievers;
- (b) Nonnarcotic cough suppressants;
- (c) Decongestants;
- (d) Antacids and anti-diarrhea medication;
- (e) Anti-itching ointments or lotions intended specifically to relieve itching;
- (f) Shampoo for the removal of lice;
- (g) Diaper ointments and powders intended specifically for use in the diaper area of children;
- (h) Sun screen for children over six months; and

- (i) Antibacterial ointment for first aid use.

Psychotropic medications

(12) Care providers must not approve giving or stopping psychotropic medications to a child in care. Approval can only be given by one of these:

- (a) The child's parent;
- (b) Dependency guardians;
- (c) A court order; or
- (d) The child's social worker, if:

(i) The child is legally free and in the permanent custody of the department; or

(ii) It is impossible to obtain informed parental consent after normal work hours, on weekends, or on holidays.

(13) Children who are at least thirteen years old may decline to take prescription psychotropic medication. If this happens contact the child's social worker immediately and document the child's refusal.

NEW SECTION

WAC 388-140-0300 What medicine may I accept for a child? The only medicine you may accept from the child's parent, legal guardian, law enforcement officer, or department social worker is medicine in the original container labeled with:

- (1) The child's first and last names;
- (2) The date the prescription was filled;
- (3) The medication's expiration date; and
- (4) Legible instructions for the administration of the drug (manufacturer's instructions or prescription label).

NEW SECTION

WAC 388-140-0305 When may children take their own medicine? (1) You may permit children under your care to take their own medicine as long as:

- (a) They are physically and mentally capable of properly taking the medicine; and
- (b) The child's parent or legal guardian approves in writing.

(2) You must keep the written approval by the child's parent or legal guardian in your records.

(3) When children take their own medication, the medication and medical supplies must be kept locked or inaccessible to other children and unauthorized persons.

NEW SECTION

WAC 388-140-0310 When must I get medical exams for the children under my care? (1) In consultation with the child's social worker, you must schedule a physical exam (EPSDT) for any child who, within the past year, has not:

- (a) Been under regular medical supervision; or
- (b) Had a physical exam by a physician, a physician's assistant, or an advanced registered nurse practitioner (ARNP).

(2) A physical exam (EPSDT) must be completed within thirty days of placement and annually thereafter.

Note: You may contact the child's social worker for information on this.

NEW SECTION

WAC 388-140-0315 Whom do I notify about medication changes and reactions? (1) You must notify the child's social worker of changes in prescribed medications.

(2) You must notify the child's social worker and physician about any adverse reactions the child has to medications.

FOOD/DIET/MENUS

NEW SECTION

WAC 388-140-0320 Are there general menu requirements? The department has menu requirements for group receiving centers.

(1) Your program must be in compliance with the department of health standards in chapter 246-215 WAC on food service sanitation.

(2) You must prepare and date daily menus, including snacks, at least one week in advance.

(3) You must provide for the proper storage, preparation, and service of food to meet the needs of the program.

(4) A menu must specify a variety of foods for adequate nutrition and meal enjoyment.

(5) You must keep the menus on file for a minimum of six months so that we can review your menus.

(6) You must post each person's dietary restrictions, if any, for staff to follow.

(7) You must post a schedule of mealtimes.

NEW SECTION

WAC 388-140-0325 How often must I feed children at a center? (1) You must provide all children a minimum of three meals in each twenty-four hour period. You may vary from this guideline only if you write to your licensor requesting a change and the request is approved by DLR.

(2) The time interval between the evening meal or snack and breakfast must not be more than fourteen hours.

NEW SECTION

WAC 388-140-0330 How do I handle a child's special diet? Unless a child is admitted to a group receiving center with a written physician's order as medically necessary for the child, the following must not be served:

- (1) Nutrient concentrates, supplements, or amino-acids;
- (2) Vitamins; or
- (3) Modified diets.

NEW SECTION

WAC 388-140-0335 What home canned foods may I use? You may not serve home canned foods to children at a group receiving center.

ROOM REQUIREMENTS

NEW SECTION

WAC 388-140-0340 Are there room requirements? (1) You must provide rooms that are ample in size and prop-

erly furnished for the number of children you serve at a group receiving center.

(2) With thirteen or more children, you must provide at least one separate indoor recreation area. Its size and location must be sufficient for the age and number of the children using it to engage in recreational and informal education activities.

(3) You must provide a room or area that is used as an administrative office. In addition, suitable offices must be provided for social service staff. In facilities caring for fewer than thirteen children, these offices may be combined with the administrative office.

NEW SECTION

WAC 388-140-0345 When do I need a special care room? (1) A group receiving center must provide a special care room reserved for the care of a person who needs to be separated from the group due to injury, illness or the need for additional rest.

(2) A special care room must:

(a) Be located in a place that easily allows the person to be supervised;

(b) Have toilet and lavatory facilities that are easily accessible to any person staying in the special care room.

(3) After each use have the area and equipment sanitized if used by any person who is suspected of having a communicable disease.

(4) The special care room may be used for other purposes when it is not needed for the separation and care of an ill or injured person.

NEW SECTION

WAC 388-140-0350 What does the room temperature at a center need to be? (1) You must maintain the temperature within your group receiving center facility at a reasonable level while occupied. This would normally be a minimum of sixty-eight degrees Fahrenheit during waking hours and a minimum of sixty-five degrees Fahrenheit during sleeping hours.

(2) You must consider the age and needs of the children under your care in determining appropriate temperature.

NEW SECTION

WAC 388-140-0355 What are the kitchen requirements? (1) You must provide facilities to properly store, prepare, and serve food to meet the needs of the children under your care at your group receiving center.

(2) All food service facilities and food handling practices must comply with rules and regulations of the state board of health governing food service sanitation (chapter 246-215 WAC). This includes food handler's permit for all staff.

NEW SECTION

WAC 388-140-0360 May I use the kitchen for activities for children? Children are not allowed in the kitchen of a group receiving center without age-appropriate supervision.

NEW SECTION

WAC 388-140-0365 May a room be used for more than one purpose? At your group receiving center you may use a room for multiple purposes such as playing, dining, napping, and learning activities, provided that:

(1) The room is of sufficient size; and

(2) The room's usage for one purpose does not interfere with usage of the room for another purpose.

NEW SECTION

WAC 388-140-0370 What are the general requirements for bedrooms? You must meet all the following requirements for bedrooms at a group receiving center.

(1) An adult must be on the same floor or within easy hearing distance and accessibility to where children less than six years of age are sleeping.

(2) For children six years and older, you must furnish separate sleeping quarters for each gender.

(3) Any room used for sleeping must provide adequate floor space for the safety and comfort of the child. Normally, this would be at least fifty square feet of floor space, not including closets, per child.

(4) Bedrooms must have both:

(a) Adequate ceiling height for the safety and comfort of the children (normally, at least seven and a half feet); and

(b) At least one window of not less than one-tenth of the required floor space that opens to the outside. This allows natural light into the bedroom and permits emergency access or exit.

(5) You must use only bedrooms that have unrestricted direct access to hallways, corridors, living rooms, day rooms, or other such common use areas.

(6) You must not use hallways, kitchens, living rooms, dining rooms, and unfinished basements as bedrooms.

(7) The number of beds allowed at a group receiving center is established in by the licenser in consultation with the DOH surveyor for each center.

BEDS

NEW SECTION

WAC 388-140-0375 What are the requirements for beds? (1) Children must have their own bed at a group receiving center. The bed must be at least twenty-seven inches wide with a clean and comfortable mattress in good condition.

(2) For each child in care, you must provide a pillow and pillowcase, blankets, and sheets.

(3) Pillows must be covered with waterproof material or be washable.

(4) Bedding must be clean.

(5) You must provide waterproof mattress covers or moisture resistant mattresses, if needed.

(6) You may use toddler beds with a standard crib mattress that is sufficient in length and width for the comfort of a toddler.

(7) You must not allow children to use the loft style beds or upper bunks of double-deck beds if using them due to age,

development or condition could hurt them. Examples: Preschool age children and children with disabilities.

(8) If a cot is used as the bed, the licensee must ensure the child's cot is of sufficient length and width, and constructed to provide adequate comfort for the child to sleep. You must ensure that the cot surface is of a material that can be cleaned with a detergent solution, disinfected, and allowed to air dry.

(9) You must not use canvas cots.

(10) A mat may be used for napping but not as a substitute for a bed.

DIAPER CHANGING AND BATHING FACILITIES

NEW SECTION

WAC 388-140-0380 What are the requirements for diapers and diaper-changing areas? At a group receiving center, you must follow the requirements for diapers, diaper-changing rooms, and potty-chairs, if you provide care to children who are not toilet trained.

(1) You must separate diaper-changing areas from food preparation areas.

(2) You must sanitize diaper-changing areas between each use or you must use a nonabsorbent, disposable covering that is discarded after each use.

(3) For cleaning children, you must use either disposable towels or clean cloth towels that have been laundered between each use.

(4) You and any caregiver must wash hands before and after diapering each child.

(5) You must use disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family.

(6) Diaper-changing procedures must be posted at the changing areas.

(7) Diaper-changing areas must be adjacent to a hand-washing sink.

(8) The staff must be within arms-length of the child being diapered at all times while changing diapers. The use of safety belts is prohibited.

(9) Diaper-changing tables or surfaces must have a barrier or edge that is a minimum of four inches above the pad or six inches above the top of the table.

NEW SECTION

WAC 388-140-0385 What are the requirements for bathing facilities? Group receiving centers must comply with the requirements that follow.

(1) Bathing facilities must be inaccessible to preschool age and younger children when not in use.

(2) Preschool age and younger children must be supervised while using bathing facilities.

(3) Bathing facilities must be equipped with a conveniently located grab bar or other safety device such as a non-skid pad.

(4) The ratio of bathing facilities to children in care must be at least one bathing facility for eight children.

TELEPHONE/LIGHTING/VENTILATION/WATER/WASTE DISPOSAL

NEW SECTION

WAC 388-140-0390 Do I need a telephone? (1) You must have at least one telephone on the premises for incoming and outgoing calls. The telephone must be accessible for emergency use at all times.

(2) You must post emergency phone numbers next to the phone.

NEW SECTION

WAC 388-140-0395 What are the lighting requirements? (1) You must locate light fixtures and provide lighting that promotes good visibility and comfort for the children under your care at your group receiving center.

(2) Group receiving centers must have nonhazardous light fixture covers or shatter resistant (or otherwise made safe) light bulbs or tubes.

NEW SECTION

WAC 388-140-0400 What are the requirements for ventilation? (1) You must ensure that your physical facility is ventilated for the health and comfort of the persons under your care at the group receiving center.

(2) A mechanical exhaust fan to the outside must ventilate toilets and bathrooms, and utility rooms with mop sinks that do not have windows opening to the outside.

NEW SECTION

WAC 388-140-0405 What are the requirements about drinking water? (1) You must provide the following:

(a) A public water supply or a private water supply approved by the local health authority at the time of licensing or re-licensing; and

(b) Disposable paper cups, individual drinking cups or glasses, or angled jet type drinking fountains.

(2) You must not use bubbler type fountains or common drinking cups.

NEW SECTION

WAC 388-140-0410 What are the requirements for sewage and liquid wastes? Group receiving centers must discharge sewage and liquid wastes into a public sewer system or into a functioning septic system.

LAUNDRY, SINKS, AND TOILETS

NEW SECTION

WAC 388-140-0415 What are the requirements for laundry facilities? The department has specific requirements for laundry facilities at a group receiving center.

(1) You must have separate and adequate facilities for storing soiled and clean linen.

(2) You must provide adequate laundry and drying equipment, or make other arrangements for getting laundry done on a regular basis.

(3) You must locate laundry equipment in an area separate from the kitchen and child care areas.

(4) Laundry equipment must be vented to the outdoors.

(5) You must make laundry equipment inaccessible to young children.

NEW SECTION

WAC 388-140-0420 What are the requirements for washing clothes? You must use an effective way to sanitize laundry contaminated with urine, feces, lice, scabies, or other potentially infectious materials at your group receiving center. You must sanitize laundry through temperature control or the use of chemicals.

NEW SECTION

WAC 388-140-0425 Do I need a housekeeping sink? Facilities licensed to provide emergency respite care must have and use a housekeeping sink or DOH-approved method of drawing clean mop water and disposing of the wastewater.

NEW SECTION

WAC 388-140-0430 What are the requirements for hand-washing sinks? (1) A group receiving center must supply children with warm running water for hand washing. The water must be kept at a temperature range of not less than eighty-five degrees Fahrenheit and not more than one hundred and twenty degrees Fahrenheit.

(2) The children's hand washing facilities must be located in or adjacent to rooms used for toileting.

(3) The center must provide the child with soap and individual towels or other appropriate devices for washing and drying the child's hands and face.

(4) Hand washing sinks must be of appropriate height and size for children in care or your center must furnish safe, easily cleanable platforms impervious to moisture.

(5) A group receiving center must provide:

(a) A minimum of two hand washing sinks; and

(b) A ratio of one sink for every eight children at the center.

NEW SECTION

WAC 388-140-0435 What are the requirements for toilets? (1) A group receiving center must provide a minimum of two toilets and a ratio of one toilet for every eight children at the center.

(2) Children eighteen months of age or younger and other children using toilet training equipment need not be included when determining the number of required flush-type toilets.

(3) If urinals are provided, the number of urinals must not replace more than one-third of the total required toilets.

(4) Privacy for toileting must be provided for children of the opposite sex who are six years of age and older and for other children demonstrating a need for privacy.

(5) A mounted toilet paper dispenser for each toilet must be provided.

(6) Toilets and urinals must be of appropriate height and size for children in care or your center must furnish safe, easily cleanable platforms impervious to moisture.

NEW SECTION

WAC 388-140-0440 Must a center have toilet training equipment for children? (1) A group receiving center must have developmentally appropriate toilet-training equipment, when the center serves children who are not toilet trained.

(2) The equipment must be sanitized after each child's use.

INDOOR RECREATION AREAS

NEW SECTION

WAC 388-140-0445 What are the requirements for indoor recreation areas? (1) The group receiving center's indoor premises must contain adequate area for child play and sufficient space to house a developmentally appropriate program for the number and age range of children served.

(2) You must provide a minimum of thirty-five square feet of usable floor space per child, not counting bathrooms, hallways, and closets.

(3) You may use and consider the napping area as child care space, if there are not beds or cots on the floor space.

(4) Any room used for napping or sleeping must have a window to allow natural light into the room.

OUTDOOR RECREATION AREAS

NEW SECTION

WAC 388-140-0450 What are the requirements for an outdoor recreation area? (1) You must provide a safe and securely-fenced or department-approved, enclosed outdoor recreation area at a group receiving center.

(2) The fenced or approved enclosed outdoor recreation area must prevent child access to roadways and other dangers.

(3) The fence or enclosure must protect the play area from unauthorized exit or entry. Any fence or enclosure must be designed to discourage climbing.

(4) The outdoor recreation area must adjoin directly the indoor premises or be reachable by a safe route and method.

(5) The outdoor recreation area must promote the child's active play, physical development, and coordination.

NEW SECTION

WAC 388-140-0455 What are the size requirements for an outdoor recreation area? (1) You must ensure the recreation area at a group receiving center contains a minimum of seventy-five usable square feet per child.

(2) If not all of the children are using the outdoor recreation area at the same time, you may reduce the outdoor rec-

recreation area size by the number of children normally using the area at one time.

NEW SECTION

WAC 388-140-0460 What are the requirements for playground equipment? (1) You must provide a variety of age appropriate play equipment for climbing, pulling, pushing, riding, and balancing activities at a group receiving center.

(2) You must arrange, design, construct, and maintain equipment and ground cover to prevent child injury.

(3) The quantity of outdoor play equipment must offer the child a range of outdoor recreation options.

TRANSPORTATION

NEW SECTION

WAC 388-140-0465 Are there requirements to follow when I transport children? When you transport children under your care, you must follow these requirements.

(1) The vehicle must be kept in a safe operating condition.

(2) The driver must have a valid driver's license.

(3) There must be at least one adult other than the driver in a vehicle when:

(a) There are more than five preschool-aged children in the vehicle;

(b) Staff-to-child ratio guidelines or your contract require a second staff person; or

(c) The child's specific needs require a second adult person.

(4) The driver or owner of the vehicle must be covered under an automobile liability and insurance policy.

(5) Your vehicles must be equipped with seat belts, car seats and booster seats, and/or other appropriate safety devices for all passengers as required by law.

(6) The number of passengers must not exceed the vehicle's seat belts.

(7) All persons in the vehicle must use seat belts or approved child passenger restraint systems, as appropriate for age, whenever the vehicle is in motion.

(8) Buses approved by the state patrol are not required to have seat belts.

CLIENT RECORDS

NEW SECTION

WAC 388-140-0470 What does the department require for keeping client records? (1) Your records must be kept at your group receiving center and contain, at a minimum, the following information:

(a) The child's name and birthdate;

(b) Inventory of personal belongings at the time of placement; and

(c) Names, address and telephone numbers of department social worker to be contacted in case of emergency;

(d) Information on specific cultural needs of the child;

(e) Medical history including any medical problems, name of doctor, type of medical coverage and provider, when available;

(f) Mental health history and any current mental health and behavioral issues, including medical and psychological reports when available; and

(g) Any other pertinent information related to the child, such as his or her visitation plan.

(2) Daily center logs are required with the signature of the person making the entry in the log. The logs must document the following:

(a) Date, time, and which residents and staff are participating in an activity;

(b) Narrative to note behavior and issues of residents;

(c) Any health or safety issues;

(d) Staff to resident ratio on each shift;

(e) On-call and relief staff on duty during emergencies;

(f) The after-hours telephone number of the supervisor;

(g) Dates and illnesses or accidents while at the center;

(h) Medications and treatments given at the center with the child's name;

(i) A copy of any suspected child abuse and/or neglect referrals made to children's administration; and

(j) Other information determined relevant by the department.

(3) Identifying and personal information about the child and their family must be kept confidential, unless permission has been given for release by the parent.

(4) You must keep information about the child and their families in a secure place.

(5) You must keep client files containing information not returned to the department, you must keep them for six years following the termination or expiration of any contract you have with the department.

NEW SECTION

WAC 388-140-0475 What written information is needed before a child is admitted to a center? Before accepting a child for care at a group receiving center you must obtain the following written consent and information from the placing authority:

(1) Permission authorizing the placement of the child;

(2) Permission to seek emergency medical care or surgery on behalf of the child;

(3) The name and telephone number of the children's administration's social worker and emergency contacts; and

(4) Basic medical information, including current medication, known allergies, and at-risk behaviors of the child.

CLIENT PROTECTION

NEW SECTION

WAC 388-140-0480 What are the requirements for protecting a child under my care from abuse and neglect? As part of ensuring a child's health, welfare and safety, you must protect children under your care from all forms of child abuse and neglect (see RCW 26.44.020(12) and chapter 388-15 WAC for more details).

NEW SECTION

WAC 388-140-0485 What are the nondiscrimination requirements? You must follow all state and federal laws regarding nondiscrimination while providing services to children at your group receiving center.

NEW SECTION

WAC 388-140-0490 Do I have to admit or retain all children at the center? A group receiving center has the right to refuse to admit or retain a child who can not be served safely or who may pose a significant risk to other children.

NEW SECTION

WAC 388-140-0495 What must I consider in assigning work to children in my home or facility? (1) Children may do regular "household" tasks without payment.

(2) Children may do work assignments other than "household" tasks that are appropriate to their age and physical conditions and receive monetary compensation if this is part of their service plan.

CLIENT RIGHTSNEW SECTION

WAC 388-140-0500 Do I have responsibility for a child's personal hygiene? (1) You must provide or arrange for children under your care to have items needed for grooming and personal hygiene.

(2) You must assist these children in using these items, based on the child's developmental needs.

(3) Clothing must be clean and age-appropriate.

NEW SECTION

WAC 388-140-0505 Does each child need space for personal items at the center? You must provide separate space for the storage of personal items such as clothing, radios, and toys for each child at your group receiving center.

DISCIPLINENEW SECTION

WAC 388-140-0510 What requirements must I follow when disciplining children? (1) You are responsible for disciplining children in your care. This responsibility may not be delegated to a child.

(2) Discipline must be based on an understanding of the child's needs and stage of development.

(3) Discipline must be designed to help the child under your care to develop inner control, acceptable behavior and respect for the rights of others.

(4) Discipline must be fair, reasonable, consistent, and related to the child's behavior.

(5) Your discipline must comply with children's administration's behavior management guidelines for residential programs.

NEW SECTION

WAC 388-140-0515 What types of disciplinary practices are forbidden? (1) You must not use cruel, unusual, frightening, unsafe or humiliating discipline practices, including but not limited to:

- (a) Spanking children with a hand or object;
- (b) Biting, jerking, kicking, hitting, or shaking the child;
- (c) Pulling the child's hair;
- (d) Throwing the child;
- (e) Purposely inflicting pain as a punishment;
- (f) Name-calling or using derogatory comments;
- (g) Threatening the child with physical harm;
- (h) Threatening or intimidating the child; or
- (i) Placing or requiring a child to stand under a cold water shower.

(2) You must not use discipline methods that interfere with a child's basic needs. These include, but are not limited to:

- (a) Depriving the child of sleep;
- (b) Depriving the child of adequate food, clothing or shelter;
- (c) Restricting a child's breathing;
- (d) Interfering with a child's ability to take care of their own hygiene and toilet needs; or
- (e) Providing inadequate medical or emergency dental care.

(3) You must not use medication in an amount or frequency other than that prescribed by a physician or psychiatrist.

(4) You must not give one child's medications to another child.

(5) You must not use medication for behavior management unless a physician prescribes the medication to control that child's behavior.

NEW SECTION

WAC 388-140-0520 Does the department require a written statement describing my discipline methods? (1) With your application and re-application for licensure, you must provide a written statement describing the discipline methods you use, including your de-escalation and restraint policies and procedures.

(2) If your discipline methods change, you must immediately provide a new statement to your licenser describing your current practice.

PHYSICAL RESTRAINTNEW SECTION

WAC 388-140-0525 What types of physical restraint are acceptable? (1) You must use efforts other than physical restraint to redirect or de-escalate a situation.

(2) You must comply with children's administration's behavior management guidelines for residential programs for child de-escalation and physical restraint

(3) If a child's behavior poses an immediate risk to physical safety, you may use a physical restraint on a child. The restraint must be reasonable and necessary to:

- (a) Prevent a child on the premises from harming himself/herself or others; or
- (b) Protect property from serious damage.

NEW SECTION

WAC 388-140-0530 What types of physical restraint are not acceptable for children? You must not use:

- (1) Physical restraint as a form of punishment or discipline;
- (2) Mechanical restraints, such as handcuffs and belt restraints;
- (3) Locked time-out rooms; or
- (4) Physical restraint techniques that restrict breathing, or inflict pain as a strategy for behavior control, or that might injure a child. These include, but are not limited to:
 - (a) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs;
 - (b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;
 - (c) Arm twisting;
 - (d) Hair holds;
 - (e) Choking or putting arms around the throat; or
 - (f) Chemical restraints, including but not limited to pepper spray.

NEW SECTION

WAC 388-140-0535 What must I do following an incident that involved using physical restraint? The director or program manager of a group receiving center must review any incident with the staff who used physical restraint to ensure that the decision to use physical restraint and its application were appropriate.

NEW SECTION

WAC 388-140-0540 What incidents involving children must I report? (1) You or your staff at a group receiving center must report any of the following incidents immediately to children's administration intake staff:

- (a) Any reasonable cause to believe that a child has suffered child abuse or neglect;
- (b) Any violations of the licensing or certification requirements;
- (c) Death of a child;
- (d) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;
- (e) Any use of physical restraint that is alleged to be improper, excessive, or results in injury;
- (f) Sexual contact between two or more children that is not considered typical play between pre-school age children;
- (g) Any disclosures of sexual or physical abuse by a child in care;
- (h) Physical assaults between two or more children that result in injury requiring off-site medical treatment or hospitalization;
- (i) Any medication that is given incorrectly and requires off-site medical treatment;
- (j) Serious property damage that is a safety hazard and is not immediately corrected; or

(k) Anytime a child refuses to take any medication that may result in a situation that is life threatening.

(2) You or your staff must report immediately, any of the following incidents, to the child's social worker:

- (a) Suicidal/homicidal ideation, gestures, or attempts that do not require professional medical treatment;
- (b) Unexpected health problems that require professional medical attention or raise questions for the staff;
- (c) Any significant incident of medication administered incorrectly;
- (d) Physical assaults between two or more children that resulted in injury but did not require professional medical treatment;
- (e) Runaways;
- (f) Any emergency medical or psychiatric care that requires offsite attention; and
- (g) Use of physical restraints for routine behavior management.

STAFFING RATIO**NEW SECTION**

WAC 388-140-0545 What is the ratio of child care staff to children at a center? The department has specific requirements for the ratio of child care staff to children at group receiving centers.

(1) At least two staff, including at least one child care staff person, must be on site whenever children are on the premises.

(2) The ratio for a group receiving center is at least one child care staff person on site for every four children who are under six during waking and sleeping hours.

(3) The ratio for a group receiving center is at least one child care staff person on site for every six children age six years and older, during waking and sleeping hours.

(4) The center may only provide care for two or more of the following age groups: Age two through five, six through twelve, and thirteen through seventeen, if a DLR approved safety plan addressing this circumstance is fully in effect.

(5) If the center provides care for children under age six and children six and older, you may allow common activities for the children of different age groups provided you maintain the staffing ratio designated for the youngest child in the group and have an approved safety plan in place.

(6) To keep the proper ratio of staff to children, the executive director, on-site program manager, support staff, and maintenance staff may serve temporarily as child care staff if they have adequate training and are performing child care staff duties.

(7) You must have relief staff so that all staff can have the equivalent of two days off a week.

(8) If you have more than one program in one building, such as a group receiving center and a crisis residential center, you must follow the most stringent staffing ratio requirements.

SUPERVISION OF CHILDREN

NEW SECTION

WAC 388-140-0550 What are the requirements for supervision of children at the center? (1) A group receiving center must operate under a DLR approved, written supervision and safety plan for the children in care.

(2) A group receiving center must provide or arrange for care and supervision that is appropriate and assures the safety of each child depending on:

- (a) The child's age, developmental level, and condition;
- (b) The activities, including recreation, the child is involved in; and
- (c) The age and gender of other children involved in any group activity.

(3) At a group receiving center, children under age six must be within visual range at all times during waking hours.

(4) You must ensure that the staff providing direct care and supervision of the children is free of other duties at the time of care.

(5) When a child has exhibited behavior that posed a safety risk to other children in a previous placement or the placing agency believes the child poses a risk to other children the placing agency must inform the provider and jointly develop a plan to address the risk.

(6) When a child exhibits behavior that poses a safety risk to other children in care, sleeping arrangements, bedroom assignments, and shared activity plans must be made, in consultation with the child's social worker, to ensure the safety of other children.

(7) Group receiving centers must supervise children who help with activities involving food preparation, based on their age and skills.

(8) Preschool children and children with severe developmental disabilities must not be left unattended in a bathtub or shower at a group receiving center.

(9) Staff and others caring for children at a group receiving center must provide the children with:

- (a) Appropriate adult supervision;
- (b) Emotional support;
- (c) Personal attention; and
- (d) Structured daily routines and living experiences.

STAFF POSITIONS AND QUALIFICATIONS

NEW SECTION

WAC 388-140-0560 Are there general qualifications for all staff in a group receiving center? You, your staff, and other persons at a group receiving center who have access to the children must be able to demonstrate the understanding, ability, personality, emotional stability, and physical health suited to meet the cultural, emotional, mental, physical, and social needs of the children in care.

NEW SECTION

WAC 388-140-0565 What are the qualifications for an executive director for a group receiving center? (1) A group receiving center executive director or person responsi-

ble for the agency administration, agency oversight, and fiscal operation must meet, at a minimum, the requirements that follow.

(a) Be able to communicate to the department the roles, expectations and purposes of the program; and

(b) Work with representatives of other agencies.

(2) They must also meet one of these education or experience requirements:

(a) Have a bachelor's degree in business management or administration, or related field from an accredited school; or

(b) Have a minimum of two years of successful, full-time relevant experience.

NEW SECTION

WAC 388-140-0570 What are the responsibilities of the director? (1) The director of a group receiving center is responsible for the overall management of the center's facility and operation.

(2) The director serves as the administrator of the center.

(3) The director must ensure the group receiving center complies with the licensing requirements contained in this chapter.

NEW SECTION

WAC 388-140-0575 What are the qualifications for the on-site program manager? Each on-site program manager must have the following qualifications:

(1) A bachelor's degree in a social service or closely related field from an accredited school; or

(2) Five years of successful full-time experience in a relevant field; and

(3) Supervisory abilities that promote effective staff performance; and

(4) Relevant experience, training, and demonstrated skills in each area that he or she will be supervising.

(5) The same person may have the responsibilities of the executive director and the on-site program manager if that person meets the qualifications for both positions.

NEW SECTION

WAC 388-140-0580 Do I need an on-site program manager at each group receiving center? Each group receiving center must have an on-site program manager or person with the equivalent training and experience at each facility during business hours.

NEW SECTION

WAC 388-140-0585 What are the responsibilities of the program manager or supervisor? The on-site program manager has the following responsibilities:

(1) Coordinates the day-to-day operations of the program;

(2) Supervises the child care staff;

(3) Oversees the completion of each child's assessment or plan of care.

NEW SECTION

WAC 388-140-0590 What qualifications must the child care staff for a group receiving center have? The child care staff person of a group receiving center is responsible for the care, supervision, and behavior management of children under your care. The department requires that child care staff of a group receiving center:

- (1) Be at least twenty-one years old;

(2) Exception: Child care staff may be eighteen to twenty years old if enrolled and participating in an internship or practicum program with an accredited college or university; and supervised by staff twenty-one years or older;

- (3) Have a high school diploma or GED;
- (4) Have one year of experience working with children;
- (5) Have the skills and abilities to work successfully with the challenging behaviors of children in care; and
- (6) Have effective communication and problem solving skills.

NEW SECTION

WAC 388-140-0595 What are the minimum qualifications and training requirements for group receiving center staff?

Position	Qualifications	Background Check	TB Test	Food Handlers Permit	First Aid and CPR	HIV/AIDS & Blood Borne Pathogens Training
Director	<ul style="list-style-type: none"> • Twenty-one years of age; • Bachelor's degree in business management or administration or a related field; or • Two years of relevant experience. 	X	X	X	X	X
On-site Program Manager	<ul style="list-style-type: none"> • Twenty-one years of age; • Bachelor's degree in social services or a related field; or • Five years of experience in relevant field. 	X	X	X	X	X
Child Care Worker	<ul style="list-style-type: none"> • Twenty-one years of age. • High school diploma or GED. • One year of experience caring for children. 	X	X	X	X	X

EMERGENCY

NEW SECTION

WAC 388-140-0600 May one person hold two positions at a center? (1) The director or program manager at a group receiving center may be one and the same person when qualified for both positions.

(2) The director and program manager may also serve as child care staff when the role does not interfere with the director's or program manager's responsibilities.

be on the premises during daytime hours when children are in care.

(2) If temporarily absent (for two hours or less) from the center, the director and program manager must leave a competent, designated staff person in charge. This person must meet the qualifications of child care staff person.

NEW SECTION

WAC 388-140-0605 Who must be on the premises while children are in care at a center? (1) The director or program manager at a group receiving center must normally

NEW SECTION

WAC 388-140-0610 What clerical, accounting and administrative services do I need? You must have sufficient clerical, accounting and administrative services to maintain proper records and carry out your program at a group receiving center.

NEW SECTION

WAC 388-140-0615 What support and maintenance staff do I need? You must have sufficient support and maintenance services to maintain and repair your facility and prepare and serve meals at a group receiving center.

STAFF TRAININGNEW SECTION

WAC 388-140-0620 What staff training is required?

(1) All staff working at a group receiving center (GRC) must complete a minimum of sixteen hours of pre-service job orientation prior to beginning unsupervised child care responsibilities. Training must include:

- (a) Presentation of the group receiving centers policies and procedures as well and the standards contained in this chapter;
- (b) Behavior management techniques;
- (c) Crisis intervention techniques;
- (d) Family dynamics and family intervention techniques;
- (e) Child abuse and neglect reporting requirements;
- (f) Youth supervision requirements; and
- (g) HIV/AIDS/Blood-borne pathogen training.

(2) Staff working at a group receiving center must complete a minimum of twenty-four hours of on-going education and in-service training annually. This training must include:

- (a) Crisis intervention techniques, including verbal de-escalation, positive behavior support, and physical response/restraint training as approved by the department;
- (b) Behavior management techniques;
- (c) Substance abuse;
- (d) Suicide assessment and intervention;
- (e) Family intervention techniques;
- (f) Cultural diversity;
- (g) Mental health issues and interventions;
- (h) Mediation skills;
- (i) Conflict management/problem-solving skills;
- (j) Physical and sexual abuse;
- (k) Characteristics and management of sexually aggressive and physically assaultive behavior;
- (l) Monthly fire drill practice and disaster training for each staff.

(3) You must record the amount of time and type of training provided to staff.

(4) This information must be kept in each employee's file or in a separate training file.

PROGRAM ACTIVITIES AND TOYSNEW SECTION

WAC 388-140-0625 What are the requirements for an activity program? (1) You must provide an activity program at a group receiving center that is designed to meet the developmental, cultural, and individual needs of the children served at a group receiving center.

(2) You must ensure the group receiving center's activity program allows time for children to have daily opportunities for small and large muscle activities and outdoor play.

(3) You must operate the group receiving center's activity program under a regular schedule of activities with allowances for a variety of special events.

(4) You must provide a planned program of activities and have a current, written activity schedule.

(5) You must provide appropriate supervision for the number of children participating in any activity.

NEW SECTION

WAC 388-140-0630 What activities must I provide to children? (1) Activities must be designed for the developmental stages of the children you serve at a group receiving center, allowing a balance between:

- (a) Child-initiated and staff-initiated activities;
- (b) Free play and organized events;
- (c) Individual and group activities; and
- (d) Quiet and active experiences.

(2) You must ensure that children at a group receiving center are grouped to ensure the safety of children.

NEW SECTION

WAC 388-140-0635 Do I need to provide recreational equipment? (1) You must provide safe and suitable recreational equipment for all children in your care at a group receiving center.

(2) You must have toys that relate to the different developmental stages of the children you serve at a group receiving center.

WSR 03-21-002**EMERGENCY RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Order 03-254—Filed October 2, 2003, 8:18 a.m.]

Date of Adoption: October 1, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900Z and 232-28-61900B; and amending 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: An extremely large run of fall chinook is returning to the Hanford Reach in 2003 and additional adult salmon are available for harvest. 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 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: Immediately.

October 1, 2003
 J. P. Koenings
 Director
 by Larry Peck

NEW SECTION

WAC 232-28-61900B Exceptions to statewide rules—Columbia River and Okanogan River. Notwithstanding the provisions of WAC 232-28-619:

(1) Columbia River:

(a) Effective immediately through December 31, 2003, in those waters of the Columbia River from the Highway 395 Bridge at Pasco to the Old Hanford townsite wooden powerline towers, special daily limit of six salmon, no more than four adults. Minimum size 12 inches.

(b) Effective immediately through October 22, 2003, in those waters of the Columbia River from the Old Hanford townsite wooden powerline towers to Priest Rapids Dam, special daily limit of six salmon, no more than four adults. Minimum size 12 inches.

(c) Effective immediately through October 15, 2003, in those waters from Priest Rapids Dam upstream to Wells Dam and between the Highway 173 Bridge at Brewster and Highway 17 Bridge at Bridgeport, open for salmon fishing with a daily limit of six salmon, no more than two adults. Release sockeye and coho.

(2) Okanogan River (Okanogan Co.): Effective immediately through October 15, 2003, in those waters of the Okanogan River downstream of the Highway 97 Bridge near Brewster to the mouth, open to salmon fishing, daily limit of six salmon, no more than two adults. Release sockeye and coho.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900Z Exceptions to statewide rules—Columbia River and Okanogan River. (03-240)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. January 1, 2004:

WAC 232-28-61900B Exceptions to statewide rules—Columbia River and Okanogan River.

WSR 03-21-011
EMERGENCY RULES
WASHINGTON STATE
SCHOOL FOR THE DEAF
 [Filed October 3, 2003, 10:51 a.m.]

Date of Adoption: September 23, 2003.

Purpose: To adopt the procedures and standards set forth by the State Board of Education governing the imposition of emergency expulsion of students.

Statutory Authority for Adoption: RCW 72.40.023.

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 rules are needed to ensure that the superintendent is able to immediately expel any student whose presence poses an immediate and continuing danger to self, other students, or school personnel or whose presence poses a continuing threat of substantial disruption of the educational process in order to preserve the health, safety and general welfare of students and staff at the School for the Deaf.

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 4, 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.

October 1, 2003
 Todd S. Reeves
 Superintendent

EMERGENCY ACTIONS

NEW SECTION

WAC 148-120-400 Emergency expulsion — Limitations. Notwithstanding any other provision of this chapter, a student may be expelled immediately by the superintendent or a designee of the superintendent in emergency situations: Provided, That the superintendent or designee has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process. An emergency expulsion shall continue until rescinded by the superintendent or his or her designee, or until modified or

EMERGENCY

reversed pursuant to the hearing provisions set forth in WAC 148-120-410 or the appeal provisions set forth in WAC 148-120-415.

NEW SECTION

WAC 148-120-405 Emergency expulsion — Notice of hearing — Waiver of hearing right. (1) The student and his or her parent(s) or guardian(s) shall be notified of the emergency expulsion of the student and of their opportunity for a hearing either (a) by hand delivering written notice to the student's parent(s) or guardian(s) within twenty-four hours of the expulsion and documenting delivery by obtaining his or her signature acknowledging receipt or the written certification of the person making the delivery, or (b) by certified letter(s) deposited in the United States mail, within twenty-four hours of the expulsion: Provided, That if the emergency expulsion is based upon a failure to comply with the state immunization law (see chapter 180-38 WAC), the notice must be received by the student's parent(s) or guardian(s) prior to the emergency expulsion of the student regardless of the method of delivery. In addition, if the notice is by certified letter, reasonable attempts shall be made to notify the student and his or her parent(s) or guardian(s) by telephone or in person as soon as reasonably possible. Such written and oral notice shall:

(a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible,

(b) Specify the alleged reason(s) for the emergency expulsion,

(c) Set forth the corrective action or punishment taken and proposed,

(d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s) as soon as reasonably possible, and

(e) Set forth the facts that:

(i) A written (or "oral" if provided for by school policy) request for a hearing must be received by the school employee designated, or by his or her office, on or before the expiration of the tenth school business day after receipt of the notice of opportunity for a hearing, and

(ii) If such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the emergency expulsion may be continued as deemed necessary by the school without any further opportunity for the student or his or her parent(s) or guardian(s) to contest the matter. A schedule of "school business days" potentially applicable to the exercise of such hearing right should be included with the notice.

(2) The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for a hearing and request a hearing within ten school business days after the date of receipt of the notice. A request for a hearing shall be provided to the school employee specified in the notice of opportunity for a hearing, or to his or her office. A request for a hearing shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule of the school.

(3) If a request for a hearing is not received within the required ten school business day period, the school may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the emergency expulsion may be continued as deemed necessary by the school district.

NEW SECTION

WAC 148-120-410 Emergency expulsion — Prehearing and hearing process. (1) If a request for a hearing within the required ten school business days is received pursuant to WAC 148-120-405, the school shall immediately schedule and give notice of a hearing to commence as soon as reasonably possible and in no case later than the third school business day after receipt of the request for hearing.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(b) Be represented by legal counsel,

(c) Question and confront witnesses, unless a school witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school. The evidence submitted by the school must at a minimum establish either:

(i) That the school made a reasonable effort to produce the witness and is unable to do so; or,

(ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible school official(s) or the student of retaliation against the student if he or she appears as a witness,

(d) Present his or her explanation of the alleged misconduct, and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(3) The designee(s) of the school assigned to present the school's case and/or the assistant attorney general shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

(4) The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

(5) Either a tape-recorded or verbatim record of the hearing shall be made.

(6) Within one school business day after the date upon which the hearing concludes, a decision as to whether or not the expulsion shall be continued shall be rendered, and the student's legal counsel or, if none, the student and his or her parent(s) or guardian(s) shall be notified thereof by depositing a certified letter in the United States mail. The decision shall set forth the findings of fact, the conclusions (including a conclusion as to whether or not the emergency situation giving rise to the emergency expulsion continues), and whether or not the emergency expulsion shall be continued or a lesser form of corrective action or punishment is to be imposed.

(7) An emergency expulsion may be continued following the hearing on the basis that the emergency situation continues and/or as corrective action or punishment for the action(s) giving rise to the emergency expulsion in the first instance.

NEW SECTION

WAC 148-120-415 Appeals — Long-term suspension and expulsion. Appeals from decisions rendered pursuant to WAC 148-120-236 and 148-120-410 which impose either a long-term suspension or an expulsion upon a student shall be governed as follows:

(1) Appeals may be heard and decided by a disciplinary appeal council established by the Board. The disciplinary appeal council shall be appointed by the school board of trustees for fixed terms and shall consist of not less than three persons.

(2) If an appeal is not taken to the disciplinary appeal council within the required three school business day period, the suspension or expulsion decided upon may be imposed as of the calendar day following expiration of the three school business day period.

(3) If a timely appeal is taken to the disciplinary appeal council, the suspension or expulsion may be imposed during the appeal period subject to the following conditions and limitations:

(a) A long-term suspension or nonemergency expulsion may be imposed during the appeal period for no more than ten consecutive school days or until the appeal is decided, whichever is the shortest period;

(b) An emergency expulsion may be continued during the appeal period for so long as the student continues to pose an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process of the student's school;

(c) Any days that a student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student's suspension or expulsion and shall not limit or extend the term of the student's suspension or expulsion; and

(d) Any student subjected to a temporary suspension who returns to school before the appeal is decided shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the suspension if:

(i) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades; or

(ii) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

(4) An appeal from any decision of the disciplinary appeal council to impose or to affirm the imposition of a long-term suspension or an expulsion shall be to the courts. Whether or not the decision of the disciplinary appeal council shall be postponed pending an appeal to superior court shall be discretionary with the school board or disciplinary appeal council except as ordered otherwise by a court.

**WSR 03-21-012
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-256—Filed October 3, 2003, 4:06 p.m., effective October 8, 2003, 6:00 a.m.]

Date of Adoption: October 3, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100L; and amending WAC 220-32-051.

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: Sets a seventh week of the treaty Indian fall season. Harvestable numbers of salmon are available under the guidelines. Allows commercial sale of platform and hook and line caught fish to be sold in the treaty Indian fishery. Action is consistent with the management agreement and the biological opinion. The fishery is consistent with actions of the Columbia River compact of October 2, 2003, and August 22, 2003. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

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: October 8, 2003, 6:00 a.m.

October 3, 2003

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-32-05100M Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, steelhead, walleye, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H, and the Klickitat

River and White Salmon rivers, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, sturgeon, steelhead and walleye under the following provisions pursuant to lawfully enacted tribal rules:

1) Open Periods: 6:00 a.m. October 8, 2003 to 6:00 p.m. October 11, 2003

a) Open Areas: SMCRA 1F, 1G, 1H

b) Gear: No mesh restriction

c) Allowable sale includes: chinook, coho, steelhead, walleye, carp, and shad. Sturgeon may not be sold. Sturgeon between 4-5 feet in length may be retained for subsistence purposes.

d) Sanctuaries: All standard sanctuaries except the small 150 foot sanctuary around Spring Creek Hatchery.

2) Open Periods: Immediately until further notice.

a) Open Areas: SMCRA 1F, 1G, 1H, the Klickitat River and the White Salmon River.

b) Gear: Hoop nets, dip bag nets, or hook and line.

c) Allowable sale includes: Chinook, coho, steelhead, walleye, carp and shad. Sturgeon between 4-5 feet in length may not be sold but may be retained for subsistence purposes. Fish taken in the Klickitat and White Salmon rivers may be sold when those rivers are open pursuant to lawfully enacted tribal rules. The Klickitat River is currently open Tuesday through Saturday weekly and the White Salmon River is open Monday through Saturday weekly.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. October 8, 2003:

WAC 220-32-05100L Columbia River seasons above Bonneville. (03-251)

**WSR 03-21-013
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-257—Filed October 3, 2003, 4:09 p.m.]

Date of Adoption: October 3, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-50100G and 220-47-50100H; and amending WAC 220-47-501.

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 action implements the limited participation purse seine fishery in Area 8A as agreed to during the North of Falcon preseason fishery planning pro-

cess. The boats selected for the fishery were not confirmed until it was too late to use the permanent rules process.

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: Immediately.

October 3, 2003

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-47-50100H Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Area 6D:

Skiff Gill Nets - (a) Open to skiff gill nets using 5-inch minimum and 5 1/2-inch maximum mesh from 7:00 a.m. to 7:00 p.m. on the following dates: 10/3, 10/6, 10/7, 10/8, 10/9, 10/10

(b) It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. Any chinook, chum or pink salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.

Areas 7 and 7A:

Reef Nets - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

TIME

7:00 a.m. to 7:00 p.m. Daily

DATES

October 3 through October 15

It is unlawful to retain chinook and sockeye salmon.

Areas 7B except the waters south of a line from the western tip of Governors Point to Vendovi Island light on the east side of Vendovi Island are open to the following fishing gears under the conditions identified:

Purse Seines - Open to purse seines using the 5-inch strip during the following hours and dates, provided it is unlawful to retain sockeye salmon, and any sockeye salmon caught must be released immediately.

<u>Time</u>	<u>Dates</u>
24 hours per day through	7:00 p.m. October 25

Gill Nets - Open to gill nets as follows:

<u>Mesh Size</u>	<u>Hours</u>	<u>Dates</u>
5" minimum	24 hours per day through	4:00 p.m. October 25

Areas 8A:

Purse Seines - (a) Open only to the purse seine vessels POLARLAND and ESPERANZA from 7:00 a.m. to 7:00 p.m. Monday, October 6, 2003.

It is unlawful to retain chinook salmon, and any chinook salmon caught with purse seine gear must be released immediately.

Gill Nets - Open to gill nets as follows:

<u>Mesh Size</u>	<u>Hours</u>	<u>Dates</u>
5" minimum	6:00 p.m. October 7 thru	8 a.m. October 8

Area 8D:

Purse Seine - Open to purse seines using the 5-inch strip as follows:

<u>Hours</u>	<u>Dates</u>
7:00 a.m. to 7:00 p.m.	10/6

It is unlawful to retain chinook salmon, and any chinook salmon caught with purse seine gear must be released immediately.

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
6:00 p.m. October 5 to	8:00 a.m. October 6
6:00 p.m. October 7 to	8:00 a.m. October 8
6:00 p.m. October 9 to	8:00 a.m. October 10

Area 9A:

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
Continuously through	4:00 p.m. October 25

All Other Saltwater and Freshwater Areas: Closed.

"Quick Reporting" Fisheries:

All fisheries opened under this section, and any fishery openings under authority of the Fraser Panel for sockeye or pink salmon in Areas 7 and 7A are designated as "Quick Reporting Required" fisheries.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-50100G Puget Sound all-citizen commercial salmon fishery. (03-242)

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. October 11, 2003:

WAC 220-47-50100H Puget Sound all-citizen commercial salmon fishery.

**WSR 03-21-025
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-261—Filed October 7, 2003, 3:17 p.m., effective October 12, 2003, 12:01 a.m.]

Date of Adoption: October 7, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-47-411.

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 action implements reporting requirements previously negotiated during the Pacific Fisheries Management Council and North of Falcon pre-season planning meetings and during the August 2, 2003, Fish and Wildlife Commission meeting. The provision allows for in season evaluation of the expanded gill net fisheries in those areas. Although, this requirement was previously announced to the commercial fishing community in the June 18, 2003, commercial mail out it was not incorporated into the permanent Washington Administrative Code. 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 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: October 12, 2003, 12:01 a.m.
 October 7, 2003
 Evan Jacoby
 for Jeff Koenings
 Director

NEW SECTION

WAC 220-47-41100K Gill net—Open periods. Notwithstanding the provisions of WAC 220-47-411, effective 12:01 a.m. October 12, 2003 until further notice, it is unlawful to take, fish for or possess salmon taken with gill net gear, for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas 8A, 10, 11, 12 and 12B unless the gill net license holder provides the department with 24-hour notice prior to each day of fishing. The daily fishing notice to the department must include the gill net license holder's name, telephone number where they can be contacted and the area they will be fishing. The notice must be given by one of the following three means:

- (a) Fax transmission to 360-902-2949;
- (b) E-mail to psfishtickets@dfw.wa.gov; or
- (c) Toll-free telephone call to 1-866-791-1279

**WSR 03-21-026
 EMERGENCY RULES
 DEPARTMENT OF
 FISH AND WILDLIFE**

[Order 03-258—Filed October 7, 2003, 3:19 p.m., effective October 8, 2003, 12:01 a.m.]

Date of Adoption: October 7, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900B; 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: Large numbers of hatchery steelhead are expected to return to the waters above Priest Rapids Dam (19,300). Only a relatively small number of the returning hatchery steelhead are needed for hatchery production and spawning escapement objectives. Therefore, the excess hatchery steelhead are available for harvest. The recreational fishery will reduce the proportion of hatchery origin steelhead contributing to the adult spawning escapement, thereby minimizing impacts to wild steelhead returning to the upper Columbia River. This will increase the proportion of wild and hatchery adult crosses with wild steelhead on the spawning grounds and thus improving the natural production potential in the upper Columbia River Basin. NOAA fisheries approves of these fisheries. 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: October 8, 2003, 12:01 a.m.

October 7, 2003

Evan Jacoby
 for Jeff Koenings
 Director

NEW SECTION

WAC 232-28-61900C Exceptions to statewide rules—Columbia, Methow, Okanogan and Similkameen rivers. Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. October 8, 2003 until further notice, it is unlawful to violate the following provisions in the following waters:

(1) For purposes of this section, "adipose fin clipped steelhead" means steelhead with an adipose fin clip and a healed scar at the site of the fin clip, whether or not any other fins are clipped or a healed scar is present at any other fin position.

(2) Columbia River from the Highway 395 Bridge at Pasco to the Old Hanford townsite wooden powerline towers, effective immediately through December 31, 2003, special daily limit of six salmon, no more than four adults.

(3) Columbia River from the Old Hanford townsite wooden powerline towers to Priest Rapids Dam, effective immediately through October 22, 2003, special daily limit of six salmon, no more than four adults.

(4) Columbia River from Priest Rapids Dam to Rocky Reach Dam - Open through October 15 for salmon. Daily limit six salmon of which no more than two may be adult salmon. Release sockeye and coho.

(5) Columbia River from Rocky Reach Dam to Wells Dam and Highway 173 Bridge at Brewster to Highway 17 Bridge at Bridgeport - Open through October 15 for salmon. Night closure. Daily limit six salmon of which no more than two may be adult salmon. Release sockeye and coho.

(6) Columbia River from Rocky Reach Dam to Chief Joseph Dam - Open until further notice. Night closure. Daily limit may contain up to two adipose fin clipped steelhead. Release steelhead with disk tag attached.

(7) Methow River - Mouth upstream to confluence with the Chewuch River. Open until further notice. Selective gear rules except lawful to fish from motorized vessels. Night closure. All species: Release all fish except up to two adipose

fin clipped steelhead per day may be retained. Release steelhead with disk tag attached.

(8) Okanogan River - Open until further notice, except closed from Zosel Dam downstream to one-quarter mile below railroad trestle. Selective gear rules except lawful to fish from motorized vessels. Night closure. Salmon: Open to salmon fishing downstream of the Highway 97 Bridge near Brewster to the mouth through October 15. Daily limit six salmon of which no more than two may be adult salmon. Release sockeye and coho. Gamefish: Open to all gamefish downstream from Highway 97 Bridge at Malott. Daily limit may contain up to two adipose fin clipped steelhead. Release steelhead with disk tag attached. Above Highway 97 Bridge at Malott, open only for adipose fin clipped steelhead. Daily limit may contain up to two adipose fin clipped steelhead. Release steelhead with disk tag attached.

(9) Similkameen River - Mouth to 400 feet below Enloe Dam - Open November 15 until further notice. Selective gear rules. Night closure. All species: Release all fish except up to two adipose fin clipped steelhead per day may be retained. Release steelhead with disk tag attached.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. October 8, 2003:

WAC 232-28-61900B Exceptions to statewide rules—Columbia River and Okanogan River. (03-254)

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.

**WSR 03-21-037
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-260—Filed October 8, 2003, 2:45 p.m., effective October 10, 2003, 3:01 p.m.]

Date of Adoption: October 8, 2003.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-36-02300F; and amending WAC 220-36-023.

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: The first two days of this fishery have been moved to avoid scheduling conflict where various user groups would have been operating at the same time in adjacent areas. 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: October 10, 2003, 3:01 p.m.

October 8, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-36-02300G Grays Harbor salmon—Fall fishery. Notwithstanding the provisions of WAC 220-36-023, effective immediately it is unlawful for a person to fish for or take salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters of Grays Harbor, except as provided for in this section:

1) Open Area:

Area 2B

2) Open Fishing periods:

6:00 a.m.-6:00 p.m., Daylight Savings Time, 23 October 2003

6:00 a.m.-6:00 p.m., Daylight Savings Time, 24 October 2003

6:00 a.m.-6:00 p.m., Pacific Standard Time, 29 October 2003

6:00 a.m.-6:00 p.m., Pacific Standard Time, 30 October 2003

3) Gear:

Gill net gear — It is unlawful to fish for food fish in Grays Harbor for commercial purposes with gill net gear or to possess food fish taken from those waters with gill net gear unless:

a.) Drift gill net gear only. It is unlawful to use set net gear.

b.) 6 1/2-inch maximum mesh

4) Species allowed for retention:

Salmon and legal sized green and white sturgeon.

5) Miscellaneous Regulations:

a.) Quick Reporting is required for wholesale dealers, WAC 220-69-240.

b.) Fishers must be willing to take WDFW observers when participating in these openings.

EMERGENCY

REPEALER

The following section of the Washington Administrative Code is repealed effective 3:01 p.m. October 10, 2003:

WAC 220-36-02300F Grays Harbor salmon—Fall fishery. (03-229)

WSR 03-21-038
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed October 8, 2003, 2:53 p.m.]

Date of Adoption: October 3, 2003.

Purpose: To comply with the federal requirements of Public Law 104-191 (Health Insurance Portability and Accountability Act (HIPAA) of 1996), which mandates that HIPAA-related changes be effective no later than October 16, 2003. The timeframe for adopting the rule through the permanent rule-making process does not allow the rule to be HIPAA-compliant by October 16, 2003.

Citation of Existing Rules Affected by this Order: Amending WAC 388-535A-0050 and 388-535A-0060.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.530.

Other Authority: Public Law 104-191 (Health Insurance Portability and Accountability Act of 1996).

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: This emergency rule is needed to meet the requirements of the federal Health Insurance Accountability Act of 1996 (Public Law 104-191) by October 16, 2003. The department is concurrently proposing to adopt the rule through the regular rule-making process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, 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 1, Repealed 0.

Effective Date of Rule: Immediately.

October 3, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-01-050, filed 12/11/01, effective 1/11/02)

WAC 388-535A-0050 Authorization~~(s)~~ and prior authorization~~(, and expedited prior authorization)~~ for orthodontic services. (1) When MAA authorizes a service, that authorization indicates only that the specific service is medically necessary; it is not a guarantee of payment. The client must be eligible for the covered service at the time the service is provided.

(2) MAA does not require prior authorization for orthodontic treatment of a client with cleft lip, cleft palate, or craniofacial anomaly when the client is:

(a) Eligible under WAC 388-535A-0020; and

(b) Being treated by a department-recognized cleft palate or craniofacial team.

(3) MAA requires prior authorization for orthodontic treatment of:

(a) Severe handicapping malocclusions;

(b) Dental malocclusions that result in severe dental functional impairment;

(c) Those cases that result in a score less than thirty on the Washington Modified HLD Index Scale; and

(d) Services provided per WAC 388-535A-0030.

~~((4)) MAA allows orthodontists to use expedited prior authorization (EPA) for those cases that score thirty or more on the Washington Modified HLD Index Scale. The EPA process is designed to eliminate the need for telephone prior authorization for selected procedures. The orthodontist must create an authorization number using the process explained in MAA's orthodontic billing instructions. When MAA finds that a provider is using EPA inappropriately, MAA may:~~

~~(a) Require the provider to obtain prior authorization from MAA before providing services to any client; or~~

~~(b) Take one or more of the actions in WAC 388-502-0230(3-).)~~

AMENDATORY SECTION (Amending WSR 02-01-050, filed 12/11/01, effective 1/11/02)

WAC 388-535A-0060 Reimbursement for orthodontic services. (1) MAA considers that a provider who furnishes covered orthodontic services to an eligible client has accepted MAA's rates and fees.

(2) Payment for orthodontic services is based on MAA's schedule of maximum allowances; fees listed in the fee schedule are the maximum allowable fees.

~~(3) ((MAA uses state assigned procedure codes to identify covered orthodontic services.~~

~~(4)) MAA does not cover out-of-state orthodontic treatment.~~

~~((5)) (4) Orthodontic providers who are in department-designated border areas must:~~

~~(a) Meet the licensure requirements of their state; and~~

~~(b) Meet the same criteria for payment as in-state providers, including the requirements to contract with MAA.~~

~~((6)) (5) MAA reimburses for interceptive orthodontic treatment for cleft palate or craniofacial anomaly per WAC 388-535A-0050.~~

~~((7)) (6) With the exception of the conditions listed in subsection ((6)) (5) of this section, MAA reimburses for~~

interceptive orthodontic treatment once per client's lifetime for clients with severe handicapping malocclusions.

~~((8))~~ (7) MAA reimburses for limited transitional orthodontic treatment for a maximum of one year from original appliance placement. Follow up treatment is allowed in three-month increments, beginning three months after the initial placement.

~~((9))~~ (8) MAA reimburses for comprehensive full orthodontic treatment up to a maximum of two years from original appliance placement. Six follow up treatments are allowed in three-month increments, beginning six months after the initial placement.

~~((10))~~ (9) If the client's eligibility for orthodontic treatment under WAC 388-535A-0020 ends before the conclusion of the orthodontic treatment, payment for any remaining treatment is the individual's responsibility; MAA does not reimburse for these services.

~~((11))~~ (10) The client is responsible for payment of any orthodontic service or treatment received during any period of ineligibility, even if the treatment was started when the client was eligible; MAA does not reimburse for these services.

~~((12))~~ (11) The client is responsible for paying for services when the client has not disclosed coverage to the provider, per WAC 388-502-0160 and 388-501-0200; MAA does not reimburse in these situations.

**WSR 03-21-046
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-259—Filed October 9, 2003, 4:38 p.m., effective October 15, 2003, 6:00 p.m.]

Date of Adoption: October 7, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-33000G; and amending WAC 220-56-330.

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 closes all areas for crab harvest except those listed to meet allocation objectives. 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: October 15, 2003, 6:00 p.m.

October 7, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-33000H Crab—Areas and seasons. Notwithstanding the provisions of WAC 220-56-330, effective immediately until further notice, it is unlawful to fish for crab for personal use in all waters of Puget Sound except as provided herein:

1) Effective 6:00 p.m. October 15, 2003, until further notice, it is lawful to fish for crab for personal use in all waters of Marine Areas 4, 5, 6 and 10.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. October 15, 2003:

WAC 220-56-33000G Crab—Areas and seasons. (03-196)

**WSR 03-21-050
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-262—Filed October 10, 2003, 4:10 p.m., effective October 14, 2003, 12:00 noon]

Date of Adoption: October 10, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100M and 220-32-05100N; and amending WAC 220-32-051.

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: Chinook and coho are available for harvest in the Klickitat River and are not needed for brookstock. Allowing sale of fish commercially provides the opportunity for fishers to sell fish not needed for subsistence purposes. 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

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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: October 14, 2003, 12:00 noon.
October 10, 2003

J. P. Koenings
Director

NEW SECTION

WAC 220-32-05100N Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Klickitat River except those individuals possessing treaty fishing rights under the Yakima treaty my fish for salmon, shad, carp, or sturgeon under the following provisions pursuant to lawfully enacted tribal rules:

Open Periods: Noon Tuesdays through 6:00 p.m. Saturdays

Weekly from October 14, 2003 to December 13, 2003

Open Areas: Klickitat River

Gear: Dip nets, set bag nets, or hook and line with bait or lures. Snagging of fish is prohibited.

Allowable sale includes: Chinook and coho. Steelhead may not be sold but may be retained for subsistence purposes.

Other: Fishers must have a transportation ticket issued to them by the Yakama Nation in order to sell fish outside a one mile radius of Klickitat Falls.

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.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. October 11, 2003:

WAC 220-32-05100M Columbia River salmon seasons above Bonneville Dam. (03-256)

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. December 13, 2003:

WAC 220-32-05100N Columbia River salmon seasons above Bonneville Dam.

**WSR 03-21-058
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-263—Filed October 10, 2003, 4:23 p.m., effective October 13, 2003, 6:00 a.m.]

Date of Adoption: October 10, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-32-057.

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: Opens Bonneville and John Day pools for a sturgeon set line season. There is room on the guidelines in both areas to allow for a season. Conforms state rules with tribal rules. Consistent with compact action of October 9, 2003. 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 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: October 13, 2003, 6:00 a.m.

October 10, 2003

J. P. Koenings
Director

NEW SECTION

WAC 220-32-05700V Columbia River sturgeon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-057, effective immediately, it is unlawful to take, fish for or possess sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for sturgeon with set line gear under the following provisions:

- 1) Dates: 6:00 a.m. October 13, 2003 until further notice.
- 2) Open area is 1F and 1H.
- 3) During the season specified in Section 1, it is unlawful to:

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a) retain for commercial purposes sturgeon less than 48 inches or greater than 60 inches in length.

b) sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of a sturgeon prior to sale of the sturgeon to a wholesale dealer licensed under chapter RCW 75.28, or to sell or barter sturgeon eggs at retail.

c) deliver to a wholesale dealer licensed under chapter RCW 75.28 any sturgeon that are not in the round with the head and tail intact.

4) During the season specified in Section 1, it is unlawful to use set line gear:

a) with more than 100 hooks per set line

b) with hooks less than the minimum size of 9/0

c) with treble hooks

d) without visible buoys attached and with buoys that do not specify operator and tribal identification

**WSR 03-21-059
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-264—Filed October 10, 2003, 4:26 p.m., effective October 16, 2003, 12:01 a.m.]

Date of Adoption: October 10, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100M; and amending WAC 220-52-051.

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 meet allocation, conservation and management agreements. Openings and closures are consistent with these elements. Commercial shrimp trawl quotas are available in the area opened by 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: October 16, 2003, 12:01 a.m.

October 10, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-05100N Puget Sound shrimp pot and beam trawl fishery—Seasons. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts:

Marine Fish Shellfish Catch and Reporting Areas 23AE (east), 23B and 25A open immediately until further notice for non-spot shrimp

(2) It is unlawful to use shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(3) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 am October 16, 2003:

WAC 220-52-05100M Puget Sound shrimp pot and beam trawl fishery—Seasons. (03-247)

**WSR 03-21-060
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-265—Filed October 10, 2003, 4:28 p.m., effective October 12, 2003, 6:00 p.m.]

Date of Adoption: October 10, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000M; and amending WAC 220-33-010.

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: Sets three weeks of the late fall season fishery directed at late stock hatchery coho. Harvestable numbers of chinook and coho are available. All fisheries are consistent with the 2003 fall management agreement and the preseason allocation agreement. Rules are consistent

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with actions of the Columbia River compact on October 9, 2003, and July 30, 2003, and are included in the biological assessment of ESA listed stocks. The biological opinion covering these fisheries has been signed. There is insufficient time to promulgate permanent regulations.

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: October 12, 2003, 6:00 p.m.

October 10, 2003

J. P. Koenings

Director

NEW SECTION

WAC 220-33-01000N Columbia River season below Bonneville. Notwithstanding the provisions of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections:

1) OPEN AREA: SMCRA 1A, 1B, 1C, 1D, 1E.

a) SEASON: 6:00 p.m. October 12 through 6:00 p.m. October 13, 2003

6:00 a.m. October 15, 2003 through 6:00 a.m. October 17, 2003

6:00 p.m. October 19 through 6:00 p.m. October 20, 2003

6:00 a.m. October 22, 2003 through 6:00 a.m. October 24, 2003

6:00 p.m. October 26, 2003 through 6:00 p.m. October 27, 2003

b) GEAR: No minimum mesh restriction, 9 3/4 inch maximum mesh restriction.

c) SANCTUARIES: Elochomin-A, Abernathy Creek, Cowlitz, Kalama-A, Lewis-A, Washougal, Sandy

d) ALLOWABLE SALE: Salmon and sturgeon. A maximum of 9 sturgeon may be possessed or sold for each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open.

e) Quick reporting required for Washington wholesale dealers, WAC 220-69-240

2) OPEN AREA: SMCRA 1B upstream of a line between Harrington Point in Washington and to Settler Point in Oregon, 1C, 1D, 1E

a) SEASON: 6:00 a.m. October 29, 2003 through 6:00 a.m. October 31, 2003

b) GEAR: No minimum mesh restriction, 9 3/4 inch maximum mesh restrictions.

c) SANCTUARIES: Elochoman-A, Abernathy Creek, Cowlitz, Kalama-A, Lewis-A, Washougal, Sandy

d) ALLOWABLE SALE: Salmon and sturgeon. A maximum of nine sturgeon may be possessed or sold for each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open.

e) Quick reporting required for Washington wholesale dealers, WAC 220-69-240

3) OPEN AREA: Blind Slough/Knappa Slough Select Area

Blind Slough fishing area includes all waters from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough. Concurrent waters extend downstream of the railroad bridge. Oregon State waters extend upstream of the railroad bridge.

Knappa Slough fishing area includes all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to boundary lines defined by markers on the western end of Minaker Island to markers on Karlson Island and the Oregon shore. An area closure of about a 100 foot radius at the mouth of Big Creek defined by markers. All waters are under concurrent jurisdiction.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2003. Open hours are 6:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet - 6-inch maximum mesh size. Maximum net length of 100 fathoms. No weight restriction on lead line.

c) ALLOWABLE SALE: Salmon.

4) OPEN AREA: Tongue Point/South Channel Select Area

Tongue Point fishing area includes all waters bounded by a line from the red light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank. All waters are under concurrent jurisdiction.

South Channel area includes all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10" thence northwesterly to a marker on the sand bar defining the terminus of South Channel. All waters are under concurrent jurisdiction.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2003. Open hours are 6:00 p.m. to 8:00 a.m. daily.

b) GEAR: In the Tongue Point area the mesh size is restricted to 6-inch maximum mesh. Net length maximum of 250 fathoms, and weight not to exceed two pounds on any one fathom on the lead line.

In the South Channel area the mesh size is restricted to 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on lead line.

c) ALLOWABLE SALE: Salmon.

d) MISCELLANEOUS: Participants in the Tongue Point fishery may have stored on board their boats, gill nets with lead line in excess of two pounds per fathom.

5) OPEN AREA: Deep River Select Area

Deep River is open to fishing down river from the town of Deep River to the mouth (a line from navigation marker "16" southwest to a marker on the Washington shore). Concurrent waters extend downstream of the Highway 4 bridge. State waters extend upstream of the Highway 4 bridge.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2003. Open hours are 6:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet - 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) ALLOWABLE SALE: Salmon.

d) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

6) OPEN AREA: Steamboat Slough Select Area

Steamboat Slough is open to fishing in waters bounded by markers on Price Island and the Washington shore, at both upstream and downstream ends of Steamboat Slough. All open waters are under concurrent jurisdiction.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2003. Open hours are 6:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) ALLOWABLE SALE: Salmon.

d) MISCELLANEOUS: Transportation or possession of fish outside the fishing area is unlawful unless by licensed buyer, except fishers may transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch.

e) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. October 12, 2003:

WAC 220-33-01000M Columbia River seasons below Bonneville. (03-245)

WSR 03-21-061
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-266—Filed October 10, 2003, 4:30 p.m.]

Date of Adoption: October 10, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-25500J.

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: Federal rules closed the halibut fishery on September 30. This action is needed to be consistent with federal rules. 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 0, 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.

October 10, 2003

J. P. Koenings

Director

by Larry Peck

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-25500J Halibut—Seasons—Daily and possession limits. (03-150)

WSR 03-21-062
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-267—Filed October 10, 2003, 4:33 p.m.]

Date of Adoption: October 10, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-41100K; and amending WAC 220-47-411.

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 action corrects an oversight in the permanent regulation by proscribing coho and chinook nonretention in the Area 7 and 7A gill net season and appropriate minimum mesh sizes in Area 8A as agreed during the Pacific Fisheries Management Council and North of Falcon preseason planning meetings and during the August 2, 2003, Fish and Wildlife Commission meeting. 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.

October 10, 2003

J. P. Koenigs

Director

NEW SECTION

WAC 220-47-41100L Gill net—Open periods. Notwithstanding the provisions of WAC 220-47-411:

(1) Effective 12:01 a.m. October 12, 2003 until further notice, it is unlawful to take, fish for or possess salmon taken with gill net gear, for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas 8A, 10, 11, 12 and 12B unless the gill net license holder provides the department with 24-hour notice prior to each day of fishing. The daily fishing notice to the department must include the gill net license holder's name, telephone number where they can be contacted and the area they will be fishing. The notice must be given by one of the following three means:

- (a) Fax transmission to 360-902-2949;
- (b) E-mail to psfishtickets@dfw.wa.gov; or
- (c) Toll-free telephone call to 1-866-791-1279

(2) Effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas 7, 7A and 8A except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

AREA	TIME	DATE(S)	MINIMUM MESH
7, 7A:	7AM - 8PM	10/15, 10/22	6 1/4"
Note: In Areas 7 and 7A after September 30 but prior to October 20, it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gill net web enters the water until the gill net is fully retrieved from the water. Prior to October 20 Chinook and coho salmon must be released using a recovery box in accordance with WAC 220-47-302.			
8A:	7AM - 7PM	10/30, 11/5	6 1/4"
	5PM - 8AM	NIGHTLY 10/12, 10/14, 10/16, 10/19, 10/21, 10/23	5"
	4PM - 8AM	NIGHTLY 10/27, 10/28, 10/29, 10/30, 11/2, 11/4, 11/6, 11/10, 11/11, 11/12, 11/13, 11/16, 11/18, 11/20, 11/24, 11/25, 11/26, 11/27	6 1/4"

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-41100K Gill net—Open periods. (03-261)

WSR 03-21-074
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)
 [Filed October 15, 2003, 4:20 p.m.]

Date of Adoption: October 3, 2003.

Purpose: The purpose of this emergency filing to amend sections of chapter 388-148 WAC, Licensing requirements for child foster homes, group care programs/facilities, and agencies, which impact the receipt of federal funding for eligible children in care with Children's Administration. See Citation of Existing Rules below for new and amended rules affected. This notice and the full text of these emergency rules are available from the DSHS rule-making website at <http://www1.dshs.wa.gov/msa/rpau/docket.html>, or by contacting Jean Croisant, DSHS Children's Administration, phone (360) 725-2486, or by e-mail at biggire@dshs.wa.gov.

Citation of Existing Rules Affected by this Order: Chapter 388-148 WAC, Licensing requirements for child foster homes, staffed residential homes, group care programs/facilities, and agencies; amending WAC 388-148-0035 What personal characteristics do I need to provide care to children?, 388-148-0040 What first aid and cardiopulmonary resuscitation (CPA) training is required?, 388-148-0045 What HIV/AIDS training is required?, 388-148-0050 How do I

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apply for a license?, 388-148-0060 When am I not allowed to receive a license from a child-placing agency?, 388-148-0065 When may I be certified to provide care to children?, 388-148-0095 When are licenses denied, suspended or revoked?, 388-148-0120 What incidents involving children must I report?, 388-148-0125 What are your requirements for keeping client records?, 388-148-0140 What personnel policies must I have?, 388-148-0170 What steps must I take to ensure children's safety around bodies of water?, 388-148-0220 What fire safety requirements must I follow to qualify for a license?, 388-148-0260 What are the general requirements for bedrooms?, 388-148-0270 What are the requirements for beds?, 388-148-0335 When must I get medical exams for the children under my care?, 388-148-0345 What must I do to prevent the spread of infections and communicable diseases?, 388-148-0350 How do I manage medications for children under my care?, 388-148-0395 What requirements must I meet for feeding babies?, 388-148-0460 What requirements do you have for supervising children?, 388-148-0520 What are the training requirements for foster parents and prospective foster parents?, 388-148-0560 Do I need a treatment plan for children under my care?, 388-148-0585 What social service staff do I need?, 388-148-0630 What fire prevention measures must I take?, 388-148-0700 What are the qualifications for an executive director for a group care program or child-placing agency?, 388-148-0720 What qualifications must the child care staff for a group care program and a child-placing agency have?, 388-148-0725 What is the ratio of child care staff to children in group care facilities?, 388-148-0785 What is the proper ratio of staff to children in home or group care facilities offering maternity services?, 388-148-0800 What levels of secure CRCs exist?, 388-148-0915 What steps must be taken after a youth is admitted into a CRC?, 388-148-0995 What are the ratio requirements of youth care staff to youth in crisis residential centers?, 388-148-1060 What services may a child-placing agency provide?, 388-148-1070 What health histories need to be provided to adoptive parents?, 388-148-1115 Do you have requirements for adoptive services? and 388-148-1120 What is the process for adoptions?; and new sections WAC 388-148-0058 May I have a license for both child day care and child foster care?, 388-148-0427 Are there specific requirements regarding Native American children?, 388-148-0462 Who may provide care to a foster child in the foster home when the foster parent is away from the home?, 388-148-0542 May a foster child be supervised by someone under eighteen in the foster home?, 388-148-0722 What are the qualifications for health care staff for a group care program or a child-placing agency?, 388-148-0892 What are the requirements for a level three secure CRC?, 388-148-1076 What are the qualifications for an executive director of a child-placing agency?, 388-148-1077 What are the qualifications for a case aide for a child-placing agency program?, 388-148-1078 What are the qualifications for health care staff hired or contracted by a child-placing agency to provide services to children in care?, and 388-148-1079 What are the qualifications for consultants for child-placing agency programs?

Statutory Authority for Adoption: Chapter 74.15 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; and 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: Children's Administration has found that some of the sections of chapter 388-148 WAC require waivers in order for provider compliance. The approval of waivers then jeopardizes federal funds received by Children's Administration to support services to children and their families.

These rules replace emergency rules adopted as WSR 03-14-012 on June 18, 2003. Children's Administration has filed a preproposal statement of inquiry (WSR 02-06-083) and is engaged in working with stakeholders for the permanent adoption of rule changes. Stakeholders recently reviewed the draft rules, and the department is preparing economic analyses related to the possible impact of the rules. Providers of group programs are reviewing the fire safety rules included in the chapter. The tentative date for the filing of the proposed rules for public comment is January 2004.

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 10, Amended 36, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 10, Amended 36, Repealed 0.

Effective Date of Rule: Immediately.

October 3, 2003

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 03-22 issue of the Register.

**WSR 03-21-082
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-268—Filed October 16, 2003, 1:38 p.m., effective October 18, 2003, 8:00 a.m.]

Date of Adoption: October 15, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 232-28-61900S.

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: The Reiter Ponds Hatchery has captured its minimum of 350 adult summer-run steelhead needed to fulfill egg take requirements. Excess steelhead around the Reiter Ponds outlet on the Skykomish River may now be utilized by recreational anglers according to the regulations listed in the sport fishing pamphlet. 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 0, 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: October 18, 2003, 8:00 a.m.

October 15, 2003

J. P. Koenings

Director

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 action adds two additional fishing days in Areas 7 and 7A during the week of October 18 through 25. These days are intended to help compensate for the very low fishing effort experienced the first week due to severe weather. The comanagers have reviewed and agreed to this proposal. This emergency rule maintains the appropriate minimum mesh sizes in Area 8A as agreed during the Pacific Fisheries Management Council and North of Falcon preseason planning meetings and during the August 2, 2003, Fish and Wildlife Commission meeting. There is insufficient time to use the permanent rules process.

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 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.

October 17, 2003

Evan Jacoby

for Jeff Koenings

Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 8:00 a.m. October 18, 2003:

WAC 232-28-61900S Exceptions to statewide rules—Skykomish River. (Snohomish Co.) (03-162)

WSR 03-21-105

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 03-270—Filed October 17, 2003, 4:50 p.m.]

Date of Adoption: October 17, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-41100K; and amending WAC 220-47-311 and 220-47-411.

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

NEW SECTION

WAC 220-47-31100L Purse seine—Open periods. Notwithstanding the provisions of WAC 220-47-311, effective immediately and until further notice, it is unlawful to take, fish for or possess salmon taken with gill net gear, for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Area	Time	Date
7, 7A	7:00 AM - 6:00 PM	10/22, 10/23, 10/24
	6:00 AM - 5:00 PM	10/29
	7:00 AM - 5:00 PM	11/6

NEW SECTION

WAC 220-47-41100M Gill net—Open periods. Notwithstanding the provisions of WAC 220-47-411, effective immediately and until further notice, it is unlawful to take, fish for or possess salmon taken with gill net gear, for com-

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mercial purposes in Puget Sound Salmon Management and Catch Reporting Areas 8A, 10, 11, 12 and 12B unless the gill net license holder provides the department with 24-hour notice prior to each day of fishing. The daily fishing notice to the department must include the gill net license holder's name, telephone number where they can be contacted and the area they will be fishing. The notice must be given by one of the following three means:

- (a) Fax transmission to 360-902-2949;
- (b) E-mail to psfishtickets@dfw.wa.gov; or
- (c) Toll-free telephone call to 1-866-791-1279

Effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas 7, 7A and 8A except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

AREA	TIME	DATE(S)	MINIMUM MESH
7, 7A:	7AM - 8PM	10/22, 10/23, 10/24	6 1/4"

Note: In Areas 7 and 7A after September 30 but prior to October 20, it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gill net web enters the water until the gill net is fully retrieved from the water. Prior to October 20 Chinook and coho salmon must be released using a recovery box in accordance with WAC 220-47-302.

7AM	-	7PM	10/30, 11/5	6 1/4"
8A:	5PM	-	8AM NIGHTLY 10/19, 10/21, 10/23	5"
	4PM	-	8AM NIGHTLY 10/27, 10/28, 10/29, 10/30, 11/2, 11/4, 11/6, 11/10, 11/11, 11/12, 11/13, 11/16, 11/18, 11/20, 11/24, 11/25, 11/26, 11/27	6 1/4"

**WSR 03-21-106
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-272—Filed October 17, 2003, 4:50 p.m.]

Date of Adoption: October 17, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-40-02700B; and amending WAC 220-40-027.

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: Harvestable numbers of salmon and sturgeon are available for commercial harvest. The six hour extension to this fishery allows fishers to access opportunity lost due to inclement weather which for safety reasons forced fishers off the water.

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.

October 17, 2003

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-40-02700C Salmon—Willapa Bay fall fishery. Notwithstanding the provisions of WAC 220-40-027, effective immediately until further notice, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for salmon:

Time	Area
6:00 p.m. October 19 through 6:00 a.m. October 22 and 6:00 p.m. October 26 through 6:00 p.m. October 28, 2003	Areas 2G west of a line drawn true north-south through Willapa Channel Marker 10 and east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach but excluding the area southerly and easterly of a line from Island Sands Light to Ramsey Point, 2M and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)
Noon, November 5 through noon November 30, 2003	Areas 2G, 2H, 2J and 2M

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in SMCRA 2G described in this

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section. The Tokeland Boat basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

Gear

(3) Gill net gear restrictions - All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) Effective immediately through October 31, 2003 - 6-1/2 inch maximum mesh.

(c) November 1 through November 30, 2003 - 9-inch minimum mesh.

(d) Fishers must be willing to take WDFW observers when participating in these openings.

Other

(4) All wholesale dealers and fishers retailing their fish will be required to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in by calling 1-866-791-1280 or faxing the information to 360-664-4689 or e-mailing to harborfishtickets@dfw.wa.gov. Report: dealer name, purchase location, date of purchase, the fish ticket numbers, gear used, catch area, total number for each species including take home fish and the total weight for each species.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-40-02700B Salmon—Willapa Bay fall fishery. (03-228)

**WSR 03-21-107
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-269—Filed October 17, 2003, 4:50 p.m.]

Date of Adoption: October 17, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500J.

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 necessary to close the recreational shrimp season and revert back to permanent rules. 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 0, 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.

October 17, 2003
J. P. Koenings
Director
by Larry Peck

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-32500J Shrimp—Areas and seasons. (03-161)

**WSR 03-21-108
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-271—Filed October 17, 2003, 4:50 p.m., effective October 21, 2003, 8:00 a.m.]

Date of Adoption: October 17, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04000R and 220-52-04600A; and amending WAC 220-52-046.

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: Commercial opportunity in the open zones reflect state/tribal agreements to maintain allocation objectives. 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.

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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: October 21, 2003, 8:00 a.m.

October 17, 2003

J. P. Koenings

Director

NEW SECTION

WAC 220-52-04600B Crab fishery—Seasons and areas. Notwithstanding the provisions of WAC 220-52-046:

(1) Effective immediately until further notice, it will be lawful to fish for Dungeness Crab for commercial purposes in the following areas:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A within a line that extends due north from the green number 1 buoy at Scatchet Head to Scatchet Head, thence from the green number 1 buoy at Scatchet Head to the green number 1 buoy at Possession Point, thence due north from the green number 1 buoy at Possession Point to Possession Point.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A east and north of a line that extends from Possession Point to the green number 1 buoy at Possession Point thence following the 200 foot contour northward to a point due east from the Glendale Dock, thence extending due west to the Whidbey Island shore.

(c) That portion of Marine Fish-Shellfish Catch Area 21B in Samish Bay south of a line from Fish Point and Point Williams in water deeper than 60 feet.

(d) That portion of Marine Fish/Shellfish Catch Area 26A east of a line projected from the outermost tip of the ferry dock at Mukilteo projected to the green #3 buoy at the mouth of the Snohomish River and west of a line projected from that #3 buoy southward to the oil boom pier on the shoreline.

(2) Effective immediately until further notice Marine Fish-Shellfish Management and Catch Reporting Area 26A shall be further defined by the following boundaries:

(a) Area 26A-W shall include those waters of Catch Area 26A south of 25B and northerly of a line from Apple Cove Point to Point Edwards and south and west of a line that extends from Possession Point to the Shipwreck located .8 nautical miles north of Picnic Point.

(b) Area 26A-E shall include those waters of Catch Area 26A south of Areas 24B and 24C and north and east of a line that extends from Possession Point to the Shipwreck located .8 nautical miles north of Picnic Point.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 8:00 a.m. October 21, 2003:

WAC 220-52-04000R Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts. (03-234)

WAC 220-52-04600A Crab fishery—Seasons and areas. (03-234)

WSR 03-21-115

EMERGENCY RULES

DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed October 20, 2003, 2:28 p.m.]

Date of Adoption: October 10, 2003.

Purpose: Adopt emergency rules to implement chapter 258, Laws of 2003 requiring registration of nursing technicians: WAC 246-840-010 Definitions, 246-840-840 Nursing technicians, 246-840-850 Use of nomenclature, 246-840-860 Nursing technician criteria, 246-840-870 Functions of the nursing technician, 246-840-880 Functions of the registered nurse supervising the nursing technician, and 246-840-890 Responsibilities of the employing facility; and rescinding WAC 246-840-900 Responsibilities of the nurse administrator. Previous emergency rules will expire on October 18, 2003. Extensive stakeholder involvement and research for legal issues has delayed permanent adoption. Implementation is anticipated within ninety days.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-840-900; and amending WAC 246-840-010, 246-840-840, 246-840-850, 246-840-860, 246-840-870, and 246-840-890.

Statutory Authority for Adoption: Chapter 18.79 RCW and chapter 258, Laws of 2003.

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: Chapter 258, Laws of 2003, requires registration of nursing technicians by emergency order.

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 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 0, Amended 0, Repealed 0.

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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.

October 17, 2003

Frank Maziarski, RN, ARNP

Nursing Commission Chair

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-840-010 Definitions. (1) "Auxiliary services" are all nursing services provided to patients by persons other than the licensed practical nurse, the registered nurse and the nursing student.

(2) "Beginning practitioner" means a newly licensed nurse beginning to function in the nurse role.

(3) "Behavioral objectives" means the measurable outcomes of specific content.

(4) "Client" means the person who receives the services of the practical nurse or registered nurse.

(5) "Client advocate" means a supporter of client rights and choices.

(6) "Commission" means the Washington state nursing care quality assurance commission.

(7) "Competencies" means the tasks necessary to perform the standards.

(8) "Conceptual framework" means the theoretical base around which the curriculum is developed.

(9) "Conditional approval" of a school of nursing is the approval given a school of nursing that has failed to meet the requirements of the law and the rules and regulations of the commission, and it specifies conditions that must be met within a designated time to rectify the failure.

(10) "Delegation" means the licensed practical nurse or registered nurse transfers the performance of selected nursing tasks to competent individuals in selected situations. The licensed practical nurse or registered nurse delegating the task retains the responsibility and accountability for the nursing care of the client. The licensed practical nurse or registered nurse delegating the task supervises the performance of the unlicensed person;

(a) Nursing acts delegated by the licensed practical nurse or registered nurse shall:

(i) Be within the area of responsibility of the licensed practical nurse or registered nurse delegating the act;

(ii) Be such that, in the opinion of the licensed practical nurse or registered nurse, it can be properly and safely performed by the person without jeopardizing the patient welfare;

(iii) Be acts that a reasonable and prudent licensed practical nurse or registered nurse would find are within the scope of sound nursing judgment.

(b) Nursing acts delegated by the licensed practical nurse or registered nurse shall not require the unlicensed person to exercise nursing judgment nor perform acts which must only

be performed by a licensed practical nurse or registered nurse, except in an emergency situation (RCW 18.79.240 (1)(b) and (2)(b)).

(c) When delegating a nursing act to an unlicensed person it is the registered nurse who shall:

(i) Make an assessment of the patient's nursing care need before delegating the task;

(ii) Instruct the unlicensed person in the delegated task or verify competency to perform or be assured that the person is competent to perform the nursing task as a result of the systems in place by the health care agency;

(iii) Recognize that some nursing interventions require nursing knowledge, judgment, and skill and therefore may not lawfully be delegated to unlicensed persons.

(11) Direction and Supervision:

(a) "Supervision" of licensed or unlicensed nursing personnel means the provision of guidance and evaluation for the accomplishment of a nursing task or activity with the initial direction of the task or activity; periodic inspection of the actual act of accomplishing the task or activity; and the authority to require corrective action.

(b) "Consulting capacity" shall mean the recommendations to a professional entity, employed at that facility, which may be accepted, rejected, or modified. These recommendations shall not be held out as providing nursing services by the consulting nurse to the patient or public.

(c) "Direct supervision" shall mean the licensed registered nurse is on the premises, is quickly and easily available and the patient has been assessed by the licensed registered nurse prior to the delegation of the duties to any caregiver.

(d) "Immediate supervision" shall mean the registered nurse is on the premises and is within audible and visual range of the patient and the patient has been assessed by the registered nurse prior to the delegation of duties to any caregiver.

(e) "Indirect supervision" shall mean the registered nurse is not on the premises but has given either written or oral instructions for the care and treatment of the patient and the patient has been assessed by the registered nurse prior to the delegation of duties to any caregiver.

(12) "Extended learning sites" refers to any area external to the parent organization selected by faculty for student learning experiences.

(13) "Faculty" means persons who are responsible for the educational program of the school of nursing and who hold faculty appointment in the school.

(14) "Full approval" of a school of nursing is the approval given a school of nursing that meets the requirements of the law and the rules and regulations of the commission.

(15) "Good cause" as used in WAC 246-840-990 for extension of a nurse technician registration means that the nurse technician has had difficulty scheduling the examination, that the examination results did not arrive at the commission office within thirty days after the nurse technician's date of graduation or that the nurse technician can show that there was a family crisis which caused him or her to delay sitting for the examination.

(16) "Minor nursing services." The techniques and procedures used by the nursing profession are extremely difficult

to categorize as major or minor nursing services. The important factor with which this law is concerned is the determination of which nursing person and at what level of preparation that person may perform said technique or procedure in relation to the condition of a given patient, and this kind of determination rests with the registered nurse.

~~((16))~~ (17) "Minimum standards of competency" means the functions that are expected of the beginning level nurse.

~~((17))~~ (18) "Nurse administrator" is an individual who meets the qualifications contained in WAC 246-840-555 and who has been designated as the person primarily responsible for the direction of the program in nursing. Titles for this position may include, among others, dean, director, coordinator or chairperson.

~~((18) The phrase "nursing aide" used in RCW 18.79.240 (1)(c) shall mean a "nursing technician." "Nursing technician" is a nursing student currently enrolled in a commission or state board of nursing approved nursing education program and employed for the purpose of giving help, assistance and support in the performance of those services which constitute the practice of registered nursing. The nursing student shall use the title "nursing technician" while employed.)~~

(19) ~~("Nursing student" is a person currently enrolled in an approved school of nursing.)~~ "Nursing technician" means a nursing student currently enrolled in good standing and who has completed at least one academic term (quarter or semester) of a nursing program approved by the commission (ADN, diploma or BSN). The term must have included a clinical component. The nursing technician is employed directly by a hospital licensed under chapter 70.41 RCW or a nursing home licensed under chapter 18.51 RCW. A nursing technician may also be a graduate of an approved program who graduated within the past thirty days. Approved nursing program means any registered nurse program approved by the nursing commission.

(20) "Philosophy" means the beliefs and principles upon which the curriculum is based.

(21) "Program" means a division or department within a state supported educational institution, or other institution of higher learning charged with the responsibility of preparing persons to qualify for the licensing examination.

(22) "Provisional approval" of schools of nursing is the approval given a new school of nursing based on its proposed program prior to the admission of its first class.

(23) "Registered nurse" as used in these rules shall mean a nurse as defined by RCW 18.79.030(1).

(24) "School" means an educational unit charged with the responsibility of preparing persons to practice as practical nurses or registered nurses. Three types of basic schools of nursing are distinguished by the certificate awarded to the graduate. Schools of nursing within colleges and universities award the associate degree or baccalaureate degree. Schools of nursing sponsored by a hospital award a diploma.

(25) "Standards" means the overall behavior which is the desired outcome.

(26) "Terminal objectives" means the statements of goals which reflect the philosophy and are the measurable outcomes of the total curriculum.

(27) An "unapproved school of nursing" is a school of nursing that has been removed from the list of approved schools for failure to meet the requirements of the law and the rules and regulations of the commission or a school that has never been approved by the commission.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-840 Nursing technician. The purpose of the role of nursing technician is to provide opportunity for students enrolled in an ADN or BSN program to ~~((gain))~~ work ~~((experience))~~ within the limits of their education ~~((, but not limited to the scope of functions of nursing assistant - certified))~~ and to gain valuable judgment and knowledge through work opportunities.

(1) The nursing technician is as defined in WAC 246-840-010(19).

(2) The nursing technician shall have knowledge and understanding of the laws and rules regulating the nursing technician and shall function within the legal scope of nursing practice.

(3) The nursing technician shall be responsible and accountable for practicing within the scope and guidelines of policies defined by the employing agency.

(4) The nursing technician shall not be employed by a temporary agency.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-850 Use of nomenclature. (1) Any person who meets the ~~((qualifications))~~ definition of nursing technician under WAC 246-840-010(19) ~~((and 246-840-860))~~ shall use the title nursing technician and this title shall not be abbreviated.

(2) No other person shall assume such title.

AMENDATORY SECTION (Amending WSR 97-17-049, filed 8/15/97, effective 9/15/97)

WAC 246-840-860 Nursing technician criteria. To be eligible for employment as a nursing technician a student must meet the following criteria:

(1) Satisfactory completion of at least one academic term (quarter or semester) of a nursing program approved by ~~((a))~~ the commission ~~((or board of nursing))~~ (ADN, diploma, or BSN). The term must have included a clinical component.

(2) Currently enrolled in a nursing commission approved program will be considered to include:

(a) All periods of regularly planned educational programs and all school scheduled vacations and holidays.

(b) ~~((The period of time of notification to the commission of completion of nursing education, following graduation and application for examination, not to exceed ninety days from the date of graduation.~~

~~((e))~~ Thirty days after graduation from an approved program.

(3) Current enrollment will not be construed to include: ~~((f))~~ (a) Leaves of absence or withdrawal, temporary or permanent, from the nursing educational program.

~~((b))~~ (b) Students enrolled in nursing department classes who are solely enrolled in academic nonnursing supporting course work, whether or not those courses are required for the nursing degree.

~~((c))~~ (c) Students who are awaiting the opportunity to reenroll in nursing courses.

(4) Good standing means the nursing technician is successfully passing all courses required for the registered nursing degree. The nursing program should notify the commission immediately if the nursing technician is no longer in good standing.

(5) Applicants must complete seven clock hours of AIDS education as required by RCW 70.24.270 and chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-870 Functions of the nursing technician. The nursing technician:

(1) Shall function only under the direct supervision of ~~((the))~~ a registered nurse who has agreed to act as supervisor and is immediately available.

(2) May gather information about patients and administer care to patients.

(3) Shall not be responsible for performing the ongoing assessment, planning, implementation, and evaluation of the care of patients.

(4) Shall never function as an independent practitioner, as a team leader, charge nurse, or in a supervisory capacity.

(5) ~~((May administer medications only under the direct supervision of a registered nurse and within the limits described in this section. "Direct supervision" means that the registered nurse is on the premises, is quickly and easily available, and that the patients have been assessed by the registered nurse prior to the delegation of the medication duties to the nursing technician.))~~ The nursing technician shall not administer chemotherapy, blood or blood products, intravenous medications, scheduled drugs, nor carry out procedures on central lines.

~~((There shall be written documentation from the nursing education program attesting to the nursing technician's preparation in the procedures of medication administration.))~~

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-880 Functions of the registered nurse supervising the nursing technician. The registered nurse:

(1) Is accountable at all times for the client's safety and well-being.

(2) Is responsible at all times for the nursing process as delineated in WAC 246-840-700 and this responsibility cannot be delegated.

(3) Shall maintain at all times an awareness of the care activities of the nursing technician and of the current assessment of the patient.

~~((4) Shall be available at all times to the nursing technician and shall be physically present within the health care facility.))~~

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-890 ~~((Responsibilities of the employing facility.))~~ How to register as a nursing technician.
~~((The employer of the nursing technician shall:~~

~~(1) Verify the nursing technician's enrollment in a nursing education program approved by the state board of nursing or commission in the state in which the program is located.~~

~~(2) Verify satisfactory completion of each academic term (semester or quarter) within two weeks of completion date.~~

~~(3) Obtain written documentation from the approved nursing education program of the nursing technician's current level of education preparation and his/her knowledge and skills.~~

~~(4) Assign the nursing technician to perform only to the level identified in subsection (3) of this section.~~

~~(5) Provide the nursing technician from an educational program approved by a state board of nursing or commission other than the Washington nursing commission with board authorized information on the legal definition and parameters of the nursing technician role, as in WAC 246-840-010(19) and 246-840-840 through 246-840-870. Such information shall be provided prior to the commencement of patient care activities by the nursing technician. The facility shall obtain written verification from the nursing technician of receipt and review of this information and the facility shall retain the written verification for a minimum of three years from the last date of employment.~~

~~(6) Advise the commission of the names and addresses of the nursing technician and the name and address of the nursing education program for any and all nursing technicians employed at the facility.~~

~~(7) Identify the student nurse as a "nursing technician.")~~

(1) An individual shall complete an application for registration on an application form prepared and provided by the department of health.

(2) Every applicant shall provide:

(a) The application fee as defined in WAC 246-980-990.

(b) Verification of seven clock hours of AIDS education as required by RCW 70.24.270 and chapter 246-12 WAC, Part 8.

(c) A signed statement sent directly from the applicant's nursing program. If the applicant has not yet graduated, this statement will include the anticipated graduation date.

(d) A signed statement sent directly from the applicant's employer or prospective employer certifying that the employer understands the role of the nursing technician and agrees to meet the requirements of chapter 258, Laws of 2003.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-840-900

Responsibilities of the nurse administrator.

WSR 03-21-144
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-274—Filed October 22, 2003, 8:04 a.m.]

Date of Adoption: October 21, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-41100L; and amending WAC 220-88C-040.

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 be consistent with action taken by National Marine Fisheries Service to conserve the pilchard resource. 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.

October 21, 2003

Evan Jacoby
 for Jeff Koenings
 Director

NEW SECTION

WAC 220-88C-04000C Coastal pilchard fishery—Seasons and limits. Notwithstanding the provisions of WAC 220-88C-040, effective immediately until further notice, it is unlawful to fish for or possess pilchard, anchovy, squid or mackerel taken while fishing under an experimental commercial fishery permit for pilchard.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-41100L Gill net—Open periods. (03-267)

WSR 03-21-147
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 22, 2003, 8:10 a.m.]

Date of Adoption: October 21, 2003.

Purpose: The department is amending WAC 388-478-0055 to add additional categories of SSI recipients who can get a state supplementary payment (SSP), and to update the SSP payment amounts for eligible recipients.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0055.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

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 emergency rule must be effective November 1, 2003, to permit the department to expand the base of SSP-eligible recipients in order to remain in compliance with federal law, otherwise the state could face federal sanctions jeopardizing all Medicaid funding to the state. Federal law requiring state supplementary payments to SSI recipients is found under 20 C.F.R. 416.2096 through 2099 and the Social Security Act Sec. 201 (42 U.S.C. 401) and Public Law 99-509 Sec. 9342 (42 U.S.C. 1395b). The rules are necessary in order to protect SSI aged and blind client rights to receive a public assistance payment (SSP). The department has filed a preproposal statement of inquiry, WSR 03-18-101, and is taking necessary steps to adopt this emergency rule as permanent. A proposed rule-making notice has been filed as WSR 03-21-124, and a public hearing on the proposed rule is scheduled for November 25, 2003.

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

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

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

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

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

Effective Date of Rule: Immediately.

October 21, 2003

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-03-114, filed 1/21/03, effective 2/23/03)

WAC 388-478-0055 How much do I get from my ~~((Supplemental Security Income (SSI) and))~~ state supplemental payments (SSP)? (1) ~~((SSI is a federal cash assistance program for needy individuals and couples who meet federal disability guidelines as aged, blind or disabled.))~~ The state supplemental payment (SSP) is a payment from the state for certain SSI eligible people (see WAC 388-474-0012).

If you are eligible for SSI, you may receive a federal cash payment from the federal Social Security Administration, as well as ~~((a))~~ an SSP cash payment from the state.

If you were converted from state assistance to the federal SSI program in January 1974 because you were aged, blind, or disabled, the department calls you a "grandfathered client." Social Security calls you a "mandatory income level (MIL) client." To be a grandfathered (MIL) client, you must

have remained continuously eligible for SSI from January 1974.

A change in living situation, cost-of-living adjustment (COLA) or federal payment level (FPL) can affect a grandfathered (MIL) client. A grandfathered (MIL) client gets a federal SSI payment and ~~((a))~~ an SSP payment, which totals the higher of one of the following:

(a) The state assistance standard set in December 1973, unless you lived in a medical institution at the time of conversion, plus the federal cost-of-living adjustments (COLA) since then; or

(b) The current payment standard.

(2) ~~The ((federal, state and combined))~~ SSP monthly payment level for ~~((a))~~ eligible persons under WAC 388-474-0012 and an individual ~~((and couple are))~~ residing in an institution is:

~~((a) If you are living alone.))~~

((living alone - In own household or alternate care, except nursing homes or medical institutions)) <u>SSP Eligible Persons</u> ((Individual))	((Federal Payment Level))	((State Supplement)) <u>Monthly SSP Payment ((Level))</u>	((Combined Federal/ State Payment Level))
Individual ((with: - One essential person)) <u>(aged 65 or older) - Calendar year 2003</u>	(((\$552.00))	(((\$0.00)) <u>\$100.00</u>	(((\$552.00))
<u>Individual (blind) - Calendar year 2003</u>	(((\$29.00))	(((\$0.00)) <u>\$100.00</u>	(((\$29.00))
<u>Individual with an ineligible spouse - Calendar year 2003</u>		<u>\$100.00</u>	
<u>Individual (aged 65 or older) - Calendar year 2004</u>		<u>\$21.00</u>	
<u>Individual (blind) - Calendar year 2004</u>		<u>\$21.00</u>	
Individual with an ineligible spouse - <u>Calendar year 2004</u>	(((\$552.00))	\$((\$100.00)) <u>21.00</u>	(((\$652.00))
((Couple))	(((\$829.00))	(((\$0.00))	(((\$829.00))
((Couple with one essential person))	(((\$829.00))	(((\$0.00))	(((\$829.00))
<u>Grandfathered (MIL)</u>		<u>Varies by individual based on federal requirements. Ranges between \$0.54 and \$199.50</u>	

~~((b) If you are in shared living.))~~

((shared living - In the home of another person)) ((Individual))	((Federal Payment Level))	((State Supplement Payment Level))	((Combined Federal/ State Payment Level))
((Individual with: - One essential person))	(((\$368.00))	(((\$0.00))	(((\$368.00))
((Individual with an ineligible spouse))	(((\$665.00))	(((\$0.00))	(((\$665.00))
((Couple))	(((\$368.00))	(((\$100.00))	(((\$468.00))
((Couple with one essential person))	(((\$552.67))	(((\$0.00))	(((\$552.67))
	(((\$665.00))	(((\$0.00))	(((\$665.00))

~~((c) If you are residing in a medical institution: - Area 1 and 2.))~~

MEDICAL INSTITUTION	((Federal Payment Level))	((State Supplement)) <u>Monthly SSP Payment ((Level))</u>	((Combined Payment Level))
Individual	(((\$30.00))	\$ 11.62	(((\$41.62))

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.

EMERGENCY

WSR 03-21-003

INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed October 2, 2003, 3:01 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 03-67 MAA.
Subject: Updates to Rx drug program.
Effective Date: November 1, 2003.

Document Description: **Effective for claims with dates of services on and after November 1, 2003**, additions to MAA's preferred drug list and drug changes to prior authorization will occur. This memo explains the details.

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/download/publicationsfees.htm> (click on "Numbered Memoranda," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

September 29, 2003

E. A. Myers, Manager
Rules and Publications Section

WSR 03-21-004

INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed October 2, 2003, 3:01 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 03-73 MAA.
Subject: Billing clarification for detox services (for DOS 7/1/03-10/1/03 and after 10/1/03).

Effective Date: July 1, 2003, and October 1, 2003.

Document Description: This memorandum explains which procedure codes physicians should use when billing for detox services between 7/1/03-10/1/03 and then which procedure codes to use as a result of HIPAA on and after 10/1/03 DOS.

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/download/publicationsfees.htm> (click on "Numbered Memoranda," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

September 29, 2003

E. A. Myers, Manager
Rules and Publications Section

WSR 03-21-005

INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed October 2, 2003, 3:02 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 03-81 MAA.
Subject: Adult day health: HIPAA procedure code conversions.

Effective Date: October 1, 2003.

Document Description: Effective for dates of service on and after October 16, 2003, MAA is discontinuing all state-unique procedure codes and will replace the procedure codes according to the instructions in this memorandum.

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/download/publicationsfees.htm> (click on "Numbered Memoranda," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

September 29, 2003

E. A. Myers, Manager
Rules and Publications Section

WSR 03-21-006

INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed October 2, 2003, 3:04 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing Instructions.

Subject: Private duty nursing.

Effective Date: October 2003.

Document Description: These are billing instructions for private duty nursing providers to use when billing for services rendered to medical assistance clients. THIS DOCUMENT HAS BEEN UPDATED TO BE HIPAA COMPLIANT. Procedure codes have changes. Also included in this document are definitions, purpose of program, client eligibility, billable services, billing information, fee schedule, and how to complete the HCFA-1500 claim form.

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/download/publicationsfees.htm> (click on "Numbered Memoranda,"

"Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

September 29, 2003

E. A. Myers, Manager
Rules and Publications Section

WSR 03-21-007

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed October 2, 2003, 3:05 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing Instructions.

Subject: Home infusion therapy/parenteral nutrition.

Effective Date: October 2003.

Document Description: These are billing instructions for infusion therapy and parenteral nutrition providers to use when billing for services rendered to medical assistance clients. THIS DOCUMENT HAS BEEN UPDATED TO BE HIPAA COMPLIANT. Procedure codes have changes. Also included in this document are definitions, purpose of program, client eligibility, billable services, billing information, fee schedule, and how to complete the HCFA-1500 claim form.

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/download/publicationsfees.htm> (click on "Numbered Memoranda," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

September 29, 2003

E. A. Myers, Manager
Rules and Publications Section

WSR 03-21-008

NOTICE OF PUBLIC MEETINGS LOWER COLUMBIA COLLEGE

[Memorandum—September 30, 2003]

The board of trustees of Lower Columbia College will be holding a special public meeting on Monday, October 27, 2003, beginning at 4:45 p.m., in the conference room of the Lower Columbia College's Administration Building, 1600 Maple Street, Longview, WA. Purpose of the meeting is to meet with the Lower Columbia College Foundation Board and review results of a recent comprehensive campaign feasibility study.

WSR 03-21-009

NOTICE OF PUBLIC MEETINGS HIGHER EDUCATION CONSORTIUM [Memorandum—September 24, 2003]

The NSIS Higher Education Consortium board of directors' regular meeting set for Thursday, October 2, 2003, has been cancelled. For information, call the University Center at Everett Station at (425) 252-9505.

WSR 03-21-010

POLICY STATEMENT MARINE EMPLOYEES' COMMISSION [Filed October 2, 2003, 3:49 p.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Using Excerpted Transcripts.

Issuing Entity: Marine Employees' Commission.

Description: Policy adopted to affirm the Marine Employees' Commission acceptance of only official transcripts.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, Suite 104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: September 23, 2003.

Kathy Marshall
Administrator

WSR 03-21-014

RULES COORDINATOR WASHINGTON STATE PATROL (Forensic Laboratory Services Bureau) [Memorandum—September 29, 2003]

Pursuant to RCW 34.05.312, the designated rules coordinator for the Forensic Laboratory Services Bureau of the Washington State Patrol is Barry K. Logan, Ph.D., Washington State Toxicologist, Washington State Patrol, Forensic Laboratory Services Bureau, 2203 Airport Way South, Suite 360, Seattle, WA 98134, (206) 262-6000, fax (206) 262-6018, barry.logan@wsp.wa.gov.

Dr. Barry K. Logan
Washington State Toxicologist

WSR 03-21-015

DEPARTMENT OF LABOR AND INDUSTRIES [Filed October 6, 2003, 9:02 a.m.]

Minimum Wage Rate

As per RCW 49.46.020, the Department of Labor and Industries has calculated the adjusted minimum wage rate to be \$7.16, effective January 1, 2004.

MISC.

Please call (360) 902-6411 if you have any questions.

Josh Swanson
Legislative and Rules Manager

WSR 03-21-020
NOTICE OF PUBLIC MEETINGS
LOWER COLUMBIA COLLEGE
[Memorandum—October 3, 2003]

Due to lack of quorum, the following special board meeting has been cancelled: Special public meeting, Monday, October 27, 2003, beginning at 4:45 p.m., in the Conference Room of the Lower Columbia College's Administration Building, 1600 Maple Street, Longview, WA.

WSR 03-21-021
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE
[Memorandum—October 6, 2003]

The board of trustees of Bates Technical College will meet in special session on October 10, 2003, from 8:00 a.m. to approximately 1:00 p.m. in the President's Conference Room, 1101 South Yakima Avenue, Tacoma, for the purpose of the board retreat.

WSR 03-21-022
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE
[Memorandum—October 6, 2003]

The board of trustees of Bates Technical College has rescheduled its regularly scheduled meeting of October 15, 2003, to October 22, 2003. The regular meeting will begin at 3:00 p.m. in the Clyde Hupp Board Room at Bates Technical College, 1101 South Yakima Avenue, Tacoma, WA 98405.

WSR 03-21-023
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE
[Memorandum—October 7, 2003]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, October 16, 2003, 9:00 - 11:00 a.m., in the College Services Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

The regularly scheduled meeting of the board of trustees of Bellingham Technical College scheduled for November 20, 2003, has been canceled and rescheduled for Thursday, November 13, 2003, 9:00 - 11:00 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

WSR 03-21-031
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed October 8, 2003, 8:59 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 03-85 MAA.
Subject: Discontinued state unique procedure codes for American Sign Language interpreter services.

Effective Date: October 1, 2003.

Document Description: Effective for dates of service on and after October 1, 2003, the Medical Assistance Administration will discontinue all state-unique procedure codes previously used for billing American Sign Language interpreter services. This memorandum provides the correct HCPCS codes to use.

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/download/publicationsfees.htm> (click on "Numbered Memoranda," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

October 6, 2003

E. A. Myers, Manager
Rules and Publications Section

WSR 03-21-032
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed October 8, 2003, 9:00 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 03-84 MAA.
Subject: Rescinding rate increase for newborn screening code S3620.

Effective Date: Retroactive to dates of service on and after July 1, 2003.

Document Description: Retroactive to dates of service on and after July 1, 2003, the Medical Assistance Administration rescinds the rate increase for HCPCS code S3620. The reimbursement rate for newborn screens will remain at \$43.90. This memorandum explains the reason.

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/download/publicationsfees.htm> (click on "Numbered Memoranda,"

"Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

October 6, 2003
E. A. Myers, Manager
Rules and Publications Section

WSR 03-21-036
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Beef Commission)

[Memorandum—October 6, 2003]

Revised Washington State Beef Commission Board
Meeting Date

The November 13-15 board meeting of the Washington State Beef Commission has been changed to October 28 in Yakima, Washington. Should you have questions, please contact Rosalee Mohny at (206) 444-2902.

WSR 03-21-042
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
[Filed October 9, 2003, 1:37 p.m.]

ISSUANCE OF INTERPRETIVE STATEMENT
Excise Tax Advisory 2003-5s—Cancellation of excise tax
advisories
(Fifth supplement to ETA 2003)

This announcement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has adopted Excise Tax Advisory (ETA) 2003-5s (Cancellation of excise tax advisories). This advisory is the fifth supplement to ETA 2003. It provides a list of excise tax advisories that have been cancelled subsequent to those advisories identified in the fourth supplement, ETA 2003-4s.

A copy of this document is available via the internet at http://dor.wa.gov/content/rules_laws/eta/eta.htm. Requests for copies may be directed to Roseanna Hodson, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6119, fax (360) 664-0693.

Alan R. Lynn
Rules Coordinator

WSR 03-21-043
NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY
[Memorandum—October 8, 2003]

Following is the 2004 meeting schedule for the Western Washington University board of trustees that was adopted at their regular meeting on October 3, 2003.

Western Washington University
Board of Trustees
2004 Meeting Schedule
February 6, 2004
April 9, 2004
June 11, 2004
August 13, 2004
October 8, 2004
December 3, 2004 - or -
December 10, 2004

If you have any questions, please contact Suzanne Baker by telephone at (360) 650-3117 or by e-mail at Suzanne.Baker@wwu.edu.

WSR 03-21-044
POLICY STATEMENT
MARINE EMPLOYEES' COMMISSION

[Filed October 9, 2003, 3:00 p.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Using Computer Passwords.

Issuing Entity: Marine Employees' Commission.

Description: Policy adopted in compliance with the information technology security standards.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, Suite 104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: October 7, 2003.

Kathy Marshall
Administrator

WSR 03-21-047
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION
(State Capitol Committee)
[Memorandum—October 7, 2003]

Following is the next State Capitol Committee meeting date:

Date: Thursday, November 6, 2003
Time: 12:00 p.m. - 2:00 p.m.
Location: General Administration Building
Room 207

If you have any questions, please contact Kim M. Buccarelli at (360) 902-0955.

WSR 03-21-048**NOTICE OF PUBLIC MEETINGS****DEPARTMENT OF****GENERAL ADMINISTRATION**

(Capitol Campus Design Advisory Committee)

[Memorandum—October 7, 2003]

Following is the next Capitol Campus Design Advisory Committee meeting date:

Date: Tuesday, October 28, 2003
 Time: 10:00 a.m.
 Location: General Administration Building
 Room 207

If you have any questions, please contact Kim M. Buccarelli at (360) 902-0955.

Thursday, January 22

Thursday, April 22

Thursday, July 22

Thursday, October 28

Each meeting will be held at 10:30 a.m. in the conference room of the Washington Traffic Safety Commission. Please pass this information along to anyone who may be interested.

Please note that the July 22 meeting is a critical one. We need to have the commissioners in attendance to approve the highway safety plan. Please contact Michelle Nicholls for additional information.

For special accommodation needs or to request an auxiliary aid for these meetings, please contact Michelle Nicholls at (360) 586-3864.

WSR 03-21-051**NOTICE OF PUBLIC MEETINGS****HORSE RACING COMMISSION**

[Memorandum—October 10, 2003]

The Washington Horse Racing Commission (WHRC) intends to change its regular December commission meeting from December 11, 2003, to December 4, 2003. The meeting will be held at the Peppertree Auburn Inn, 401 8th Street S.W., Auburn, WA 98001, at 10:30 a.m.

WSR 03-21-066**NOTICE OF PUBLIC MEETINGS****EASTERN WASHINGTON UNIVERSITY**

[Memorandum—October 13, 2003]

EASTERN WASHINGTON UNIVERSITY
 BOARD OF TRUSTEES

October 17, 2003
 10:00 a.m.
 PUB 263-5-7

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the president's office, (509) 359-6598.

WSR 03-21-067**NOTICE OF PUBLIC MEETINGS****TRAFFIC SAFETY COMMISSION**

[Memorandum—October 13, 2003]

2004 COMMISSION MEETING DATES

Below are the 2004 meeting dates for the Washington Traffic Safety Commission. Please note that the dates and time have changed.

WSR 03-21-068**INTERPRETIVE AND POLICY STATEMENT****DEPARTMENT OF****LABOR AND INDUSTRIES**

[Filed October 14, 2003, 9:28 a.m.]

In accordance with RCW 34.05.230(12), following is a list of Policy and Interpretive Statements issued by the department for September and October 2003.

POLICY AND INTERPRETIVE STATEMENTS**Insurance Services Division****INTERIM POLICY 5.15 Adjudicating Transitional Job Offers and Eligibility for Time-Loss Compensation and Loss of Earning Power Benefits**

The policy provides guidelines for adjudicators when determining a worker's entitlement to time-loss compensation and loss of earning power (LEP) benefits when a transitional job is offered from the employer of record and there is disagreement between the employer and worker regarding the transitional job. This policy was issued September 15, 2003.

Contact: Linda Norris, Mailstop 4310, phone (360) 902-4999.

Specialty Compliance Services Division

The following policy/interpretive statements have been repealed effective July 2003.

Policy # 99-13 Performing Volunteer Electrical Work,
 Policy # 99-15 Electrical Work Performed by Leaseholders,
 Policy # 01-01 Telecommunications: Contractor & Temporary Administrator Requirements,
 Policy # 01-02 Electrical Evaluation/Certification - Product Safety,
 Policy # 01-03 HVAC/R - Installation of Equipment,
 Policy # 01-04 Electrical Administrator Requirements,
 Policy # 01-05 Interpretation of RCW 19.28.091 (s)(a) Utility exemption from the electrical contractor licensing & electrician certification requirement for lighting installations,

MISC.

Policy # 01-06 Systems & Circuits of 1 kV and over (high voltage), neutral conductor - neutral insulation and multipoint grounded neutral systems,

Policy # 01-07 Household-Type Appliances,

Policy # 01-08 Electrical Board Agenda,

Policy # 02-01 Move-on Building & Structures

Contact: Angie Wharton, Mailstop 4460, phone (360) 902-5259.

If you have any questions or need additional information, please call Carmen Moore at (360) 902-4206.

**WSR 03-21-071
POLICY STATEMENT
UNIVERSITY OF WASHINGTON**

[Filed October 14, 2003, 4:45 p.m.]

The University of Washington has recently adopted or revised the following policy statements:

Administrative Policy Statement 11.3, "Pollution Control," revised effective July 8, 2003.

Administrative Policy Statement 34.1, "Payment of Moving Expenses Incurred by New or Transferred Employees," revised effective August 4, 2003.

Administration Policy Statement 13.9, "Serving and Sale of Alcoholic Beverages at University Facilities," revised effective August 18, 2003.

Administrative Policy Statement 34.2, "Lump Sum Relocation Payment," effective October 8, 2003.

To view any policy statement, go to the UW Administrative Policy Statements website: <http://www.washington.edu/admin/adminpro/APS/APIndex.html> or to request a copy, 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 03-21-073
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
SERVICES FOR THE BLIND**

(Statewide Rehabilitation Council)

[Memorandum—October 13, 2003]

The date and location for the next Washington State Department of Services for the Blind State Rehabilitation Council meeting is as follows:

Saturday, December 6, 2003

9 a.m. - 3 p.m.

La Quinta Inn and Conference Center

Private Dining Room

1425 East 27th Street

Tacoma, WA 98421

Agendas and information relating to specific agenda items, taped agendas, agendas in Braille, or interpreters are

provided upon request by contacting Marla Oughton at the Department of Services for the Blind locally at (206) 721-6430 or toll-free 1-800-552-7103 or by e-mail marough-ton@dsb.wa.gov. The meeting site is barrier free, including the restrooms.

WSR 03-21-075

**NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
(Pharmacy and Therapeutics Committee)
[Memorandum—October 15, 2003]**

**PHARMACY AND THERAPEUTICS (P&T) COMMITTEE
2003-2004 Revised Meeting Schedule**

All meetings are held on Wednesdays and begin at 9:00 a.m.

1.	September 24, 2003 9:00 a.m. - 4.00 p.m. Location: Marriott Hotel 3201 South 176th Street Seattle, WA 98188
2.	November 19, 2003 9:00 a.m. - 3.00 p.m. Location: Holiday Inn SeaTac 17338 Pacific Highway South Seattle, WA 98188
3.	December 17, 2003 9:00 a.m. - 4.00 p.m. Location: Holiday Inn SeaTac Stapleton-Logan Room 17338 Pacific Highway South Seattle, WA 98188
4.	March 17, 2004 9:00 a.m. - 4.00 p.m. Location: Holiday Inn SeaTac Stapleton-Logan Room 17338 Pacific Highway South Seattle, WA 98188
5.	June 16, 2004 9:00 a.m. - 4.00 p.m. Location: Holiday Inn SeaTac Stapleton-Logan Room 17338 Pacific Highway South Seattle, WA 98188

Stakeholder Meeting and Special Meeting of the Washington State Pharmacy and Therapeutics Committee

Date: November 19, 2003.

Time: 9:00 a.m. - 3:00 p.m.

Location: Holiday Inn SeaTac, 17338 Pacific Highway South, Seattle, WA 98188.

Special Notes: If you are a person with a disability and a need a special accommodation or have questions, please call Erika Barker at (206) 521-2027 or e-mail at ebar107@hca.wa.gov.

MISC.

Please contact Geri Ridley at (360) 923-2837, if you have any questions regarding the meeting schedule or need further information.

WSR 03-21-083
NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD
 [Memorandum—October 15, 2003]

- MEETING NOTICE:** January 15, 2004
 County Road Administration Board
 2404 Chandler Court S.W.
 Suite 240
 Olympia, WA 98504
 1:00 p.m. to 5:00 p.m.
- PUBLIC HEARING:** January 15, 2004
 County Road Administration Board
 2404 Chandler Court S.W.
 Suite 240
 Olympia, WA 98504
 2:00 p.m.
- MEETING NOTICE:** January 16, 2004
 County Road Administration Board
 2404 Chandler Court S.W.
 Suite 240
 Olympia, WA 98504
 9:00 a.m. to 12:00 p.m.

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Karen Pendleton at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

WSR 03-21-086
NOTICE OF PUBLIC MEETINGS
PUBLIC DISCLOSURE COMMISSION
 [Memorandum—October 15, 2003]

The Public Disclosure Commission has cancelled its regular meeting previously scheduled for Tuesday, November 18, 2003.

WSR 03-21-090
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT
 [Memorandum—October 15, 2003]

Change of Location of Commission on Judicial Conduct
Business Meeting

By direction of the Commission on Judicial Conduct, the 11:00 a.m., Friday, December 5, 2003, business meeting of the commission, previously scheduled at the Holiday Inn Express Hotel & Suites, 19621 International Boulevard, SeaTac, WA 98188, will now be held at 11:00 a.m. in the General Administration Building, Conference Room G-3, 210 11th Avenue S.W., Olympia, WA 98504.

WSR 03-21-091
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF CORRECTIONS
 (Correctional Industries)
 [Memorandum—October 16, 2003]

Following is our updated list of dates and locations for the Correctional Industries board of directors meetings. Due to circumstances beyond our control, we have had to make a date change for the December meetings, the time and location remain the same.

Department of Corrections
Office of Correctional Operations
Correctional Industries
Board of Directors

March 21, 2003	Clallam Bay Corrections Center*	1:00 p.m. to 5:00 p.m.
March 22, 2003	Port Angeles Red Lion Inn	8:00 a.m. to 1:00 p.m.
June 13, 2003	Washington Corrections Center*	1:00 p.m. to 5:00 p.m.
June 14, 2003	The Phoenix Inn Suites, Olympia	8:00 a.m. to 1:00 p.m.
September 26, 2003	Airway Heights Corrections Center*	1:00 p.m. to 5:00 p.m.
September 27, 2003	Spokane/Red Lion Hotel at the Park	8:00 a.m. to 1:00 p.m.
December 12, 2003	Department of Corrections, Olympia	1:00 p.m. to 5:00 p.m.
December 13, 2003	Olympia/Phoenix Inn Suites	8:00 a.m. to 1:00 p.m.

*Tour of facility.

If you have any questions, please call Rose E. Marquis at (360) 586-7551.

MISC.

WSR 03-21-093
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—October 15, 2003]

A regular meeting of the Washington State Convention and Trade Center board of directors will be held on **Tuesday, October 21, 2003, at 2:00 p.m.** in Room 303 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 03-21-094
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE GOVERNOR

(Clemency and Pardons Board)

[Memorandum—October 15, 2003]

The Washington State Clemency and Pardons Board hereby files with the code reviser the following notice of a special meeting: A special meeting of the board has been set for November 7, 2003, in the John A. Cherberg Building, Senate Hearing Room 4, Olympia, Washington, beginning at 10:00 a.m. The purpose of this meeting is to address the case of Dawud Malik aka David Riggins.

WSR 03-21-095
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE GOVERNOR

(Clemency and Pardons Board)

[Memorandum—October 15, 2003]

The Washington State Clemency and Pardons Board hereby files with the code reviser the following change in meeting notice: The regularly scheduled December 12, 2003, meeting of the Clemency and Pardons Board has been rescheduled and will be held on December 19, 2003. The meeting will be held in the John A. Cherberg Building, Senate Hearing Room 4, Olympia, Washington, starting at 10:00 a.m.

WSR 03-21-102
OFFICE OF
THE INSURANCE COMMISSIONER

[Filed October 17, 2003, 1:16 p.m.]

In the Matter of)	
)	No. G2003-93
FAMILY LIFE INSURANCE COM-)	No. G2003-94
PANY AND INVESTORS LIFE)	NOTICE OF HEARING
INSURANCE COMPANY OF)	ON APPLICATIONS
AMERICA,)	FOR REDOMESTICA-
)	TION
Insurers.)	

TO:

Eugene E. Payne, President
Investors Life Insurance Company of North America
and Family Life Insurance Company
PO Box 149138
Austin, TX 78714-9138

Barry Senterfitt, Attorney at Law
Akin Gump Strauss Hauer & Feld, LLP
300 West 6th Street, Suite 2100
Austin, TX 78701-2916

Melvin Sorensen, Attorney at Law
Carney Bradley Smith & Spellman, P.S.
700 Fifth Avenue, Ste. 5800
Seattle, WA 98104-5017

AND TO:

Mike Kreidler, Insurance Commissioner
Michael G. Watson, Chief Deputy Insurance Commis-
sioner

Jim Odiorne, Deputy Commissioner, Company Supervi-
sion

Marshall McGinnis, Company Licensing Manager
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

Carol Sureau, Deputy Commissioner, Legal Affairs
Office of Insurance Commissioner
PO Box 40250
Olympia, WA 98504-0250

On September 12, 2003, Family Life Insurance Com-
pany (Family Life) and Investors Life Insurance Company of
North America (Investors Life) each filed an Application for
Redomestication.

Pursuant to RCW 48.07.210(2), Family Life and Investors
Life seek the approval of the Washington State Insurance
Commissioner (Commissioner) to transfer their corporate
domicile from Washington State to the state of Texas.

Family Life and Investors Life are Washington domestic
insurance companies. Because they are affiliated companies
and are both wholly owned subsidiaries of a single parent
corporation, Financial Industries Corporation, the under-
signed has consolidated these proceedings.

The redomestication of Family Life and Investors Life are
controlled by RCW 48.07.210(2). Pursuant to RCW
48.07.210(2), *[t]he commissioner shall approve any pro-
posed transfer of domicile unless the commissioner deter-
mines after a hearing, pursuant to such notice as the commis-
sioner may require, that the transfer is not in the best inter-
ests of the public or the insurer's policyholders in this state.*
On September 24, 2003, pursuant to RCW 48.04.010(1), the
undersigned received a request for hearing from the Commis-
sioner. Although a hearing prior to approval of an applica-
tion for redomestication is not required, the Commissioner
believes that such a hearing is in the interests of the public
and Washington policyholders and believes that notice
should be given to policyholders and investors.

MISC.

YOU ARE HEREBY NOTIFIED that a hearing will be held commencing on Monday, December 8, 2003 at 9:00 a.m. Pacific Standard Time. Pursuant to the authority given to the undersigned [decide whether the hearing must be held in person or may be held by telephone pursuant to RCW 34.05.449(3)]. The purpose of this hearing, which will include all parties, is to consider the application for redomestication of Family Life and Investors Life. Pursuant to RCW 48.07.210, approval of these applications are conditioned, in part, upon a finding by the undersigned, based upon evidence presented by testimony and documents at the hearing, that there has been reasonable notice given, and that the redomestications are in the best interests of the public [public] and Family Life's and Investors Life's Washington policyholders.

Please note that any interested individual or entity may indicate his/her or its support, or objection, to these proposed redomestications by submitting a letter on or before December 5, 2003 to the undersigned at the above address. Interested individuals and entities may include in their letters a request to be included in the hearing by telephone or in person in order to present their positions orally.

The hearing will be held under the authority granted the Commissioner by Chapter 48.04 RCW and RCW 48.07.210. As above, RCW 48.07.210 indicates the findings which must be made before approval will be given to these proposed redomestications.

The basic facts relied upon are those set forth in the Application for Redomestication of these companies, with attachments, which have been filed with the Commissioner. The Applications, with attachments, will be made part of the record of this proceeding. The Commissioner had not taken, and will not take, any position on this matter prior to entry of the hearing order.

All parties may be represented at the hearing. They may examine witnesses and fully respond and present evidence and argument on all issues involved. The hearing will be governed by the Administrative Procedure Act, Chapter 34.05 RCW, and the model rules of procedure contained in Chapter 10-08 WAC. A party who fails to attend or participate in any stage of the proceeding may be held in default in accordance with Chapter 34.05.RCW.

Patricia D. Petersen, Presiding Officer, who serves as Chief Hearing Officer for the Office of the Insurance Commissioner, has been designated to hear and determine this matter. Her address is Office of Insurance Commissioner, PO Box 40255, Olympia, WA 98504-0255. Her telephone number is (360) 725-7105. All interested individuals and entities who have questions or concerns concerning this proceeding should direct them to her Administrative Assistant, Victoria Meyer, at the same address. Ms. Meyer's telephone number is (360) 725-7002.

ENTERED AT OLYMPIA, WASHINGTON, this 15th day of October, 2003.

PATRICIA D. PETERSEN
Presiding Officer

OFFICE OF THE INSURANCE COMMISSIONER

To request an interpreter, complete and mail this form to:

Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

(For information, call (360) 725-7002)

REQUEST FOR INTERPRETER

I am a party or witness in Matter No. _____, before the Insurance Commissioner. I NEED AN INTERPRETER and request that one be furnished.

(Please check the statements that apply to you:)

I am a non-English-speaking person. I cannot readily speak or understand the English language. My primary language is _____ (Insert your primary language). I need an interpreter who can translate to and from the primary language and English.

I am unable to readily understand or communicate the spoken English language because:

I am deaf.

I have an impairment of hearing.

I have an impairment of speech.

[Please state below or on the reverse side any details which would assist the commissioner or presiding officer in arranging for a suitable interpreter, or in providing appropriate mechanical or electronic amplification, viewing, or communication equipment.]

Date: _____ Signed: _____

[Please print or type your name:]

Address where I can be contacted: _____

Telephone number by which I can be contacted: _____

WSR 03-21-109

NOTICE OF PUBLIC MEETINGS

EASTERN WASHINGTON UNIVERSITY

[Memorandum—October 15, 2003]

The Eastern Washington University board of trustees has changed their meeting time to **10:00 a.m. on Friday, October 17, 2003**, in Pence Union Building Rooms 263-5-7 on the Cheney campus. The purpose of this meeting is to discuss the supplemental capital budget request for Senior Hall, the FY2004 budget authority request for junior level transfer funding and HECB high demand enrollment funding, and the board's proposed meeting schedule for 2004. Executive session will begin at 12:00 p.m. Two committees of the board will meet from 8:00 - 10:00 a.m. (Academic Affairs in PUB 206 and Business & Finance in PUB 261). No final action will be taken at these committee meetings.

MISC.

WSR 03-21-110

DEPARTMENT OF ECOLOGY

[Filed October 20, 2003, 9:12 a.m.]

State Implementation Plan Revision

Including the Puget Sound Clean Air Agency Updated Motor Vehicle Emissions Budget in the State Implementation Plan

Background: Local air pollution control agencies periodically submit air quality plan updates and regulations to the Department of Ecology (ecology) for inclusion in Washington's state implementation plan (SIP). The SIP is a statewide plan for meeting federal health-based standards for certain air pollutants.

Ecology will hold a public hearing to receive comments on including the Puget Sound Clean Air Agency's (PSCAA's) updated carbon monoxide motor vehicle emissions budget (MVEB) in the SIP. Vehicle emissions from transportation improvement plans and projects must be compared to the MVEB specified in the SIP for the PSCAA area. If the emissions remain below the budget, the plan or project "conforms" to the SIP.

PSCAA's MVEB was updated using the latest motor vehicle emission factor model MOBILE6, publicly released by the federal Environmental Protection Agency (EPA) on January 29, 2001. MOBILE6 improves the calculation of transportation-related carbon monoxide emissions by using more accurate data. For transportation conformity purposes, the updated MVEB will apply through the year 2015, if adopted into the SIP. This action involves the carbon monoxide maintenance area contained within the counties of King, Pierce, and Snohomish in Washington state.

The board of directors of PSCAA will conduct a public hearing on this issue. The board is expected to adopt the updated MVEB following the local hearing. Ecology's public hearing on including the updated MVEB in the SIP will follow.

Hearing schedule: Thursday, November 20, 2003, at 9:15 a.m., Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA.

For a SIP hearing, only comments related to including and/or removing the PSCAA regulations in or from the SIP can be considered. Written comments must be postmarked no later than November 25, 2003, and should be sent to Brett Rude, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

For more information: For more information about the content of the regulations prior to the hearing, please contact John Anderson (Puget Sound Clean Air Agency).

If you have special accommodation needs, please contact the agency receptionist at Puget Sound Clean Air Agency, (206) 689-4010 (voice) or (800) 833-6388 (TTY) by November 13, 2003.

WSR 03-21-111

DEPARTMENT OF ECOLOGY

[Filed October 20, 2003, 9:12 a.m.]

Hearing Notice

State Implementation Plan Revision

Including and Removing Puget Sound Clean Air Agency Regulations in the State Implementation Plan.

Background: On July 24, 2003, the Puget Sound Clean Air Agency (PSCAA) board of directors adopted Resolution No. 1004. This resolution comprehensively updates PSCAA regulations in the state implementation plan (SIP), a statewide plan for meeting federal health-based standards for specific air pollutants. The resolution requests that the federal Environmental Protection Agency (EPA) add new and revised regulations to the SIP, and remove certain regulations from the SIP that are not required by Title I of the Clean Air Act or that were previously repealed by PSCAA's board of directors. To this end, ecology will receive comments on:

- + Including the following new and revised regulations in the SIP: Regulation I, Sections 1.01, 1.03, 1.05, 1.07, 3.04 [except (e)], 3.06, 5.03, 5.05, 7.09, 8.04, 8.05, 8.09 through 8.12, 9.03 [except (d) and (e)], 9.04, 9.09, 9.15, 9.16, 12.01, 12.03 [except (b)(2)], 13.01, and 13.02, and Regulation II Sections 1.01, 1.02, 1.03, 1.05, 2.01, 2.07, 2.08, and 3.02 and
- + Removing the following regulations from the SIP: Regulation I, Sections 5.07, 8.02, 8.03, 9.11, 9.13, 11.01, 11.02, 12.02 and 12.04, and Regulation II, Sections 2.04, and 3.07, and Regulation III, Sections 1.01, 1.02, 1.03, 1.05, 1.07, 1.08, 1.11, 2.01, 2.05, 2.07, 3.01, 3.03, 3.05, 3.07, 4.01 through 4.07, and Appendix A.

The following sections of PSCAA's regulations provide legal authority necessary to meet the requirements of Title I of the federal Clean Air Act, but do not directly regulate air emissions. They were incorporated by reference into federal law when they were originally adopted into the SIP. They are not, however, intended to be federally enforceable. For this reason, ecology will receive comment on the request to include the following existing and revised regulations in the SIP and not incorporate them by reference into federal law: Regulation I, Sections 3.05, 3.07, 3.09, 3.13, 3.15, 3.19, 3.21 and 3.23; and revised Regulation I, Sections 3.01, 3.11, and 3.17.

Resolution No. 1004 is meant to be a comprehensive list of PSCAA's regulations that should be federally enforceable as incorporated by reference in the SIP. For this reason, the PSCAA Board of Directors included the following regulations in Resolution No. 1004, confirming that they are in the SIP and are intended to remain in the SIP. Because they are already in the SIP, ecology will not receive comment on the following regulations as they relate to the SIP at this public hearing: Regulation I, Sections 5.02, 9.05, 9.07, 9.08, 9.20, 13.03, 13.04, 13.05, and 13.07, and Regulation II, Sections 1.04, 2.03, 2.05, 2.06, 3.01, 3.03, 3.04, 3.05, 3.08, 3.09 and 3.11.

The Department of Ecology (ecology) will hold a public hearing to receive comments on the actions described above.

Hearing schedule: Thursday, November 20, 2003, at 9:15 a.m., Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA.

For a SIP hearing, only comments related to including and/or removing the PSCAA regulations in or from the SIP can be considered. Written comments must be postmarked no later than November 25, 2003, and should be sent to Brett Rude, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

For more information: For more information about the content of the regulations prior to the hearing, please contact Dave Kircher, Puget Sound Clean Air Agency, (206) 689-4050.

If you require this publication in an alternative format, please contact the agency receptionist at the Puget Sound Clean Air Agency, (206) 689-4010 (voice) or (800) 833-6388 (TDD) by November 13, 2003.

WSR 03-21-118
POLICY STATEMENT
DEPARTMENT OF HEALTH
 (Office of Drinking Water)
 [Filed October 20, 2003, 2:33 p.m.]

RESCINDING OUTDATED POLICIES

The Department of Health, Office of Drinking Water has completed an exercise examining all office policies and consistency statements to determine if they are in compliance with the Administrative Procedure Act. With the creation of various office guidance documents, amendments to Washington Administrative Code, and changes in approaching selected programs, several policies were identified a being outdated in content and format and determined to be no longer needed. The office is electing to rescind the policies shown below. Please contact Rich Hoey at (360) 236-3110, if you need additional information.

Titles of Policies Proposed to be Rescinded	Number	Effect Date	Description
Training/Speaking Requests	A.11	1/16/1996	Guide staff in making decisions on speaking engagements and training.
Division of Drinking Water Internal Standing Committees	A.12	4/30/1996	A committee to provide recommendations to the Drinking Water Management Team pertaining to issues that need coordination across DDW organizational boundaries.
Water System Plan Requirement	B.01	10/15/1992	Clarify current regulatory requirements for water system plans in order to promote a consistent statewide water system planning program.

Titles of Policies Proposed to be Rescinded	Number	Effect Date	Description
Review and Approval of General Water System Plans	B.02	9/12/1984	A coordinated approach to the review process with the regional and planning office staff.
Construction Reports	D.01	6/2/1992	Standardize the construction report forms and establish procedures for their use.
Review and Approval of New Water System Plans and Specifications	D.07	12/11/1984	To establish position of this section regarding approval of plans and specifications without documentation of source capability.
Alternative Review and Approval Process for Distribution Related Projects	D.08	7/31/1996	Public water systems may obtain DOH authorization for an alternative review and approval process for other distribution-related projects not currently identified in WAC 246-290-110 or 246-290-120.
Criteria for the Installation of Two Pumps in One Well	E.02	12/11/1984	Define the requirements and conditions against which evaluation of proposals employing the concept of two pumps in one well will be made.
The Use of Mercury in Well Pump Construction	E.03	9/12/1984	Provide information which will allow DSHS regional staff to make reasonable decisions in approving or not approving specifications which call for well pumps which contain mercury.
Well Protection Area Encroaching on State Highway Right-of-Way	E.06	12/11/1984	To establish guidelines concerning approval of wells with portions of their protective areas in highway right-of-ways.
Pump Testing Requirements for New and Previously Unapproved Well Sources	E.08	9/28/1987	To determine whether the well and aquifer are capable of supplying the water at the rate desired and to provide information necessary to determine the proper pump settings (depth) in the well.

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Titles of Policies Proposed to be Rescinded	Number	Effect Date	Description
Definition of Well Fields and Monitoring Requirements for Well Fields	E.09	5/19/1988	Provide a definition of well field to assist DSHS staff in determining utility compliance with inorganic and organic water quality monitoring.
Ultraviolet Processes for Water Disinfection	F.02	6/2/1992	Guidelines for reviewing projects which propose ultraviolet processes for water disinfection practice for drinking water.
Polyphosphates Added to Drinking Water	F.03	12/11/1984	Specify procedure for usage of polyphosphates for corrosion control and stabilizing iron and/or manganese.
Policy Statement on Drinking Water Additives	F.07	7/30/1992	To assure adequate protection of public health, third party testing and certification is needed for water treatment chemicals and products which are added to or brought into contact with drinking water.
Secondary Contaminant Treatment	F.08	5/1/1994	To define the conditions whereby water systems may avoid departmental requirements for secondary contaminant treatment (primarily iron and manganese treatment).
Acceptance of Polyethylene Water Storage Tanks	F.09	6/1/1995	Review and approval of construction documents for installation of polyethylene water storage tanks.
Use of Hydropneumatic Tanks on Existing or to be Constructed Public Water Supplies	H.01	6/2/1992	DOH's position regarding the requirement by the Department of Labor and Industries is that all hydropneumatic tanks larger than 37.4 gallons be ASME approved.
Referral of Water Systems that have no Record of Sampling (See Compliance Manual Tab 2)	I.05	12/6/1988	To provide standardized direction to drinking water field staff to assist water systems that have no record of sampling for radionuclides, pesticides, complete inorganic chemical or physical standards.

Titles of Policies Proposed to be Rescinded	Number	Effect Date	Description
Building Moratorium	J.04	6/1/1994	A standardized process for imposing building moratoria to protect the public health in certain situations where systems do not comply with drinking water regulations.
Water System Compliance Reports for Lending Institutions and Other Entities	J.07	9/2/1987	To establish standard procedures and criteria for determining the compliance status of public water systems and what to include in such reports. Water system 'approval' or 'compliance' is not defined in the regulations. This policy establishes criteria of compliance with State Board of Health rules and regulations for the purpose of issuing such a status report.
Health Letters for Lending Institutions and Other Entities	J.08	4/19/1988	To establish standard procedures and criteria for determining the compliance status of public water systems and what to include in such reports. Water system 'approval' or 'compliance' is not defined in the regulations. This policy establishes criteria of compliance with State Board of Health rules and regulations for the purpose of issuing such a status report.
Certified Operators for Group A Systems Less than 100 Services	J.23	4/10/1996	Implementation of Section 6 of E2SSB 5448 to require certain Group A public water systems serving less than one hundred serves to secure the services of an appropriately certified water works operator.
Lead/Copper Enforcement	J.24	8/19/1996	Guide staff with the lead/copper enforcement strategy to follow-up on noncompliance issues that come up during implementation of the regulatory requirements.

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Titles of Policies Proposed to be Rescinded	Number	Effect Date	Description
SWTR Implementation Policy - Criteria to Remain Unfiltered	L.01	3/19/1992	To define the criteria a system using an unfiltered surface supply must meet to remain unfiltered.
Filtered Surface System Enforcement	L.03	9/1/1996	Designed to complement the surface water enforcement flow chart for filtered systems and appropriate monitoring/reporting and treatment technique violation form letters, NOV's, and BCAs.
SWTR Implementation Policy—Minimum Watershed Control Program Requirements	L.04	11/30/1992	To define the minimum watershed control program requirements a system using an unfiltered surface supply must meet to remain unfiltered.
DRAIN Production and Development Environments	N.05	4/19/1999	Ensures the maximum availability of the production system while allowing development and maintenance personnel to work in an environment where the possibility of destruction, corruption, or damaging modification of production data, processed, or programs is eliminated.
Sanitary Survey Fees for Unfiltered Surface Water Sources	CS	2/29/2001	

Rich Hoey
Acting Director
Office of Drinking Water

WSR 03-21-120
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed October 20, 2003, 4:32 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN 238.
Subject: Serving the DSHS 09-851 on NCPs who are incarcerated or are receiving public assistance.
Effective Date: October 15, 2003.
Document Description: This notice explains to DCS staff how to serve the notice of noncompliance and intent to suspend licenses, DSHS 09-851, on NCPs who are incarcerated or who are receiving public assistance.

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 sschille@dshs.wa.gov.

October 16, 2003
Stephanie E. Schiller

WSR 03-21-121
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed October 20, 2003, 4:33 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 03-86 MAA.
Subject: Rx drug program maximum allowable cost (MAC) update.
Effective Date: November 2003.
Document Description: **Effective for dates of service on and after November 1, 2003**, MAA will implement (1) new additions to the MAC list and (2) adjustments to the existing MAC list.

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/download/publicationsfees.htm> (Click on "Numbered Memoranda," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

October 16, 2003
E. A. Myers, Manager
Rules and Publications Section

WSR 03-21-122
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed October 20, 2003, 4:34 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing Instruction.
Subject: Maternity support services/infant case management.
Effective Date: October 1, 2003.
Document Description: This manual describes DSHS guidelines for the "integrated" maternity support services/infant case management program. Services under this program are delivered to medical assistance clients. Included in this document are the following sections: About the integrated MSS program and ICM program, client eligibility, provider requirements, billing/fee schedules, claim form instructions and samples.

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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, 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.

October 16, 2003

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 03-21-127

**NOTICE OF PUBLIC MEETINGS
BOARD FOR VOLUNTEER
FIREFIGHTERS AND RESERVE OFFICERS**
(Board for Volunteer Firefighters)
[Memorandum—October 20, 2003]

The State Board for Volunteer Firefighters will meet in the Olympia Forum Building, 605 11th Avenue S.E., Suite 112, on January 16, April 16, July 9, and October 15, 2004, at 9:00 a.m.

WSR 03-21-161

**NOTICE OF PUBLIC MEETINGS
CASCADIA COMMUNITY COLLEGE**
[Memorandum—October 21, 2003]

Cancelled Meeting - November 19, 2003

The Cascadia Community College board of trustees meeting scheduled for November 19, 2003, has been cancelled. The board of trustees will meet again on December 17, 2003.

WSR 03-21-162

**NOTICE OF PUBLIC MEETINGS
CENTRALIA COLLEGE**
[Memorandum—October 20, 2003]

The board of trustees for Washington Community College District Twelve, at their meeting on September 11, 2003, adopted the following regular meeting schedule for the 2004 calendar year.

**BOARD OF TRUSTEES
Meeting Schedule
2004**

DATE	TIME	LOCATION
Thursday, January 8, 2004	5:00 p.m.	College Boardroom
Thursday, February 12, 2004	5:00 p.m.	College Boardroom
Thursday, March 11, 2004	5:00 p.m.	College Boardroom
Thursday, April 15, 2004	5:00 p.m.	Centralia College East
Thursday, May 13, 2004	5:00 p.m.	College Boardroom

DATE	TIME	LOCATION
Thursday, June 10, 2004	5:00 p.m.	College Boardroom
Thursday, August 12, 2004	5:00 p.m.	College Boardroom
Thursday, September 9, 2004	5:00 p.m.	College Boardroom
Thursday, October 14, 2004	5:00 p.m.	College Boardroom
Thursday, November 11, 2004	5:00 p.m.	College Boardroom
Thursday, December 9, 2004	5:00 p.m.	College Boardroom

WSR 03-21-163

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE**
(Fryer Commission)
[Memorandum—October 21, 2003]

The Washington Fryer Commission has set the following schedule for its 2004 meetings. If you have questions, please contact Sue Broderick or JoAnne Naganawa at 1-800-743-2449.

Date/Day	Time	Place
February 10, Tuesday	10:00 a.m.	Silver Cloud Inn 1850 Maple Valley Highway Renton, WA 98055
May 11, Tuesday	10:00 a.m.	Silver Cloud Inn 1850 Maple Valley Highway Renton, WA 98055
August 10, Tuesday	10:00 a.m.	Silver Cloud Inn 1850 Maple Valley Highway Renton, WA 98055
October 21, Tuesday	10:00 a.m.	Silver Cloud Inn 1850 Maple Valley Highway Renton, WA 98055

MISC.

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.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
1- 21-070	AMD-X	03-21-159	16-157-200	REP	03-03-044	16-200-887	REP-P	03-19-126
3- 20-100	REP-P	03-05-101	16-157-220	AMD	03-03-044	16-200-890	REP-P	03-19-126
3- 20-100	REP	03-09-144	16-157-230	AMD	03-03-044	16-200-900	REP-P	03-19-126
3- 20-200	NEW-P	03-05-101	16-157-240	AMD	03-03-044	16-200-910	REP-P	03-19-126
3- 20-200	NEW	03-09-144	16-157-245	NEW	03-03-044	16-200-920	REP-P	03-19-126
3- 20-300	NEW-P	03-05-101	16-157-250	AMD	03-03-044	16-200-930	REP-P	03-19-126
3- 20-300	NEW	03-09-144	16-157-255	AMD	03-03-044	16-200-940	REP-P	03-19-126
4- 25	PREP	03-12-052	16-157-260	AMD	03-03-044	16-200-950	REP-P	03-19-126
4- 25-410	AMD-P	03-17-061	16-157-270	AMD	03-03-044	16-201	PREP	03-16-102
4- 25-530	AMD-P	03-18-083	16-157-280	REP	03-03-044	16-201-010	AMD-P	03-20-118
4- 25-622	PREP	03-12-083	16-157-290	AMD	03-03-044	16-201-180	AMD-P	03-20-118
4- 25-622	AMD-P	03-17-060	16-160-010	AMD	03-03-045	16-219-016	REP-X	03-09-088
4- 25-640	AMD-P	03-17-061	16-160-020	AMD	03-03-045	16-219-016	REP	03-14-044
4- 25-670	NEW-P	03-17-061	16-160-025	REP	03-03-045	16-228-1010	AMD-P	03-17-095
4- 25-720	AMD-P	03-09-051	16-160-035	AMD	03-03-045	16-228-1020	AMD-P	03-17-095
4- 25-720	AMD-S	03-10-036	16-160-060	AMD	03-03-045	16-228-1030	AMD-P	03-17-095
4- 25-720	AMD	03-17-041	16-160-070	AMD	03-03-045	16-228-1040	AMD-P	03-17-095
4- 25-721	PREP	03-05-012	16-200-715	PREP	03-13-114	16-228-1100	AMD-P	03-17-095
4- 25-721	AMD-P	03-09-052	16-200-715	AMD-P	03-19-125	16-228-1110	AMD-P	03-17-095
4- 25-721	AMD	03-17-042	16-200-7401	NEW	03-02-100	16-228-1115	AMD-P	03-17-095
4- 25-750	AMD-P	03-17-061	16-200-7402	NEW	03-02-100	16-228-1120	AMD-P	03-17-095
4- 25-830	PREP	03-17-040	16-200-7403	NEW	03-02-100	16-228-1125	AMD-P	03-17-095
4- 25-910	AMD-P	03-17-061	16-200-7404	NEW	03-02-100	16-228-1130	AMD-P	03-17-095
16- 08-003	NEW-E	03-17-080	16-200-7405	NEW	03-02-100	16-228-1150	AMD-P	03-17-095
16- 08-004	NEW-E	03-17-080	16-200-7406	NEW	03-02-100	16-228-1200	AMD-P	03-17-095
16- 54-155	NEW-E	03-03-085	16-200-7407	NEW	03-02-100	16-228-1220	AMD-P	03-17-095
16- 54-155	PREP	03-12-020	16-200-750	REP-P	03-19-126	16-228-1225	NEW-P	03-17-095
16- 54-155	NEW-E	03-12-021	16-200-755	REP-P	03-19-126	16-228-1231	AMD-P	03-02-099
16- 54-155	NEW-P	03-15-139	16-200-760	REP-P	03-19-126	16-228-1231	AMD	03-05-034
16- 54-155	NEW	03-19-029	16-200-760	REP-P	03-19-126	16-228-1231	AMD-P	03-17-095
16-100-001	REP-X	03-13-130	16-200-770	REP-P	03-19-126	16-228-1238	NEW-P	03-17-095
16-100-001	REP	03-20-063	16-200-790	REP-P	03-19-126	16-228-1238	NEW-P	03-17-095
16-100-010	REP-X	03-13-130	16-200-795	REP-P	03-19-126	16-228-1250	AMD-P	03-17-095
16-100-010	REP	03-20-063	16-200-805	REP-P	03-19-126	16-228-1260	AMD-P	03-17-095
16-100-020	REP-X	03-13-130	16-200-815	REP-P	03-19-126	16-228-1262	NEW-P	03-02-098
16-100-020	REP	03-20-063	16-200-820	REP-P	03-19-126	16-228-1262	NEW	03-05-033
16-157-020	AMD	03-03-044	16-200-830	REP-P	03-19-126	16-228-1264	NEW-P	03-02-098
16-157-030	AMD	03-03-044	16-200-840	REP-P	03-19-126	16-228-1264	NEW	03-05-033
16-157-100	REP	03-03-044	16-200-860	REP-P	03-19-126	16-228-1266	NEW-P	03-02-098
16-157-110	REP	03-03-044	16-200-865	REP-P	03-19-126	16-228-1266	NEW	03-05-033
			16-200-885	REP-P	03-19-126	16-228-1270	AMD-P	03-17-095

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-228-1300	AMD-P	03-17-095	16-239-050	NEW	03-12-040	16-239-090	NEW	03-12-040
16-228-1320	AMD-P	03-17-095	16-239-060	NEW-P	03-07-082	16-239-0901	NEW-P	03-07-082
16-228-1322	AMD-P	03-17-095	16-239-060	NEW	03-12-040	16-239-0901	NEW	03-12-040
16-228-1330	AMD-P	03-17-095	16-239-061	NEW-P	03-07-082	16-239-0902	NEW-P	03-07-082
16-228-1370	AMD-P	03-17-095	16-239-061	NEW	03-12-040	16-239-0902	NEW	03-12-040
16-228-1380	AMD-P	03-17-095	16-239-062	NEW-P	03-07-082	16-239-0903	NEW-P	03-07-082
16-228-1400	AMD-P	03-17-095	16-239-062	NEW	03-12-040	16-239-0903	NEW	03-12-040
16-228-1410	AMD-P	03-17-095	16-239-063	NEW-P	03-07-082	16-239-0904	NEW-P	03-07-082
16-228-1420	AMD-P	03-17-095	16-239-063	NEW	03-12-040	16-239-0904	NEW	03-12-040
16-228-1430	AMD-P	03-17-095	16-239-064	NEW-P	03-07-082	16-239-0905	NEW-P	03-07-082
16-228-1440	AMD-P	03-17-095	16-239-064	NEW	03-12-040	16-239-0905	NEW	03-12-040
16-228-1450	AMD-P	03-17-095	16-239-065	NEW-P	03-07-082	16-239-0906	NEW-P	03-07-082
16-228-1455	AMD-P	03-17-095	16-239-065	NEW	03-12-040	16-239-0906	NEW	03-12-040
16-228-1460	AMD-P	03-17-095	16-239-070	NEW-P	03-07-082	16-239-0907	NEW-P	03-07-082
16-228-1500	AMD-P	03-17-095	16-239-070	NEW	03-12-040	16-239-0907	NEW	03-12-040
16-228-1520	AMD-P	03-17-095	16-239-071	NEW-P	03-07-082	16-239-0908	NEW-P	03-07-082
16-228-1530	AMD-P	03-17-095	16-239-071	NEW	03-12-040	16-239-0908	NEW	03-12-040
16-228-1540	AMD-P	03-17-095	16-239-072	NEW-P	03-07-082	16-239-0909	NEW-P	03-07-082
16-228-1545	AMD-P	03-17-095	16-239-072	NEW	03-12-040	16-239-0909	NEW	03-12-040
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16-228-1547	AMD-P	03-17-095	16-239-073	NEW	03-12-040	16-239-0910	NEW	03-12-040
16-228-1550	AMD-P	03-17-095	16-239-074	NEW-P	03-07-082	16-239-0911	NEW-P	03-07-082
16-228-1555	AMD-P	03-17-095	16-239-074	NEW	03-12-040	16-239-0911	NEW	03-12-040
16-228-1570	AMD-P	03-17-095	16-239-075	NEW-P	03-07-082	16-239-0912	NEW-P	03-07-082
16-228-1585	AMD-P	03-17-095	16-239-075	NEW	03-12-040	16-239-0912	NEW	03-12-040
16-228-1590	AMD-P	03-17-095	16-239-076	NEW-P	03-07-082	16-239-100	NEW-P	03-07-082
16-229-010	AMD-P	03-05-075	16-239-076	NEW	03-12-040	16-239-100	NEW	03-12-040
16-229-010	AMD	03-09-034	16-239-077	NEW-P	03-07-082	16-239-1010	NEW-P	03-07-082
16-229-200	AMD-P	03-05-075	16-239-077	NEW	03-12-040	16-239-1010	NEW	03-12-040
16-229-200	AMD-W	03-09-035	16-239-078	NEW-P	03-07-082	16-239-1020	NEW-P	03-07-082
16-231-107	AMD-X	03-07-037	16-239-078	NEW	03-12-040	16-239-1020	NEW	03-12-040
16-231-107	AMD	03-11-097	16-239-079	NEW-P	03-07-082	16-239-1030	NEW-P	03-07-082
16-237-170	PREP	03-12-086	16-239-079	NEW	03-12-040	16-239-1030	NEW	03-12-040
16-237-170	AMD-P	03-15-090	16-239-080	NEW-P	03-07-082	16-250-001	NEW-P	03-19-128
16-237-170	AMD	03-19-013	16-239-080	NEW	03-12-040	16-250-005	NEW-P	03-19-128
16-238-010	REP-P	03-07-082	16-239-0801	NEW-P	03-07-082	16-250-010	NEW-P	03-19-128
16-238-010	REP	03-12-040	16-239-0801	NEW	03-12-040	16-250-015	NEW-P	03-19-128
16-238-020	REP-P	03-07-082	16-239-0802	NEW-P	03-07-082	16-250-018	NEW-P	03-19-128
16-238-020	REP	03-12-040	16-239-0802	NEW	03-12-040	16-250-020	NEW-P	03-19-128
16-238-030	REP-P	03-07-082	16-239-0803	NEW-P	03-07-082	16-250-028	NEW-P	03-19-128
16-238-030	REP	03-12-040	16-239-0803	NEW	03-12-040	16-250-030	NEW-P	03-19-128
16-238-060	REP-P	03-07-082	16-239-0804	NEW-P	03-07-082	16-250-035	NEW-P	03-19-128
16-238-060	REP	03-12-040	16-239-0804	NEW	03-12-040	16-250-040	NEW-P	03-19-128
16-238-070	REP-P	03-07-082	16-239-0805	NEW-P	03-07-082	16-250-042	NEW-P	03-19-128
16-238-070	REP	03-12-040	16-239-0805	NEW	03-12-040	16-250-045	NEW-P	03-19-128
16-238-082	REP-P	03-07-082	16-239-0806	NEW-P	03-07-082	16-250-050	NEW-P	03-19-128
16-238-082	REP	03-12-040	16-239-0806	NEW	03-12-040	16-250-051	NEW-P	03-19-128
16-238-090	REP-P	03-07-082	16-239-0807	NEW-P	03-07-082	16-250-052	NEW-P	03-19-128
16-238-090	REP	03-12-040	16-239-0807	NEW	03-12-040	16-250-053	NEW-P	03-19-128
16-238-100	REP-P	03-07-082	16-239-0808	NEW-P	03-07-082	16-250-054	NEW-P	03-19-128
16-238-100	REP	03-12-040	16-239-0808	NEW	03-12-040	16-250-055	NEW-P	03-19-128
16-238-110	REP-P	03-07-082	16-239-0809	NEW-P	03-07-082	16-250-056	NEW-P	03-19-128
16-238-110	REP	03-12-040	16-239-0809	NEW	03-12-040	16-250-057	NEW-P	03-19-128
16-239-010	NEW-P	03-07-082	16-239-0810	NEW-P	03-07-082	16-250-058	NEW-P	03-19-128
16-239-010	NEW	03-12-040	16-239-0810	NEW	03-12-040	16-250-059	NEW-P	03-19-128
16-239-020	NEW-P	03-07-082	16-239-0811	NEW-P	03-07-082	16-250-060	NEW-P	03-19-128
16-239-020	NEW	03-12-040	16-239-0811	NEW	03-12-040	16-250-063	NEW-P	03-19-128
16-239-030	NEW-P	03-07-082	16-239-0812	NEW-P	03-07-082	16-250-065	NEW-P	03-19-128
16-239-030	NEW	03-12-040	16-239-0812	NEW	03-12-040	16-250-067	NEW-P	03-19-128
16-239-040	NEW-P	03-07-082	16-239-0813	NEW-P	03-07-082	16-250-068	NEW-P	03-19-128
16-239-040	NEW	03-12-040	16-239-0813	NEW	03-12-040	16-250-069	NEW-P	03-19-128
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16-250-072	NEW-P	03-19-128	16-301-010	AMD	03-18-072	16-303-300	AMD-P	03-15-144
16-250-073	NEW-P	03-19-128	16-301-055	PREP	03-12-085	16-303-300	AMD	03-18-071
16-250-074	NEW-P	03-19-128	16-301-055	AMD-P	03-15-145	16-303-310	AMD-P	03-03-130
16-250-075	NEW-P	03-19-128	16-301-055	AMD	03-18-072	16-303-310	AMD	03-08-005
16-250-076	NEW-P	03-19-128	16-301-250	PREP	03-21-158	16-303-310	PREP	03-12-084
16-250-080	NEW-P	03-19-128	16-301-265	PREP	03-21-158	16-303-310	AMD-P	03-15-144
16-250-090	NEW-P	03-19-128	16-301-270	PREP	03-21-158	16-303-310	AMD	03-18-071
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16-250-140	NEW-P	03-19-128	16-302-045	PREP	03-12-085	16-303-317	AMD	03-08-005
16-250-150	NEW-P	03-19-128	16-302-045	AMD-P	03-15-145	16-303-317	PREP	03-12-084
16-250-155	NEW-P	03-19-128	16-302-045	AMD	03-18-072	16-303-317	AMD-P	03-15-144
16-250-160	NEW-P	03-19-128	16-302-110	PREP	03-12-085	16-303-317	AMD	03-18-071
16-250-170	NEW-P	03-19-128	16-302-110	AMD-P	03-15-145	16-303-320	AMD-P	03-03-130
16-250-180	NEW-P	03-19-128	16-302-110	AMD	03-18-072	16-303-320	AMD	03-08-005
16-252-001	NEW-P	03-19-126	16-302-150	PREP	03-12-085	16-303-320	PREP	03-12-084
16-252-005	NEW-P	03-19-126	16-302-150	AMD-P	03-15-145	16-303-320	AMD-P	03-15-144
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16-252-025	NEW-P	03-19-126	16-302-155	AMD-P	03-15-145	16-303-330	AMD	03-08-005
16-252-040	NEW-P	03-19-126	16-302-155	AMD	03-18-072	16-303-330	PREP	03-12-084
16-252-042	NEW-P	03-19-126	16-302-255	PREP	03-12-085	16-303-330	REP-P	03-15-144
16-252-051	NEW-P	03-19-126	16-302-255	AMD-P	03-15-145	16-303-330	REP	03-18-071
16-252-061	NEW-P	03-19-126	16-302-255	AMD	03-18-072	16-303-340	AMD	03-06-005
16-252-062	NEW-P	03-19-126	16-302-385	PREP	03-12-085	16-303-340	PREP	03-20-090
16-252-065	NEW-P	03-19-126	16-302-385	AMD-P	03-15-145	16-319-041	AMD	03-06-006
16-252-069	NEW-P	03-19-126	16-302-385	AMD	03-18-072	16-319-041	PREP	03-20-092
16-252-070	NEW-P	03-19-126	16-302-410	PREP	03-12-085	16-321-001	REP-X	03-03-124
16-252-071	NEW-P	03-19-126	16-302-410	AMD-P	03-15-145	16-321-001	REP	03-08-018
16-252-072	NEW-P	03-19-126	16-302-410	AMD	03-18-072	16-321-010	REP-X	03-03-124
16-252-073	NEW-P	03-19-126	16-302-685	PREP	03-20-091	16-321-010	REP	03-08-018
16-252-074	NEW-P	03-19-126	16-303-200	AMD-P	03-03-130	16-321-020	REP-X	03-03-124
16-252-075	NEW-P	03-19-126	16-303-200	AMD	03-08-005	16-321-020	REP	03-08-018
16-252-076	NEW-P	03-19-126	16-303-200	PREP	03-12-084	16-321-030	REP-X	03-03-124
16-252-080	NEW-P	03-19-126	16-303-200	AMD-P	03-15-144	16-321-030	REP	03-08-018
16-252-090	NEW-P	03-19-126	16-303-200	AMD	03-18-071	16-321-040	REP-X	03-03-124
16-252-095	NEW-P	03-19-126	16-303-210	AMD-P	03-03-130	16-321-040	REP	03-08-018
16-252-100	NEW-P	03-19-126	16-303-210	AMD	03-08-005	16-321-050	REP-X	03-03-124
16-252-110	NEW-P	03-19-126	16-303-210	PREP	03-12-084	16-321-050	REP	03-08-018
16-252-120	NEW-P	03-19-126	16-303-210	AMD-P	03-15-144	16-321-060	REP-X	03-03-124
16-252-140	NEW-P	03-19-126	16-303-210	AMD	03-18-071	16-321-060	REP	03-08-018
16-252-150	NEW-P	03-19-126	16-303-220	PREP	03-12-084	16-321-070	REP-X	03-03-124
16-252-155	NEW-P	03-19-126	16-303-220	REP-P	03-15-144	16-321-070	REP	03-08-018
16-252-165	NEW-P	03-19-126	16-303-220	REP	03-18-071	16-321-080	REP-X	03-03-124
16-252-170	NEW-P	03-19-126	16-303-230	AMD-P	03-03-130	16-321-080	REP	03-08-018
16-252-180	NEW-P	03-19-126	16-303-230	AMD	03-08-005	16-321-090	REP-X	03-03-124
16-256-001	NEW-P	03-19-127	16-303-230	PREP	03-12-084	16-321-090	REP	03-08-018
16-256-010	NEW-P	03-19-127	16-303-230	AMD-P	03-15-144	16-321-100	REP-X	03-03-124
16-256-020	NEW-P	03-19-127	16-303-230	AMD	03-18-071	16-321-100	REP	03-08-018
16-256-030	NEW-P	03-19-127	16-303-240	PREP	03-12-084	16-321-110	REP-X	03-03-124
16-256-040	NEW-P	03-19-127	16-303-240	AMD-P	03-15-144	16-321-110	REP	03-08-018
16-256-050	NEW-P	03-19-127	16-303-240	AMD	03-18-071	16-321-120	REP-X	03-03-124
16-256-060	NEW-P	03-19-127	16-303-250	AMD-P	03-03-130	16-321-120	REP	03-08-018
16-256-070	NEW-P	03-19-127	16-303-250	AMD	03-08-005	16-328-008	AMD-P	03-07-090
16-256-080	NEW-P	03-19-127	16-303-250	PREP	03-12-084	16-328-008	AMD	03-10-080
16-301-005	PREP	03-12-085	16-303-250	AMD-P	03-15-144	16-328-010	PREP	03-03-121
16-301-005	AMD-P	03-15-145	16-303-250	AMD	03-18-071	16-328-010	REP-P	03-07-090
16-301-005	AMD	03-18-072	16-303-300	AMD-P	03-03-130	16-328-010	REP	03-10-080
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16-328-011	AMD	03-10-080	16-470-911	REP	03-10-082	16-607-015	REP-P	03-21-170
16-328-011	AMD-X	03-17-075	16-470-912	AMD-P	03-07-092	16-607-020	REP-P	03-21-170
16-328-011	AMD	03-21-166	16-470-912	AMD	03-10-082	16-607-025	REP-P	03-21-170
16-333-010	AMD-P	03-07-089	16-470-912	AMD-X	03-17-075	16-607-035	REP-P	03-21-170
16-333-010	AMD	03-10-081	16-470-912	AMD	03-21-166	16-607-045	REP-P	03-21-170
16-333-040	PREP	03-03-120	16-470-916	REP-P	03-07-092	16-607-050	REP-P	03-21-170
16-333-040	REP-P	03-07-089	16-470-916	REP	03-10-082	16-607-055	REP-P	03-21-170
16-333-040	REP	03-10-081	16-470-917	AMD-P	03-07-092	16-607-060	REP-P	03-21-170
16-333-041	PREP	03-03-120	16-470-917	AMD	03-10-082	16-607-065	REP-P	03-21-170
16-333-041	AMD-P	03-07-089	16-470-917	AMD-X	03-17-075	16-607-070	REP-P	03-21-170
16-333-041	AMD	03-10-081	16-470-917	AMD	03-21-166	16-607-075	REP-P	03-21-170
16-333-041	AMD-X	03-17-075	16-470-921	AMD-P	03-07-092	16-607-080	REP-P	03-21-170
16-333-041	AMD	03-21-166	16-470-921	AMD	03-10-082	16-607-085	REP-P	03-21-170
16-350-045	AMD-P	03-18-124	16-512-002	REP-P	03-19-098	16-607-090	REP-P	03-21-170
16-350-045	AMD-C	03-21-140	16-512-005	AMD-P	03-19-098	16-607-095	REP-P	03-21-170
16-400-040	AMD-P	03-07-081	16-512-006	NEW-P	03-19-098	16-607-100	REP-P	03-21-170
16-400-040	AMD-W	03-10-062	16-512-010	AMD-P	03-19-098	16-607-105	REP-P	03-21-170
16-400-100	AMD-P	03-07-081	16-512-020	AMD-P	03-19-098	16-607-110	REP-P	03-21-170
16-400-100	AMD-W	03-10-062	16-512-030	REP-P	03-19-098	16-607-115	REP-P	03-21-170
16-400-210	AMD-P	03-07-081	16-512-040	AMD-P	03-19-098	16-607-120	REP-P	03-21-170
16-400-210	AMD-W	03-10-062	16-512-050	AMD-P	03-19-098	16-607-125	REP-P	03-21-170
16-400-215	NEW-P	03-07-081	16-528-004	NEW-P	03-21-142	16-607-130	REP-P	03-21-170
16-400-215	NEW-W	03-10-062	16-528-005	NEW-P	03-21-142	16-607-135	REP-P	03-21-170
16-401	PREP	03-14-135	16-528-010	AMD-P	03-21-142	16-607-140	REP-P	03-21-170
16-401-021	AMD-P	03-07-091	16-528-020	AMD-P	03-21-142	16-607-145	REP-P	03-21-170
16-401-021	AMD	03-10-083	16-528-030	REP-P	03-21-142	16-610-005	NEW-P	03-21-170
16-401-023	AMD-P	03-07-091	16-528-040	AMD-P	03-21-142	16-610-010	NEW-P	03-21-170
16-401-023	AMD	03-10-083	16-528-110	PREP	03-18-047	16-610-011	NEW-P	03-21-170
16-401-026	REP-P	03-07-091	16-528-110	AMD-P	03-21-143	16-610-012	NEW-P	03-21-170
16-401-026	REP	03-10-083	16-528-150	PREP	03-18-047	16-610-013	NEW-P	03-21-170
16-401-027	AMD-P	03-07-091	16-528-150	AMD-P	03-21-143	16-610-015	NEW-P	03-21-170
16-401-027	AMD	03-10-083	16-528-220	PREP	03-18-047	16-610-016	NEW-P	03-21-170
16-401-027	AMD-X	03-17-075	16-528-220	REP-P	03-21-143	16-610-018	NEW-P	03-21-170
16-401-027	AMD	03-21-166	16-532	PREP	03-18-119	16-610-020	NEW-P	03-21-170
16-401-031	REP-P	03-07-091	16-532-005	NEW-P	03-21-169	16-610-025	NEW-P	03-21-170
16-401-031	REP	03-10-083	16-532-006	NEW-P	03-21-169	16-610-035	NEW-P	03-21-170
16-401-032	AMD-P	03-07-091	16-532-010	AMD-P	03-21-169	16-610-045	NEW-P	03-21-170
16-401-032	AMD	03-10-083	16-532-020	AMD-P	03-21-169	16-610-050	NEW-P	03-21-170
16-401-041	AMD-P	03-07-091	16-532-030	REP-P	03-21-169	16-610-055	NEW-P	03-21-170
16-401-041	AMD	03-10-083	16-532-040	AMD-P	03-21-169	16-610-060	NEW-P	03-21-170
16-401-041	AMD-X	03-17-075	16-532-060	AMD-P	03-21-169	16-610-062	NEW-P	03-21-170
16-401-041	AMD	03-21-166	16-532-065	REP-P	03-21-169	16-610-065	NEW-P	03-21-170
16-401-050	AMD-P	03-18-124	16-532-101	PREP	03-18-118	16-610-070	NEW-P	03-21-170
16-401-050	AMD-C	03-21-140	16-532-101	REP-P	03-21-168	16-610-080	NEW-P	03-21-170
16-401-060	NEW-P	03-06-102	16-532-103	NEW-P	03-21-167	16-610-085	NEW-P	03-21-170
16-401-060	NEW	03-09-112	16-532-105	NEW-P	03-21-167	16-610-090	NEW-P	03-21-170
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16-403-280	AMD-P	03-20-094	16-532-110	AMD-P	03-21-168	16-610-094	NEW-P	03-21-170
16-406-001	PREP	03-15-118	16-532-115	NEW-P	03-21-168	16-610-100	NEW-P	03-21-170
16-406-001	REP-P	03-20-093	16-532-120	PREP	03-18-118	16-610-105	NEW-P	03-21-170
16-406-025	PREP	03-15-118	16-532-120	AMD-P	03-21-168	16-610-110	NEW-P	03-21-170
16-406-025	AMD-P	03-20-093	16-536-040	AMD-C	03-06-101	16-610-115	NEW-P	03-21-170
16-449	PREP	03-14-142	16-536-040	AMD-W	03-12-042	16-610-120	NEW-P	03-21-170
16-459	PREP	03-14-142	16-600-001	REP-X	03-13-129	16-610-122	NEW-P	03-21-170
16-461-010	PREP	03-15-119	16-600-001	REP-W	03-20-062	16-610-124	NEW-P	03-21-170
16-461-015	PREP	03-15-119	16-600-010	REP-X	03-13-129	16-610-125	NEW-P	03-21-170
16-465-001	REP	03-05-079	16-600-010	REP-W	03-20-062	16-610-130	NEW-P	03-21-170
16-465-060	REP	03-05-079	16-603-010	AMD-X	03-08-088	16-610-135	NEW-P	03-21-170
16-470	PREP	03-20-119	16-603-010	AMD	03-13-005	16-610-140	NEW-P	03-21-170
16-470-905	AMD-P	03-07-092	16-607	PREP	03-13-128	16-610-145	NEW-P	03-21-170
16-470-905	AMD	03-10-082	16-607-005	REP-P	03-21-170	16-657	PREP	03-03-122

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16-662-100	AMD-X	03-03-123	51-11-1411	AMD-P	03-18-073	51-40-1113	REP-P	03-18-075
16-662-100	AMD	03-08-017	51-11-1412	AMD-P	03-18-073	51-40-1114	REP-P	03-18-075
16-662-105	AMD-X	03-03-123	51-11-1413	AMD-P	03-18-073	51-40-1191	REP-P	03-18-075
16-662-105	AMD	03-08-017	51-11-1414	AMD-P	03-18-073	51-40-1192	REP-P	03-18-075
16-662-110	AMD-X	03-03-123	51-11-1415	AMD-P	03-18-073	51-40-1193	REP-P	03-18-075
16-662-110	AMD	03-08-017	51-11-1416	AMD-P	03-18-073	51-40-1194	REP-P	03-18-075
16-662-115	AMD-X	03-03-123	51-11-1423	AMD-P	03-18-073	51-40-1195	REP-P	03-18-075
16-662-115	AMD	03-08-017	51-11-1432	AMD-P	03-18-073	51-40-1196	REP-P	03-18-075
16-690	PREP	03-14-142	51-11-1433	AMD-P	03-18-073	51-40-1202	REP-P	03-18-075
16-750	PREP	03-10-012	51-11-1436	AMD-P	03-18-073	51-40-1203	REP-P	03-18-075
16-750-005	AMD	03-04-001	51-11-1437	AMD-P	03-18-073	51-40-1616	REP-P	03-18-075
16-750-011	AMD	03-04-001	51-11-1440	AMD-P	03-18-073	51-40-1702	REP-P	03-18-075
16-750-011	AMD-P	03-20-034	51-11-1454	AMD-P	03-18-073	51-40-1909	REP-P	03-18-075
16-750-015	AMD	03-04-001	51-11-1513	AMD-P	03-18-073	51-40-2406	REP-P	03-18-075
16-750-015	AMD-P	03-20-034	51-11-1521	AMD-P	03-18-073	51-40-2900	REP-P	03-18-075
16-752-300	AMD-X	03-11-098	51-11-1532	AMD-P	03-18-073	51-40-2929	REP-P	03-18-075
16-752-300	AMD	03-16-038	51-11-99902	AMD-P	03-18-073	51-40-3004	REP-P	03-18-075
16-752-305	AMD-X	03-11-098	51-13-503	AMD-P	03-18-076	51-40-3102	REP-P	03-18-075
16-752-305	AMD	03-16-038	51-40-001	REP-P	03-18-075	51-40-31200	REP-P	03-18-075
16-752-315	AMD-X	03-11-098	51-40-002	REP-P	03-18-075	51-40-3404	REP-P	03-18-075
16-752-315	AMD	03-16-038	51-40-003	REP-P	03-18-075	51-40-93115	REP-P	03-18-075
16-752-320	AMD-X	03-11-098	51-40-004	REP-P	03-18-075	51-40-93116	REP-P	03-18-075
16-752-320	AMD	03-16-038	51-40-005	REP-P	03-18-075	51-40-93117	REP-P	03-18-075
24-12-010	AMD-E	03-20-036	51-40-007	REP-P	03-18-075	51-40-93118	REP-P	03-18-075
36-12-170	AMD-W	03-06-072	51-40-008	REP-P	03-18-075	51-40-93119	REP-P	03-18-075
36-14-120	NEW-W	03-06-072	51-40-009	REP-P	03-18-075	51-40-93120	REP-P	03-18-075
51-04	PREP	03-08-027	51-40-0200	REP-P	03-18-075	51-42-001	REP-P	03-18-078
51-04	PREP	03-12-017	51-40-0302	REP-P	03-18-075	51-42-002	REP-P	03-18-078
51-04-015	AMD-P	03-18-074	51-40-0303	REP-P	03-18-075	51-42-003	REP-P	03-18-078
51-04-020	AMD-P	03-18-074	51-40-0304	REP-P	03-18-075	51-42-004	REP-P	03-18-078
51-04-060	AMD-P	03-18-074	51-40-0305	REP-P	03-18-075	51-42-005	REP-P	03-18-078
51-11-0101	AMD-P	03-18-073	51-40-0307	REP-P	03-18-075	51-42-007	REP-P	03-18-078
51-11-0105	AMD-P	03-18-073	51-40-0308	REP-P	03-18-075	51-42-008	REP-P	03-18-078
51-11-0108	AMD-P	03-18-073	51-40-0310	REP-P	03-18-075	51-42-0200	REP-P	03-18-078
51-11-0201	AMD-P	03-18-073	51-40-0311	REP-P	03-18-075	51-42-0223	REP-P	03-18-078
51-11-0402	AMD-P	03-18-073	51-40-0313	REP-P	03-18-075	51-42-0303	REP-P	03-18-078
51-11-0502	AMD-P	03-18-073	51-40-0403	REP-P	03-18-075	51-42-0405	REP-P	03-18-078
51-11-0503	AMD-P	03-18-073	51-40-0405	REP-P	03-18-075	51-42-0504	REP-P	03-18-078
51-11-0504	AMD-P	03-18-073	51-40-0510	REP-P	03-18-075	51-42-0600	REP-P	03-18-078
51-11-0505	AMD-P	03-18-073	51-40-0804	REP-P	03-18-075	51-42-0601	REP-P	03-18-078
51-11-0601	AMD-P	03-18-073	51-40-0902	REP-P	03-18-075	51-42-0605	REP-P	03-18-078
51-11-0602	AMD-P	03-18-073	51-40-0904	REP-P	03-18-075	51-42-0901	REP-P	03-18-078
51-11-0625	AMD-P	03-18-073	51-40-0905	REP-P	03-18-075	51-42-1000	REP-P	03-18-078
51-11-0701	AMD-P	03-18-073	51-40-1000	REP-P	03-18-075	51-42-1002	REP-P	03-18-078
51-11-0900	AMD-P	03-18-073	51-40-1002	REP-P	03-18-075	51-42-1004	REP-P	03-18-078
51-11-1001	AMD-P	03-18-073	51-40-1003	REP-P	03-18-075	51-42-1005	REP-P	03-18-078
51-11-1004	AMD-P	03-18-073	51-40-1004	REP-P	03-18-075	51-42-1100	REP-P	03-18-078
51-11-1005	AMD-P	03-18-073	51-40-1007	REP-P	03-18-075	51-42-1101	REP-P	03-18-078
51-11-1006	AMD-P	03-18-073	51-40-1091	REP-P	03-18-075	51-42-1102	REP-P	03-18-078
51-11-1007	AMD-P	03-18-073	51-40-1100	REP-P	03-18-075	51-42-1103	REP-P	03-18-078
51-11-1009	AMD-P	03-18-073	51-40-1101	REP-P	03-18-075	51-42-1104	REP-P	03-18-078
51-11-1132	AMD-P	03-18-073	51-40-1102	REP-P	03-18-075	51-42-1105	REP-P	03-18-078
51-11-1143	AMD-P	03-18-073	51-40-1103	REP-P	03-18-075	51-42-1106	REP-P	03-18-078
51-11-1150	AMD-P	03-18-073	51-40-1104	REP-P	03-18-075	51-42-1107	REP-P	03-18-078
51-11-1310	AMD-P	03-18-073	51-40-1105	REP-P	03-18-075	51-42-1108	REP-P	03-18-078
51-11-1312	AMD-P	03-18-073	51-40-1106	REP-P	03-18-075	51-42-1109	REP-P	03-18-078
51-11-1313	AMD-P	03-18-073	51-40-1107	REP-P	03-18-075	51-42-1110	REP-P	03-18-078
51-11-1322	AMD-P	03-18-073	51-40-1108	REP-P	03-18-075	51-42-1111	REP-P	03-18-078
51-11-1323	AMD-P	03-18-073	51-40-1109	REP-P	03-18-075	51-42-1112	REP-P	03-18-078
51-11-1331	AMD-P	03-18-073	51-40-1110	REP-P	03-18-075	51-42-1113	REP-P	03-18-078
51-11-1332	AMD-P	03-18-073	51-40-1111	REP-P	03-18-075	51-42-1114	REP-P	03-18-078

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51-42-1115	REP-P	03-18-078	51-50-1008	NEW-P	03-18-075	51-52-22006	NEW-P	03-18-078
51-42-1116	REP-P	03-18-078	51-50-1009	NEW-P	03-18-075	51-54-001	NEW-P	03-18-079
51-42-1117	REP-P	03-18-078	51-50-1010	NEW-P	03-18-075	51-54-002	NEW-P	03-18-079
51-42-1118	REP-P	03-18-078	51-50-1024	NEW-P	03-18-075	51-54-003	NEW-P	03-18-079
51-42-1119	REP-P	03-18-078	51-50-1101	NEW-P	03-18-075	51-54-007	NEW-P	03-18-079
51-42-1120	REP-P	03-18-078	51-50-1103	NEW-P	03-18-075	51-54-008	NEW-P	03-18-079
51-42-1121	REP-P	03-18-078	51-50-1104	NEW-P	03-18-075	51-54-0100	NEW-P	03-18-079
51-42-1122	REP-P	03-18-078	51-50-1105	NEW-P	03-18-075	51-54-0200	NEW-P	03-18-079
51-42-1123	REP-P	03-18-078	51-50-1106	NEW-P	03-18-075	51-54-0300	NEW-P	03-18-079
51-42-1124	REP-P	03-18-078	51-50-1107	NEW-P	03-18-075	51-54-0500	NEW-P	03-18-079
51-42-1126	REP-P	03-18-078	51-50-1109	NEW-P	03-18-075	51-54-0900	NEW-P	03-18-079
51-42-1301	REP-P	03-18-078	51-50-1203	NEW-P	03-18-075	51-54-1000	NEW-P	03-18-079
51-42-1311	REP-P	03-18-078	51-50-1204	NEW-P	03-18-075	51-54-3000	NEW-P	03-18-079
51-42-1312	REP-P	03-18-078	51-50-1208	NEW-P	03-18-075	51-54-3300	NEW-P	03-18-079
51-42-1401	REP-P	03-18-078	51-50-1702	NEW-P	03-18-075	51-54-3400	NEW-P	03-18-079
51-44-001	REP-P	03-18-079	51-50-1709	NEW-P	03-18-075	51-56-003	AMD-P	03-18-080
51-44-002	REP-P	03-18-079	51-50-2114	NEW-P	03-18-075	51-56-007	AMD-P	03-18-080
51-44-003	REP-P	03-18-079	51-50-2900	NEW-P	03-18-075	51-56-008	AMD-P	03-18-080
51-44-007	REP-P	03-18-079	51-50-3001	NEW-P	03-18-075	51-56-0100	AMD-P	03-18-080
51-44-008	REP-P	03-18-079	51-50-3002	NEW-P	03-18-075	51-56-0200	AMD-P	03-18-080
51-44-0103	REP-P	03-18-079	51-50-3003	NEW-P	03-18-075	51-56-0300	AMD-P	03-18-080
51-44-0105	REP-P	03-18-079	51-50-3004	NEW-P	03-18-075	51-56-0300	AMD-P	03-18-080
51-44-0200	REP-P	03-18-079	51-50-3005	NEW-P	03-18-075	51-56-0400	AMD-P	03-18-080
51-44-0900	REP-P	03-18-079	51-50-3006	NEW-P	03-18-075	51-56-0500	AMD-P	03-18-080
51-44-1003	REP-P	03-18-079	51-50-31200	NEW-P	03-18-075	51-56-0600	AMD-P	03-18-080
51-44-1007	REP-P	03-18-079	51-50-3408	NEW-P	03-18-075	51-56-1100	NEW-P	03-18-080
51-44-10210	REP-P	03-18-079	51-50-3409	NEW-P	03-18-075	51-56-1300	AMD-P	03-18-080
51-44-1102	REP-P	03-18-079	51-51-001	NEW-P	03-18-077	51-56-1400	AMD-P	03-18-080
51-44-1109	REP-P	03-18-079	51-51-002	NEW-P	03-18-077	51-56-201300	REP-P	03-18-080
51-44-2500	REP-P	03-18-079	51-51-003	NEW-P	03-18-077	51-57-003	AMD-P	03-18-080
51-44-5200	REP-P	03-18-079	51-51-007	NEW-P	03-18-077	51-57-008	AMD-P	03-18-080
51-44-6100	REP-P	03-18-079	51-51-008	NEW-P	03-18-077	51-57-202000	NEW-P	03-18-080
51-44-6300	REP-P	03-18-079	51-51-0101	NEW-P	03-18-077	82-04-010	NEW-X	03-16-039
51-44-7404	REP-P	03-18-079	51-51-0102	NEW-P	03-18-077	82-04-010	NEW	03-21-024
51-44-7802	REP-P	03-18-079	51-51-0202	NEW-P	03-18-077	82-04-020	NEW-X	03-16-039
51-44-7900	REP-P	03-18-079	51-51-0303	NEW-P	03-18-077	82-04-020	NEW	03-21-024
51-44-8000	REP-P	03-18-079	51-51-0311	NEW-P	03-18-077	82-04-030	NEW-X	03-16-039
51-45-001	REP-P	03-18-079	51-51-0313	NEW-P	03-18-077	82-04-030	NEW	03-21-024
51-45-002	REP-P	03-18-079	51-51-0324	NEW-P	03-18-077	82-04-040	NEW-X	03-16-039
51-45-003	REP-P	03-18-079	51-51-0325	NEW-P	03-18-077	82-04-040	NEW	03-21-024
51-45-007	REP-P	03-18-079	51-51-1004	NEW-P	03-18-077	82-04-050	NEW-X	03-16-039
51-45-008	REP-P	03-18-079	51-51-2000	NEW-P	03-18-077	82-04-050	NEW	03-21-024
51-45-80400	REP-P	03-18-079	51-51-2401	NEW-P	03-18-077	82-04-060	NEW-X	03-16-039
51-50-001	NEW-P	03-18-075	51-51-2415	NEW-P	03-18-077	82-04-060	NEW	03-21-024
51-50-002	NEW-P	03-18-075	51-51-2439	NEW-P	03-18-077	82-04-070	NEW-X	03-16-039
51-50-003	NEW-P	03-18-075	51-51-2802	NEW-P	03-18-077	82-04-070	NEW	03-21-024
51-50-004	NEW-P	03-18-075	51-51-4300	NEW-P	03-18-077	82-50-021	AMD-X	03-07-083
51-50-005	NEW-P	03-18-075	51-52-001	NEW-P	03-18-078	82-50-021	AMD	03-11-073
51-50-007	NEW-P	03-18-075	51-52-002	NEW-P	03-18-078	98-70-010	PREP	03-04-077
51-50-008	NEW-P	03-18-075	51-52-003	NEW-P	03-18-078	98-70-010	AMD-P	03-08-009
51-50-009	NEW-P	03-18-075	51-52-004	NEW-P	03-18-078	98-70-010	AMD	03-11-020
51-50-0200	NEW-P	03-18-075	51-52-005	NEW-P	03-18-078	118-65-010	REP-P	03-04-108
51-50-0302	NEW-P	03-18-075	51-52-007	NEW-P	03-18-078	118-65-010	REP	03-10-014
51-50-0305	NEW-P	03-18-075	51-52-008	NEW-P	03-18-078	118-65-020	REP-P	03-04-108
51-50-0308	NEW-P	03-18-075	51-52-0101	NEW-P	03-18-078	118-65-020	REP	03-10-014
51-50-0310	NEW-P	03-18-075	51-52-0202	NEW-P	03-18-078	118-65-030	REP-P	03-04-108
51-50-0313	NEW-P	03-18-075	51-52-0504	NEW-P	03-18-078	118-65-030	REP	03-10-014
51-50-0419	NEW-P	03-18-075	51-52-0601	NEW-P	03-18-078	118-65-040	REP-P	03-04-108
51-50-0707	NEW-P	03-18-075	51-52-1000	NEW-P	03-18-078	118-65-040	REP	03-10-014
51-50-0902	NEW-P	03-18-075	51-52-21000	NEW-P	03-18-078	118-65-050	REP-P	03-04-108
51-50-0903	NEW-P	03-18-075	51-52-21404	NEW-P	03-18-078	118-65-050	REP	03-10-014
51-50-0909	NEW-P	03-18-075	51-52-22000	NEW-P	03-18-078	118-65-060	REP-P	03-04-108
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118-65-070	REP-P	03-04-108	132B-120-120	AMD-P	03-19-063	132F-120-020	REP-P	03-06-067
118-65-070	REP	03-10-014	132B-120-130	AMD-P	03-19-063	132F-120-020	REP	03-16-015
118-65-081	REP-P	03-04-108	132B-120-135	AMD-P	03-19-063	132F-120-030	REP-P	03-06-067
118-65-081	REP	03-10-014	132B-120-170	AMD-P	03-19-063	132F-120-030	REP	03-16-015
118-65-090	REP-P	03-04-108	132B-120-180	AMD-P	03-19-063	132F-120-040	REP-P	03-06-067
118-65-090	REP	03-10-014	132B-120-190	AMD-P	03-19-063	132F-120-040	REP	03-16-015
118-66-010	NEW-P	03-04-108	132B-120-200	AMD-P	03-19-063	132F-120-041	REP-P	03-06-067
118-66-010	NEW	03-10-014	132B-120-220	AMD-P	03-19-063	132F-120-041	REP	03-16-015
118-66-020	NEW-P	03-04-108	132F-01	AMD-C	03-10-078	132F-120-042	REP-P	03-06-067
118-66-020	NEW	03-10-014	132F-01-010	AMD-P	03-06-067	132F-120-042	REP	03-16-015
118-66-030	NEW-P	03-04-108	132F-01-010	AMD	03-16-015	132F-120-043	REP-P	03-06-067
118-66-030	NEW	03-10-014	132F-01-020	REP-P	03-06-067	132F-120-043	REP	03-16-015
118-66-040	NEW-P	03-04-108	132F-01-020	REP	03-16-015	132F-120-050	REP-P	03-06-067
118-66-040	NEW	03-10-014	132F-104	AMD-C	03-10-078	132F-120-050	REP	03-16-015
118-66-042	NEW-P	03-04-108	132F-104-010	AMD-P	03-06-067	132F-120-060	REP-P	03-06-067
118-66-042	NEW	03-10-014	132F-104-010	AMD	03-16-015	132F-120-060	REP	03-16-015
118-66-045	NEW-P	03-04-108	132F-104-020	AMD-P	03-06-067	132F-120-061	REP-P	03-06-067
118-66-045	NEW	03-10-014	132F-104-020	AMD	03-16-015	132F-120-061	REP	03-16-015
118-66-050	NEW-P	03-04-108	132F-104-030	REP-P	03-06-067	132F-120-070	REP-P	03-06-067
118-66-050	NEW	03-10-014	132F-104-030	REP	03-16-015	132F-120-070	REP	03-16-015
118-66-080	NEW-P	03-04-108	132F-104-801	REP-P	03-06-067	132F-120-080	REP-P	03-06-067
118-66-080	NEW	03-10-014	132F-104-801	REP	03-16-015	132F-120-080	REP	03-16-015
118-66-081	NEW-P	03-04-108	132F-104-810	AMD-P	03-06-067	132F-120-090	REP-P	03-06-067
118-66-081	NEW	03-10-014	132F-104-810	AMD	03-16-015	132F-120-090	REP	03-16-015
118-66-085	NEW-P	03-04-108	132F-104-811	REP-P	03-06-067	132F-120-100	REP-P	03-06-067
118-66-085	NEW	03-10-014	132F-104-811	REP	03-16-015	132F-120-100	REP	03-16-015
118-66-090	NEW-P	03-04-108	132F-104-812	REP-P	03-06-067	132F-120-110	REP-P	03-06-067
118-66-090	NEW	03-10-014	132F-104-812	REP	03-16-015	132F-120-110	REP	03-16-015
118-67-010	NEW-P	03-21-041	132F-104-813	REP-P	03-06-067	132F-120-120	REP-P	03-06-067
118-67-020	NEW-P	03-21-041	132F-104-813	REP	03-16-015	132F-120-120	REP	03-16-015
118-67-030	NEW-P	03-21-041	132F-104-814	REP-P	03-06-067	132F-120-130	REP-P	03-06-067
118-67-040	NEW-P	03-21-041	132F-104-814	REP	03-16-015	132F-120-130	REP	03-16-015
118-67-050	NEW-P	03-21-041	132F-104-815	REP-P	03-06-067	132F-120-140	REP-P	03-06-067
118-67-060	NEW-P	03-21-041	132F-104-815	REP	03-16-015	132F-120-140	REP	03-16-015
118-67-070	NEW-P	03-21-041	132F-104-816	REP-P	03-06-067	132F-120-150	REP-P	03-06-067
118-67-080	NEW-P	03-21-041	132F-104-816	REP	03-16-015	132F-120-150	REP	03-16-015
118-67-090	NEW-P	03-21-041	132F-104-817	REP-P	03-06-067	132F-120-160	REP-P	03-06-067
118-67-100	NEW-P	03-21-041	132F-104-817	REP	03-16-015	132F-120-160	REP	03-16-015
118-67-110	NEW-P	03-21-041	132F-104-818	REP-P	03-06-067	132F-120-170	REP-P	03-06-067
118-67-120	NEW-P	03-21-041	132F-104-818	REP	03-16-015	132F-120-170	REP	03-16-015
118-67-130	NEW-P	03-21-041	132F-104-819	REP-P	03-06-067	132F-120-180	REP-P	03-06-067
131	PREP	03-09-043	132F-104-819	REP	03-16-015	132F-120-180	REP	03-16-015
131	PREP	03-14-123	132F-108	AMD-P	03-06-067	132F-120-190	REP-P	03-06-067
131	PREP	03-14-124	132F-108	AMD-C	03-10-078	132F-120-190	REP	03-16-015
131-12-080	NEW-P	03-18-002	132F-108	AMD	03-16-015	132F-120-200	REP-P	03-06-067
131-28-026	AMD-E	03-15-020	132F-108-020	AMD-P	03-06-067	132F-120-200	REP	03-16-015
131-28-026	AMD-P	03-15-021	132F-108-020	AMD	03-16-015	132F-120-210	REP-P	03-06-067
131-28-026	AMD	03-19-050	132F-108-050	AMD-P	03-06-067	132F-120-210	REP	03-16-015
132A	PREP	03-04-091	132F-108-050	AMD	03-16-015	132F-121-010	NEW-P	03-06-067
132A-116-011	AMD-P	03-08-056	132F-108-070	AMD-P	03-06-067	132F-121-010	NEW	03-16-015
132A-116-011	AMD	03-13-133	132F-108-070	AMD	03-16-015	132F-121-020	NEW-P	03-06-067
132A-150-010	AMD-P	03-08-056	132F-108-080	AMD-P	03-06-067	132F-121-020	NEW	03-16-015
132A-150-010	AMD	03-13-133	132F-108-080	AMD	03-16-015	132F-121-030	NEW-P	03-06-067
132A-320-010	AMD-P	03-08-056	132F-108-100	AMD-P	03-06-067	132F-121-030	NEW	03-16-015
132A-320-010	AMD	03-13-133	132F-108-100	AMD	03-16-015	132F-121-040	NEW-P	03-06-067
132B-120	PREP	03-15-140	132F-108-100	AMD	03-16-015	132F-121-040	NEW	03-16-015
132B-120-010	AMD-P	03-19-063	132F-108-120	AMD-P	03-06-067	132F-121-040	NEW	03-16-015
132B-120-030	AMD-P	03-19-063	132F-108-120	AMD	03-16-015	132F-121-050	NEW-P	03-06-067
132B-120-040	AMD-P	03-19-063	132F-108-130	AMD-P	03-06-067	132F-121-050	NEW	03-16-015
132B-120-065	AMD-P	03-19-063	132F-108-130	AMD	03-16-015	132F-121-060	NEW-P	03-06-067
132B-120-080	AMD-P	03-19-063	132F-108-140	AMD-P	03-06-067	132F-121-060	NEW	03-16-015
132B-120-085	AMD-P	03-19-063	132F-108-140	AMD	03-16-015	132F-121-070	NEW-P	03-06-067
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132F-121-090	NEW-P	03-06-067	132H-120-020	AMD-P	03-08-021	132Q-02-100	NEW-P	03-13-081
132F-121-090	NEW	03-16-015	132H-120-020	AMD	03-14-015	132Q-02-100	NEW	03-18-021
132F-121-100	NEW-P	03-06-067	132H-120-030	AMD-P	03-08-021	132Q-02-110	NEW-P	03-13-081
132F-121-100	NEW	03-16-015	132H-120-030	AMD	03-14-015	132Q-02-110	NEW	03-18-021
132F-121-110	NEW-P	03-06-067	132H-120-040	AMD-P	03-08-021	132Q-02-120	NEW-P	03-13-081
132F-121-110	NEW	03-16-015	132H-120-040	AMD	03-14-015	132Q-02-120	NEW	03-18-021
132F-121-120	NEW-P	03-06-067	132H-120-050	AMD-P	03-08-021	132Q-02-130	NEW-P	03-13-081
132F-121-120	NEW	03-16-015	132H-120-050	AMD	03-14-015	132Q-02-130	NEW	03-18-021
132F-121-130	NEW-P	03-06-067	132H-120-200	AMD-P	03-08-021	132Q-02-140	NEW-P	03-13-081
132F-121-130	NEW	03-16-015	132H-120-200	AMD	03-14-015	132Q-02-140	NEW	03-18-021
132F-121-140	NEW-P	03-06-067	132H-120-220	AMD-P	03-08-021	132Q-02-150	NEW-P	03-13-081
132F-121-140	NEW	03-16-015	132H-120-220	AMD	03-14-015	132Q-02-150	NEW	03-18-021
132F-121-150	NEW-P	03-06-067	132H-120-300	AMD-P	03-08-021	132Q-02-160	NEW-P	03-13-081
132F-121-150	NEW	03-16-015	132H-120-300	AMD	03-14-015	132Q-02-160	NEW	03-18-021
132F-121-160	NEW-P	03-06-067	132H-120-310	AMD-P	03-08-021	132Q-02-170	NEW-P	03-13-081
132F-121-160	NEW	03-16-015	132H-120-310	AMD	03-14-015	132Q-02-170	NEW	03-18-021
132F-121-170	NEW-P	03-06-067	132H-132-010	REP-P	03-08-019	132Q-02-180	NEW-P	03-13-081
132F-121-170	NEW	03-16-015	132H-132-010	REP	03-14-014	132Q-02-180	NEW	03-18-021
132F-121-180	NEW-P	03-06-067	132H-132-020	REP-P	03-08-019	132Q-02-190	NEW-P	03-13-081
132F-121-180	NEW	03-16-015	132H-132-020	REP	03-14-014	132Q-02-190	NEW	03-18-021
132F-121-190	NEW-P	03-06-067	132H-152-135	PREP	03-04-073	132Q-02-200	NEW-P	03-13-081
132F-121-190	NEW	03-16-015	132H-152-135	REP-P	03-08-020	132Q-02-200	NEW	03-18-021
132F-121-200	NEW-P	03-06-067	132H-152-135	REP	03-14-013	132Q-02-210	NEW-P	03-13-081
132F-121-200	NEW	03-16-015	132H-155-010	NEW-P	03-08-020	132Q-02-210	NEW	03-18-021
132F-121-210	NEW-P	03-06-067	132H-155-010	NEW	03-14-013	132Q-02-220	NEW-P	03-13-081
132F-121-210	NEW	03-16-015	132H-155-020	NEW-P	03-08-020	132Q-02-220	NEW	03-18-021
132F-121-220	NEW-P	03-06-067	132H-155-020	NEW	03-14-013	132Q-02-230	NEW-P	03-13-081
132F-121-220	NEW	03-16-015	132H-155-030	NEW-P	03-08-020	132Q-02-230	NEW	03-18-021
132F-121-230	NEW-P	03-06-067	132H-155-030	NEW	03-14-013	132Q-02-240	NEW-P	03-13-081
132F-121-230	NEW	03-16-015	132H-155-040	NEW-P	03-08-020	132Q-02-240	NEW	03-18-021
132F-121-240	NEW-P	03-06-067	132H-155-040	NEW	03-14-013	132Q-02-250	NEW-P	03-13-081
132F-121-240	NEW	03-16-015	132H-155-040	NEW	03-14-138	132Q-02-250	NEW	03-18-021
132F-121-250	NEW-P	03-06-067	132H-155-050	NEW-P	03-08-020	132Q-02-260	NEW-P	03-13-081
132F-121-250	NEW	03-16-015	132H-155-050	NEW	03-14-013	132Q-02-260	NEW	03-18-021
132F-121-260	NEW-P	03-06-067	132H-155-060	NEW-P	03-08-020	132Q-02-270	NEW-P	03-13-081
132F-121-260	NEW	03-16-015	132H-155-060	NEW	03-14-013	132Q-02-270	NEW	03-18-021
132H-116	PREP	03-04-074	132H-155-070	NEW-P	03-08-020	132Q-02-280	NEW-P	03-13-081
132H-116-300	AMD-P	03-19-089	132H-155-070	NEW	03-14-013	132Q-02-280	NEW	03-18-021
132H-116-310	AMD-P	03-19-089	132Q-01-006	AMD-X	03-21-084	132Q-02-290	NEW-P	03-13-081
132H-116-315	AMD-P	03-19-089	132Q-01-010	AMD-X	03-21-084	132Q-02-290	NEW	03-18-021
132H-116-320	AMD-P	03-19-089	132Q-01-020	AMD-X	03-21-084	132Q-02-300	NEW-P	03-13-081
132H-116-330	AMD-P	03-19-089	132Q-01-040	AMD-X	03-21-084	132Q-02-300	NEW	03-18-021
132H-116-350	AMD-P	03-19-089	132Q-01-050	AMD-X	03-21-084	132Q-02-310	NEW-P	03-13-081
132H-116-351	AMD-P	03-19-089	132Q-02	PREP	03-09-094	132Q-02-310	NEW	03-18-021
132H-116-352	AMD-P	03-19-089	132Q-02-010	NEW-P	03-13-081	132Q-02-320	NEW-P	03-13-081
132H-116-354	AMD-P	03-19-089	132Q-02-010	NEW	03-18-021	132Q-02-320	NEW	03-18-021
132H-116-356	AMD-P	03-19-089	132Q-02-020	NEW-P	03-13-081	132Q-02-330	NEW-P	03-13-081
132H-116-360	AMD-P	03-19-089	132Q-02-020	NEW	03-18-021	132Q-02-330	NEW	03-18-021
132H-116-405	AMD-P	03-19-089	132Q-02-030	NEW-P	03-13-081	132Q-02-340	NEW-P	03-13-081
132H-116-410	AMD-P	03-19-089	132Q-02-030	NEW	03-18-021	132Q-02-340	NEW	03-18-021
132H-116-415	AMD-P	03-19-089	132Q-02-040	NEW-P	03-13-081	132Q-02-350	NEW-P	03-13-081
132H-116-430	AMD-P	03-19-089	132Q-02-040	NEW	03-18-021	132Q-02-350	NEW	03-18-021
132H-116-431	AMD-P	03-19-089	132Q-02-050	NEW-P	03-13-081	132Q-02-360	NEW-P	03-13-081
132H-116-470	AMD-P	03-19-089	132Q-02-050	NEW	03-18-021	132Q-02-360	NEW	03-18-021
132H-116-590	AMD-P	03-19-089	132Q-02-060	NEW-P	03-13-081	132Q-02-370	NEW-P	03-13-081
132H-116-615	AMD-P	03-19-089	132Q-02-060	NEW	03-18-021	132Q-02-370	NEW	03-18-021
132H-116-620	AMD-P	03-19-089	132Q-02-070	NEW-P	03-13-081	132Q-02-380	NEW-P	03-13-081
132H-116-630	AMD-P	03-19-089	132Q-02-070	NEW	03-18-021	132Q-02-380	NEW	03-18-021
132H-116-655	AMD-P	03-19-089	132Q-02-080	NEW-P	03-13-081	132Q-02-390	NEW-P	03-13-081
132H-116-750	AMD-P	03-19-089	132Q-02-080	NEW	03-18-021	132Q-02-390	NEW	03-18-021

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132Q-02-400	NEW	03-18-021	132Q-04-210	REP	03-18-021	132Q-07-010	NEW-P	03-13-082
132Q-02-410	NEW-P	03-13-081	132Q-04-220	REP-P	03-13-082	132Q-07-010	NEW	03-18-021
132Q-02-410	NEW	03-18-021	132Q-04-220	REP	03-18-021	132Q-07-020	NEW-P	03-13-082
132Q-02-420	NEW-P	03-13-081	132Q-04-230	REP-P	03-13-082	132Q-07-020	NEW	03-18-021
132Q-02-420	NEW	03-18-021	132Q-04-230	REP	03-18-021	132Q-07-030	NEW-P	03-13-082
132Q-02-430	NEW-P	03-13-081	132Q-04-240	REP-P	03-13-082	132Q-07-030	NEW	03-18-021
132Q-02-430	NEW	03-18-021	132Q-04-240	REP	03-18-021	132Q-07-040	NEW-P	03-13-082
132Q-02-440	NEW-P	03-13-081	132Q-04-250	REP-P	03-13-082	132Q-07-040	NEW	03-18-021
132Q-02-440	NEW	03-18-021	132Q-04-250	REP	03-18-021	132Q-07-050	NEW-P	03-13-082
132Q-02-450	NEW-P	03-13-081	132Q-04-260	REP-P	03-13-082	132Q-07-050	NEW	03-18-021
132Q-02-450	NEW	03-18-021	132Q-04-260	REP	03-18-021	132Q-07-060	NEW-P	03-13-082
132Q-03	PREP	03-09-094	132Q-04-270	REP-P	03-13-082	132Q-07-060	NEW	03-18-021
132Q-03-005	REP-P	03-13-082	132Q-04-270	REP	03-18-021	132Q-20	PREP	03-09-094
132Q-03-005	REP	03-18-021	132Q-04-280	REP-P	03-13-082	132Q-20-005	NEW-P	03-13-082
132Q-03-010	REP-P	03-13-082	132Q-04-280	REP	03-18-021	132Q-20-005	NEW	03-18-021
132Q-03-010	REP	03-18-021	132Q-05	PREP	03-09-094	132Q-20-010	AMD-P	03-13-082
132Q-03-020	REP-P	03-13-082	132Q-05-010	REP-P	03-13-082	132Q-20-010	AMD	03-18-021
132Q-03-020	REP	03-18-021	132Q-05-010	REP	03-18-021	132Q-20-020	REP-P	03-13-082
132Q-03-030	REP-P	03-13-082	132Q-05-020	REP-P	03-13-082	132Q-20-020	REP	03-18-021
132Q-03-030	REP	03-18-021	132Q-05-020	REP	03-18-021	132Q-20-040	AMD-P	03-13-082
132Q-04	PREP	03-09-094	132Q-05-030	REP-P	03-13-082	132Q-20-040	AMD	03-18-021
132Q-04-010	REP-P	03-13-082	132Q-05-030	REP	03-18-021	132Q-20-050	AMD-P	03-13-082
132Q-04-010	REP	03-18-021	132Q-05-033	REP-P	03-13-082	132Q-20-050	AMD	03-18-021
132Q-04-020	REP-P	03-13-082	132Q-05-033	REP	03-18-021	132Q-20-060	AMD-P	03-13-082
132Q-04-020	REP	03-18-021	132Q-05-036	REP-P	03-13-082	132Q-20-060	AMD	03-18-021
132Q-04-030	REP-P	03-13-082	132Q-05-036	REP	03-18-021	132Q-20-070	AMD-P	03-13-082
132Q-04-030	REP	03-18-021	132Q-05-040	REP-P	03-13-082	132Q-20-070	AMD	03-18-021
132Q-04-031	REP-P	03-13-082	132Q-05-040	REP	03-18-021	132Q-20-080	AMD-P	03-13-082
132Q-04-031	REP	03-18-021	132Q-05-050	REP-P	03-13-082	132Q-20-080	AMD	03-18-021
132Q-04-076	REP-P	03-13-082	132Q-05-050	REP	03-18-021	132Q-20-090	AMD-P	03-13-082
132Q-04-076	REP	03-18-021	132Q-05-060	REP-P	03-13-082	132Q-20-090	AMD	03-18-021
132Q-04-077	REP-P	03-13-082	132Q-05-060	REP	03-18-021	132Q-20-110	AMD-P	03-13-082
132Q-04-077	REP	03-18-021	132Q-05-070	REP-P	03-13-082	132Q-20-110	AMD	03-18-021
132Q-04-078	REP-P	03-13-082	132Q-05-070	REP	03-18-021	132Q-20-120	AMD-P	03-13-082
132Q-04-078	REP	03-18-021	132Q-05-080	REP-P	03-13-082	132Q-20-120	AMD	03-18-021
132Q-04-097	REP-P	03-13-082	132Q-05-080	REP	03-18-021	132Q-20-130	AMD-P	03-13-082
132Q-04-097	REP	03-18-021	132Q-05-090	REP-P	03-13-082	132Q-20-130	AMD	03-18-021
132Q-04-100	REP-P	03-13-082	132Q-05-090	REP	03-18-021	132Q-20-140	AMD-P	03-13-082
132Q-04-100	REP	03-18-021	132Q-05-100	REP-P	03-13-082	132Q-20-140	AMD	03-18-021
132Q-04-105	REP-P	03-13-082	132Q-05-100	REP	03-18-021	132Q-20-150	AMD-P	03-13-082
132Q-04-105	REP	03-18-021	132Q-05-110	REP-P	03-13-082	132Q-20-150	AMD	03-18-021
132Q-04-110	REP-P	03-13-082	132Q-05-110	REP	03-18-021	132Q-20-170	AMD-P	03-13-082
132Q-04-110	REP	03-18-021	132Q-05-120	REP-P	03-13-082	132Q-20-170	AMD	03-18-021
132Q-04-120	REP-P	03-13-082	132Q-05-120	REP	03-18-021	132Q-20-180	AMD-P	03-13-082
132Q-04-120	REP	03-18-021	132Q-06	PREP	03-09-094	132Q-20-180	AMD	03-18-021
132Q-04-130	REP-P	03-13-082	132Q-06-010	REP-P	03-13-082	132Q-20-190	AMD-P	03-13-082
132Q-04-130	REP	03-18-021	132Q-06-010	REP	03-18-021	132Q-20-190	AMD	03-18-021
132Q-04-140	REP-P	03-13-082	132Q-06-015	REP-P	03-13-082	132Q-20-200	AMD-P	03-13-082
132Q-04-140	REP	03-18-021	132Q-06-015	REP	03-18-021	132Q-20-200	AMD	03-18-021
132Q-04-150	REP-P	03-13-082	132Q-06-016	REP-P	03-13-082	132Q-20-210	AMD-P	03-13-082
132Q-04-150	REP	03-18-021	132Q-06-016	REP	03-18-021	132Q-20-210	AMD	03-18-021
132Q-04-160	REP-P	03-13-082	132Q-06-020	REP-P	03-13-082	132Q-20-220	AMD-P	03-13-082
132Q-04-160	REP	03-18-021	132Q-06-020	REP	03-18-021	132Q-20-220	AMD	03-18-021
132Q-04-170	REP-P	03-13-082	132Q-06-025	REP-P	03-13-082	132Q-20-230	AMD-P	03-13-082
132Q-04-170	REP	03-18-021	132Q-06-025	REP	03-18-021	132Q-20-230	AMD	03-18-021
132Q-04-180	REP-P	03-13-082	132Q-06-030	REP-P	03-13-082	132Q-20-240	AMD-P	03-13-082
132Q-04-180	REP	03-18-021	132Q-06-030	REP	03-18-021	132Q-20-240	AMD	03-18-021
132Q-04-190	REP-P	03-13-082	132Q-06-035	REP-P	03-13-082	132Q-20-250	AMD-P	03-13-082
132Q-04-190	REP	03-18-021	132Q-06-035	REP	03-18-021	132Q-20-250	AMD	03-18-021
132Q-04-200	REP-P	03-13-082	132Q-06-040	REP-P	03-13-082	132Q-20-260	AMD-P	03-13-082
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132Q- 20-265	AMD	03-18-021	132R- 04-050	REP	03-15-063	132R-118-010	AMD	03-15-063
132Q- 20-270	AMD-P	03-13-082	132R- 04-055	REP-P	03-11-006	132R-118-020	AMD-P	03-11-006
132Q- 20-270	AMD	03-18-021	132R- 04-055	REP	03-15-063	132R-118-020	AMD	03-15-063
132Q- 94	PREP	03-09-094	132R- 04-056	NEW-P	03-11-006	132R-118-030	AMD-P	03-11-006
132Q- 94-010	AMD-P	03-13-082	132R- 04-056	NEW	03-15-063	132R-118-030	AMD	03-15-063
132Q- 94-010	AMD	03-18-021	132R- 04-057	NEW-P	03-11-006	132R-118-040	AMD-P	03-11-006
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173-170-020	AMD	03-07-104	173-303-045	AMD	03-07-049	173-350-320	NEW	03-03-043
173-170-040	AMD	03-07-104	173-303-070	AMD	03-07-049	173-350-330	NEW	03-03-043
173-170-050	AMD	03-07-104	173-303-071	AMD-E	03-03-047	173-350-350	NEW	03-03-043
173-170-070	AMD	03-07-104	173-303-071	AMD	03-07-049	173-350-360	NEW	03-03-043
173-170-080	AMD	03-07-104	173-303-100	AMD	03-07-049	173-350-400	NEW	03-03-043
173-170-090	AMD	03-07-104	173-303-110	AMD	03-07-049	173-350-410	NEW	03-03-043
173-170-100	AMD	03-07-104	173-303-140	AMD	03-07-049	173-350-490	NEW	03-03-043
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173-350-710	NEW	03-03-043	180-46-010	REP-P	03-18-061	180-79A-140	AMD-E	03-12-038
173-350-715	NEW	03-03-043	180-46-015	REP-P	03-18-061	180-79A-150	PREP	03-04-109
173-350-900	NEW	03-03-043	180-46-020	REP-P	03-18-061	180-79A-155	AMD	03-04-022
173-350-990	NEW	03-03-043	180-46-025	REP-P	03-18-061	180-79A-223	PREP	03-12-036
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173-434-020	AMD-P	03-13-077	180-46-040	REP-P	03-18-061	180-79A-231	AMD	03-12-035
173-434-030	AMD-P	03-13-077	180-46-045	REP-P	03-18-061	180-79A-231	AMD-E	03-12-038
173-434-050	REP-P	03-13-077	180-46-050	REP-P	03-18-061	180-79A-231	AMD	03-14-115
173-434-070	REP-P	03-13-077	180-46-055	REP-P	03-18-061	180-79A-308	PREP	03-09-021
173-434-100	REP-P	03-13-077	180-46-065	REP-P	03-18-061	180-79A-308	AMD-P	03-14-112
173-434-110	AMD-P	03-13-077	180-50-315	AMD	03-04-054	180-79A-308	AMD	03-19-019
173-434-120	REP-P	03-13-077	180-51-050	PREP	03-18-057	180-81	PREP	03-10-076
173-434-130	AMD-P	03-13-077	180-51-061	PREP	03-18-049	180-82	PREP	03-10-076
173-434-160	AMD-P	03-13-077	180-51-063	PREP	03-04-110	180-82-105	AMD-E	03-14-121
173-434-170	AMD-P	03-13-077	180-51-063	AMD-E	03-09-018	180-82-105	AMD-P	03-16-013
173-434-190	AMD-P	03-13-077	180-51-063	AMD-P	03-09-028	180-82-105	PREP	03-18-050
173-434-200	AMD-P	03-13-077	180-51-063	AMD	03-14-118	180-82-105	AMD-E	03-18-066
173-503	PREP	03-10-011	180-55-005	PREP	03-18-058	180-82-105	AMD-C	03-18-067
173-503	PREP	03-14-023	180-55-015	PREP	03-18-058	180-82-110	AMD	03-04-023
180-10-001	REP-W	03-03-060	180-55-020	PREP	03-18-058	180-82-115	PREP	03-09-084
180-10-003	REP-W	03-03-060	180-55-032	NEW-W	03-03-061	180-82-115	REP-P	03-18-062
180-10-005	REP-W	03-03-060	180-55-034	PREP	03-04-112	180-82-204	PREP	03-04-020
180-10-007	REP-W	03-03-060	180-55-034	PREP	03-18-058	180-82-204	AMD-E	03-04-027
180-10-010	REP-W	03-03-060	180-55-150	PREP	03-04-111	180-82-204	AMD-P	03-09-024
180-10-015	REP-W	03-03-060	180-55-150	PREP	03-18-058	180-82-204	AMD-E	03-09-025
180-10-020	REP-W	03-03-060	180-57-050	AMD	03-04-055	180-82-204	AMD	03-14-114
180-10-025	REP-W	03-03-060	180-57-055	AMD	03-04-055	180-82-205	PREP	03-09-022
180-10-030	REP-W	03-03-060	180-57-070	AMD	03-04-055	180-82A-204	PREP	03-04-020
180-10-035	REP-W	03-03-060	180-72	PREP	03-10-075	180-82A-204	AMD-E	03-04-028
180-10-040	REP-W	03-03-060	180-77	PREP	03-10-076	180-82A-204	AMD-P	03-09-024
180-10-045	REP-W	03-03-060	180-77-014	AMD-P	03-18-059	180-82A-204	AMD-E	03-09-025
180-16-220	PREP	03-18-055	180-77-068	AMD-P	03-10-070	180-82A-204	AMD	03-14-114
180-18-050	PREP	03-18-056	180-77-068	AMD	03-14-119	180-82A-206	PREP	03-04-021
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180-20-111	PREP	03-18-053	180-78A	PREP	03-10-076	180-82A-206	AMD-E	03-09-027
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180-24-00701	AMD-E	03-14-117	180-78A-250	AMD-P	03-14-113	180-82A-215	AMD-P	03-09-026
180-24-00701	AMD-P	03-18-063	180-78A-250	AMD	03-19-020	180-82A-215	AMD-E	03-09-027
180-24-00701	AMD-E	03-18-065	180-78A-264	PREP	03-09-085	180-82A-215	AMD	03-14-122
180-24-215	PREP	03-12-037	180-78A-264	AMD-P	03-14-111	180-83	PREP	03-10-076
180-24-215	AMD-E	03-14-117	180-78A-264	PREP	03-18-054	180-85	PREP	03-10-076
180-24-215	AMD-P	03-18-063	180-78A-264	AMD	03-19-021	180-86	PREP	03-10-076
180-24-215	AMD-E	03-18-065	180-78A-270	PREP	03-18-052	180-86-100	PREP	03-09-082
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180-24-220	AMD-E	03-14-117	180-78A-505	PREP	03-09-020	180-86-116	PREP	03-09-083
180-24-220	AMD-P	03-18-063	180-78A-505	AMD-E	03-12-039	180-86-116	PREP	03-10-028
180-24-220	AMD-E	03-18-065	180-78A-505	AMD-P	03-18-060	180-87	PREP	03-10-076
180-25	PREP	03-10-077	180-78A-505	AMD-E	03-18-064	180-90-105	AMD	03-04-053
180-26	PREP	03-10-077	180-78A-535	AMD	03-04-024	180-90-110	REP	03-04-053
180-27	PREP	03-10-077	180-78A-535	AMD-P	03-18-060	180-90-112	AMD	03-04-053
180-29	PREP	03-10-077	180-78A-535	AMD-E	03-18-064	180-90-115	REP	03-04-053
180-31	PREP	03-10-077	180-78A-700	NEW	03-04-026	180-90-119	REP	03-04-053
180-32	PREP	03-10-077	180-79A	PREP	03-10-076	180-90-120	REP	03-04-053
180-33	PREP	03-10-077	180-79A-117	PREP	03-07-004	180-90-123	REP	03-04-053
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180- 90-160	AMD	03-04-053	192-240-020	NEW	03-06-038	197- 11-070	AMD-P	03-03-082
180- 95	PREP	03-10-072	192-240-025	NEW	03-06-038	197- 11-070	AMD	03-16-067
180- 96	PREP	03-10-073	192-240-030	NEW	03-06-038	197- 11-250	AMD-P	03-03-082
182- 08	AMD-C	03-16-033	192-240-035	NEW	03-06-038	197- 11-250	AMD	03-16-067
182- 08-015	AMD-P	03-13-138	192-240-040	NEW	03-06-038	197- 11-310	AMD-P	03-03-082
182- 08-015	AMD	03-17-031	192-240-045	NEW	03-06-038	197- 11-310	AMD	03-16-067
182- 08-020	REP-P	03-13-138	192-330-110	NEW-P	03-16-111	197- 11-800	AMD-P	03-03-082
182- 08-020	REP	03-17-031	192-330-150	NEW-P	03-16-111	197- 11-800	AMD	03-16-067
182- 08-095	AMD-P	03-13-138	192-330-155	NEW-P	03-16-111	197- 11-820	AMD-P	03-03-082
182- 08-095	AMD	03-17-031	196- 09	AMD-P	03-16-112	197- 11-820	AMD	03-16-067
182- 08-120	AMD-P	03-13-138	196- 09-010	AMD-P	03-16-112	197- 11-835	AMD-P	03-03-082
182- 08-120	AMD	03-17-031	196- 09-050	NEW-P	03-16-112	197- 11-835	AMD	03-16-067
182- 08-125	AMD-P	03-13-138	196- 09-055	NEW-P	03-16-112	197- 11-850	AMD-P	03-03-082
182- 08-125	AMD	03-17-031	196- 09-060	NEW-P	03-16-112	197- 11-850	AMD	03-16-067
182- 08-175	AMD-P	03-13-138	196- 09-100	NEW-P	03-16-112	197- 11-855	AMD-P	03-03-082
182- 08-175	AMD	03-17-031	196- 09-110	NEW-P	03-16-112	197- 11-855	AMD	03-16-067
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182- 08-180	AMD	03-17-031	196- 12	PREP	03-09-032	197- 11-902	AMD	03-16-067
182- 08-190	AMD-P	03-13-138	196- 12-005	NEW-P	03-16-113	197- 11-904	AMD-P	03-03-082
182- 08-190	AMD	03-17-031	196- 12-010	AMD-P	03-16-113	197- 11-904	AMD	03-16-067
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182- 08-196	NEW	03-17-031	196- 12-030	AMD-P	03-16-113	197- 11-908	AMD	03-16-067
182- 08-210	AMD-P	03-13-138	196- 12-045	AMD-P	03-16-113	204- 10-040	REP-X	03-18-010
182- 08-210	AMD	03-17-031	196- 12-050	AMD-P	03-16-113	204- 82A-060	AMD-P	03-08-089
182- 08-220	AMD-P	03-13-138	196- 12-055	NEW-P	03-16-113	204- 82A-060	AMD	03-12-013
182- 08-220	AMD	03-17-031	196- 12-065	NEW-P	03-16-113	204- 96-010	PREP	03-19-017
182- 12	AMD-C	03-16-033	196- 16	PREP	03-09-032	208-690-010	NEW-E	03-16-074
182- 12-111	AMD-P	03-13-138	196- 16-006	NEW-P	03-16-113	208-690-020	NEW-E	03-16-074
182- 12-111	AMD	03-17-031	196- 16-007	AMD-P	03-16-113	208-690-030	NEW-E	03-16-074
182- 12-115	AMD-P	03-13-138	196- 16-010	AMD-P	03-16-113	208-690-040	NEW-E	03-16-074
182- 12-115	AMD	03-17-031	196- 16-020	AMD-P	03-16-113	208-690-050	NEW-E	03-16-074
182- 12-117	AMD-P	03-13-138	196- 16-031	AMD-P	03-16-113	208-690-060	NEW-E	03-16-074
182- 12-117	AMD	03-17-031	196- 16-035	NEW-P	03-16-113	208-690-070	NEW-E	03-16-074
182- 12-119	AMD-P	03-13-138	196- 20	PREP	03-09-032	208-690-080	NEW-E	03-16-074
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182- 12-132	AMD-P	03-13-138	196- 21-010	AMD-P	03-16-113	208-690-110	NEW-E	03-16-074
182- 12-132	AMD	03-17-031	196- 21-020	AMD-P	03-16-113	208-690-120	NEW-E	03-16-074
182- 12-145	AMD-P	03-13-138	196- 21-030	AMD-P	03-16-113	208-690-130	NEW-E	03-16-074
182- 12-145	AMD	03-17-031	196- 23-070	PREP	03-13-012	208-690-140	NEW-E	03-16-074
182- 12-220	AMD-P	03-13-138	196- 23-070	AMD-P	03-16-113	208-690-150	NEW-E	03-16-074
182- 12-220	AMD	03-17-031	196- 24	PREP	03-09-032	208-690-160	NEW-E	03-16-074
182- 25-010	AMD-P	03-14-097	196- 24-041	REP-P	03-16-113	208-690-170	NEW-E	03-16-074
182- 25-010	AMD	03-18-039	196- 24-080	REP-P	03-16-113	208-700-010	NEW-P	03-21-175
182- 25-030	AMD-P	03-05-094	196- 24-085	REP-P	03-16-113	208-700-020	NEW-P	03-21-175
182- 25-030	AMD-W	03-18-086	196- 24-100	REP-P	03-16-113	208-700-030	NEW-P	03-21-175
182- 25-031	REP-X	03-19-016	196- 24-105	REP-P	03-16-113	208-700-040	NEW-P	03-21-175
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192- 16-036	REP	03-06-038	196- 25-010	AMD-P	03-16-113	212- 12-250	NEW	03-06-063
192- 16-040	REP	03-06-038	196- 25-020	REP-P	03-16-113	212- 12-260	NEW	03-06-063
192- 16-042	REP	03-06-038	196- 25-030	REP-P	03-16-113	212- 12-270	NEW	03-06-063
192- 16-045	REP	03-06-038	196- 25-040	AMD-P	03-16-113	212- 12-280	NEW	03-06-063
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212- 12-350	NEW	03-06-063	220- 32-05100I	NEW-E	03-18-018	220- 33-03000T	NEW-E	03-11-002
212- 12-360	NEW	03-06-063	220- 32-05100I	REP-E	03-18-018	220- 33-03000T	REP-E	03-11-002
212- 12-370	NEW	03-06-063	220- 32-05100J	NEW-E	03-19-084	220- 33-04000S	REP-E	03-07-015
212- 12-380	NEW	03-06-063	220- 32-05100J	REP-E	03-20-019	220- 33-04000T	NEW-E	03-07-015
212- 12-390	NEW	03-06-063	220- 32-05100K	NEW-E	03-20-019	220- 33-04000T	REP-E	03-07-015
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212- 12-410	NEW	03-06-063	220- 32-05100L	NEW-E	03-20-098	220- 33-070	NEW-P	03-21-138
212- 12-420	NEW-W	03-06-071	220- 32-05100L	REP-E	03-21-012	220- 36-023	AMD-X	03-13-106
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218- 10-010	NEW-P	03-19-099	220- 32-05100M	REP-E	03-21-050	220- 36-02300F	NEW-E	03-19-038
218- 10-015	NEW-P	03-19-099	220- 32-05100N	NEW-E	03-21-050	220- 36-02300F	REP-E	03-21-037
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220- 20-08000D	NEW-E	03-17-090	220- 33-01000C	REP-E	03-08-004	220- 44-05000T	NEW-E	03-05-027
220- 20-110	NEW-P	03-12-076	220- 33-01000D	NEW-E	03-09-080	220- 44-05000T	REP-E	03-07-024
220- 20-110	NEW-P	03-21-103	220- 33-01000D	REP-E	03-09-080	220- 44-05000U	NEW-E	03-07-024
220- 20-110	NEW-P	03-21-164	220- 33-01000D	REP-E	03-10-006	220- 44-05000U	REP-E	03-13-008
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220- 22-40000E	NEW-E	03-13-067	220- 33-01000F	NEW-E	03-16-056	220- 44-05000W	NEW-E	03-15-064
220- 24-04000I	NEW-E	03-10-005	220- 33-01000F	REP-E	03-16-056	220- 44-05000W	REP-E	03-16-016
220- 24-04000I	REP-E	03-13-014	220- 33-01000G	NEW-E	03-17-019	220- 44-05000X	NEW-E	03-16-016
220- 24-04000J	NEW-E	03-14-049	220- 33-01000G	REP-E	03-17-019	220- 47-301	AMD	03-05-076
220- 24-04000J	REP-E	03-14-049	220- 33-01000G	REP-E	03-18-019	220- 47-302	AMD-X	03-13-145
220- 24-04000K	NEW-E	03-14-084	220- 33-01000H	NEW-E	03-18-019	220- 47-302	AMD	03-18-005
220- 24-04000K	REP-E	03-14-084	220- 33-01000H	REP-E	03-18-019	220- 47-307	AMD-X	03-13-145
220- 32-05100A	NEW-E	03-07-044	220- 33-01000H	REP-E	03-18-045	220- 47-307	AMD	03-18-005
220- 32-05100A	REP-E	03-07-044	220- 33-01000I	NEW-E	03-18-045	220- 47-30700D	NEW-E	03-17-053
220- 32-05100B	NEW-E	03-10-003	220- 33-01000I	REP-E	03-18-045	220- 47-30700D	REP-E	03-17-053
220- 32-05100B	REP-E	03-10-003	220- 33-01000I	REP-E	03-19-040	220- 47-311	AMD-X	03-13-145
220- 32-05100B	REP-E	03-12-002	220- 33-01000J	NEW-E	03-19-040	220- 47-311	AMD	03-18-005
220- 32-05100C	NEW-E	03-12-002	220- 33-01000J	REP-E	03-19-040	220- 47-31100L	NEW-E	03-21-105
220- 32-05100C	REP-E	03-12-023	220- 33-01000J	REP-E	03-19-085	220- 47-325	AMD-X	03-13-145
220- 32-05100D	NEW-E	03-12-023	220- 33-01000K	NEW-E	03-19-085	220- 47-325	AMD	03-18-005
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220- 32-05100E	NEW-E	03-15-004	220- 33-01000L	NEW-E	03-20-002	220- 47-401	AMD	03-18-005
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220- 32-05100F	REP-E	03-15-042	220- 33-01000N	NEW-E	03-21-060	220- 47-41100K	REP-E	03-21-062
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220-47-50100A	NEW-E	03-17-025	220-52-04600R	NEW-E	03-05-006	220-52-05100W	NEW-E	03-15-053
220-47-50100A	REP-E	03-18-034	220-52-04600R	REP-E	03-06-020	220-52-05100W	REP-E	03-15-083
220-47-50100B	NEW-E	03-18-034	220-52-04600S	NEW-E	03-05-047	220-52-05100X	NEW-E	03-15-083
220-47-50100B	REP-E	03-18-043	220-52-04600S	REP-E	03-10-022	220-52-05100X	REP-E	03-15-136
220-47-50100C	NEW-E	03-18-043	220-52-04600T	NEW-E	03-06-020	220-52-05100Y	NEW-E	03-15-136
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220-47-50100F	NEW-E	03-19-086	220-52-04600V	REP-E	03-10-021	220-52-071	AMD-P	03-13-085
220-47-50100F	REP-E	03-20-005	220-52-04600W	NEW-E	03-08-048	220-52-071	AMD	03-16-098
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220-48-02900B	NEW-E	03-13-078	220-52-051	AMD	03-05-064	220-52-07300B	NEW-E	03-03-002
220-48-02900C	NEW-E	03-19-088	220-52-05100A	NEW-E	03-16-023	220-52-07300B	REP-E	03-03-068
220-48-032	AMD	03-05-063	220-52-05100A	REP-E	03-16-042	220-52-07300C	NEW-E	03-03-068
220-48-03200A	NEW-E	03-13-078	220-52-05100B	NEW-E	03-16-042	220-52-07300C	REP-E	03-06-001
220-48-03200B	NEW-E	03-19-088	220-52-05100B	REP-E	03-17-002	220-52-07300D	NEW-E	03-06-001
220-48-06200B	NEW-E	03-19-088	220-52-05100C	NEW-E	03-17-002	220-52-07300D	REP-E	03-06-001
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220-52-020	AMD-P	03-13-032	220-52-05100F	REP-E	03-17-051	220-55-060	REP	03-10-040
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220-52-03000S	NEW-E	03-17-001	220-52-05100H	REP-E	03-19-002	220-56-100	AMD-X	03-13-144
220-52-03000S	REP-E	03-17-001	220-52-05100I	NEW-E	03-19-002	220-56-100	AMD-X	03-16-084
220-52-03000S	REP-E	03-17-018	220-52-05100I	REP-E	03-19-041	220-56-100	AMD	03-18-007
220-52-03000T	NEW-E	03-18-035	220-52-05100J	NEW-E	03-19-041	220-56-100	AMD-P	03-21-174
220-52-03000T	REP-E	03-18-035	220-52-05100J	REP-E	03-20-039	220-56-10000A	NEW-E	03-10-039
220-52-035	AMD-P	03-13-147	220-52-05100K	NEW-E	03-19-042	220-56-10000A	REP-E	03-16-043
220-52-035	AMD	03-16-097	220-52-05100K	REP-E	03-19-042	220-56-10000B	NEW-E	03-16-043
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220-52-04000P	NEW-E	03-14-085	220-52-05100M	REP-E	03-21-059	220-56-126	AMD	03-21-001
220-52-04000P	REP-E	03-14-085	220-52-05100N	NEW-E	03-21-059	220-56-12800F	NEW-E	03-10-039
220-52-04000Q	NEW-E	03-17-052	220-52-05100P	NEW-E	03-09-013	220-56-12800F	REP-E	03-10-039
220-52-04000Q	REP-E	03-17-052	220-52-05100P	REP-E	03-09-081	220-56-12800F	REP-E	03-16-043
220-52-04000R	NEW-E	03-19-048	220-52-05100Q	NEW-E	03-09-081	220-56-12800G	NEW-E	03-16-043
220-52-04000R	REP-E	03-21-108	220-52-05100Q	REP-E	03-11-008	220-56-12800G	REP-E	03-16-043
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220-56-18000B	NEW-E	03-10-039	220-56-32500E	NEW-E	03-11-003	220-69-240	AMD	03-05-059
220-56-18000B	REP-E	03-10-039	220-56-32500E	REP-E	03-12-079	220-69-240	AMD	03-05-064
220-56-19500K	NEW-E	03-10-039	220-56-32500F	NEW-E	03-12-079	220-69-240	AMD-P	03-13-030
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220-56-19500K	REP-E	03-16-043	220-56-32500G	NEW-E	03-13-038	220-69-240	AMD	03-17-008
220-56-19500L	NEW-E	03-16-043	220-56-32500G	REP-E	03-13-107	220-69-24000F	NEW-E	03-11-080
220-56-19500L	REP-E	03-16-043	220-56-32500H	NEW-E	03-13-107	220-69-241	AMD	03-05-059
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220-56-21000A	REP-E	03-16-055	220-56-32500I	NEW-E	03-14-150	220-72-002	AMD-P	03-06-109
220-56-215	AMD-P	03-21-174	220-56-32500I	REP-E	03-16-005	220-72-002	AMD	03-10-041
220-56-230	AMD	03-05-057	220-56-32500J	NEW-E	03-16-005	220-72-011	AMD-P	03-06-109
220-56-23000A	NEW-E	03-07-032	220-56-32500J	REP-E	03-21-107	220-72-011	AMD	03-10-041
220-56-23000A	REP-E	03-07-032	220-56-330	AMD-P	03-21-174	220-72-015	AMD-P	03-06-109
220-56-23000B	NEW-E	03-19-087	220-56-33000A	NEW-E	03-12-032	220-72-015	AMD	03-10-041
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220-56-235	AMD-P	03-13-083	220-56-33000B	REP-E	03-13-039	220-72-073	AMD-P	03-06-109
220-56-235	AMD	03-16-100	220-56-33000C	NEW-E	03-13-039	220-72-073	AMD	03-10-041
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220-56-235	AMD-P	03-21-174	220-56-33000D	NEW-E	03-13-066	220-72-076	AMD	03-10-041
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220-56-23500Q	REP-E	03-07-032	220-56-33000E	NEW-E	03-15-003	220-72-086	NEW	03-10-041
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220-56-23500R	NEW-E	03-09-123	220-56-33000F	NEW-E	03-16-010	220-72-087	NEW	03-10-041
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220-56-250	AMD-P	03-21-131	220-56-33000G	NEW-E	03-17-032	220-72-089	NEW	03-10-041
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220-56-25500H	REP-E	03-13-070	220-56-33000W	NEW-E	03-08-049	220-88B-050	REP	03-17-007
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220-56-315	AMD-P	03-21-174	220-56-36000S	REP-E	03-20-054	220-88C-050	AMD-P	03-08-100
220-56-320	AMD	03-05-057	220-56-370	REP-P	03-06-079	220-88C-050	AMD	03-13-002
220-56-325	AMD	03-05-057	220-56-370	REP-W	03-19-104	220-88D-010	NEW-P	03-13-140
220-56-325	AMD-P	03-21-174	220-56-370	REP-P	03-21-174	220-88D-020	NEW-P	03-13-140
220-56-32500C	NEW-E	03-09-014	220-56-380	AMD	03-05-057	220-88D-030	NEW-P	03-13-140
220-56-32500C	REP-E	03-10-034	220-56-380	AMD-P	03-21-174	220-88D-040	NEW-P	03-13-140

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220- 88D-050	NEW-P	03-13-140	230- 12-315	AMD-P	03-08-002	232- 12-068	AMD-P	03-13-088
220-100-010	AMD-P	03-06-080	230- 12-315	AMD	03-11-042	232- 12-068	AMD	03-16-030
220-100-010	AMD	03-10-038	230- 12-316	NEW-P	03-08-002	232- 12-086	AMD-P	03-18-001
220-100-020	AMD-P	03-06-080	230- 12-316	NEW	03-11-042	232- 12-086	AMD-P	03-21-145
220-100-020	AMD	03-10-038	230- 12-340	AMD-P	03-13-135	232- 12-086	AMD-W	03-21-165
220-100-027	NEW-P	03-06-080	230- 20-050	AMD-P	03-17-103	232- 12-106	AMD	03-03-016
220-100-027	NEW	03-10-038	230- 20-050	AMD	03-21-065	232- 12-168	AMD-P	03-21-174
220-100-030	AMD-P	03-06-080	230- 20-052	REP-P	03-17-103	232- 12-181	AMD	03-03-016
220-100-030	AMD	03-10-038	230- 20-052	REP	03-21-065	232- 12-243	AMD-P	03-13-142
220-100-040	AMD-P	03-06-080	230- 20-059	AMD-P	03-05-088	232- 12-243	AMD	03-17-037
220-100-040	AMD	03-10-038	230- 20-059	AMD	03-11-040	232- 12-24300A	NEW-E	03-20-045
220-100-045	AMD-P	03-06-080	230- 20-190	REP-P	03-17-103	232- 12-287	AMD-P	03-12-078
220-100-045	AMD	03-10-038	230- 20-190	REP	03-21-065	232- 12-287	AMD	03-16-087
220-100-055	AMD-P	03-06-080	230- 20-242	AMD-P	03-17-103	232- 12-289	NEW-P	03-02-103
220-100-055	AMD	03-10-038	230- 20-242	AMD	03-21-065	232- 12-289	NEW	03-06-110
220-100-057	NEW-P	03-06-080	230- 40-010	AMD-P	03-13-135	232- 12-31500J	NEW-E	03-08-075
220-100-057	NEW	03-10-038	230- 40-010	AMD	03-20-009	232- 12-619	AMD-W	03-10-095
220-100-058	NEW-P	03-06-080	230- 40-040	AMD-P	03-13-135	232- 12-619	AMD-P	03-21-174
220-100-058	NEW	03-10-038	230- 40-040	AMD	03-20-009	232- 12-61900S	NEW-E	03-10-039
220-100-060	AMD-P	03-06-080	230- 40-055	AMD-P	03-17-104	232- 12-61900S	REP-E	03-10-039
220-100-060	AMD	03-10-038	230- 40-055	AMD	03-21-064	232- 12-61900S	REP-E	03-16-043
220-100-065	AMD-P	03-06-080	230- 40-120	AMD-P	03-13-137	232- 12-61900T	NEW-E	03-16-043
220-100-065	AMD	03-10-038	230- 40-120	AMD	03-17-044	232- 12-61900T	REP-E	03-16-043
220-100-068	NEW-P	03-06-080	230- 40-120	AMD-P	03-17-102	232- 12-828	AMD-P	03-06-079
220-100-068	NEW	03-10-038	230- 40-125	REP-P	03-13-135	232- 12-828	AMD	03-10-040
220-100-070	AMD-P	03-06-080	230- 40-125	REP	03-20-009	232- 16-600	AMD-P	03-13-115
220-100-070	AMD	03-10-038	230- 40-550	AMD-P	03-05-087	232- 16-600	AMD	03-16-087
220-100-075	AMD-P	03-06-080	230- 40-550	AMD	03-09-076	232- 16-660	AMD-P	03-13-115
220-100-075	AMD	03-10-038	230- 40-625	AMD-P	03-05-087	232- 16-660	AMD	03-16-087
220-100-080	AMD-P	03-06-080	230- 40-625	AMD	03-09-076	232- 16-740	AMD-P	03-13-115
220-100-080	AMD	03-10-038	230- 40-803	REP-P	03-13-137	232- 16-740	AMD	03-16-087
220-100-095	AMD-P	03-06-080	230- 40-803	REP	03-17-044	232- 19-010	REP-P	03-06-080
220-100-095	AMD	03-10-038	230- 40-805	AMD-P	03-13-135	232- 19-010	REP	03-10-038
220-130-040	AMD-P	03-21-130	230- 40-805	AMD	03-20-009	232- 19-015	REP-P	03-06-080
220-130-080	AMD-P	03-21-130	230- 40-815	AMD-P	03-05-087	232- 19-015	REP	03-10-038
222- 16-010	AMD-P	03-17-078	230- 40-815	AMD	03-09-076	232- 19-015	REP	03-10-038
222- 20-010	AMD-P	03-17-078	230- 40-821	AMD-P	03-13-135	232- 19-020	REP-P	03-06-080
222- 20-015	AMD-P	03-17-078	230- 40-821	AMD	03-20-009	232- 19-020	REP	03-10-038
222- 20-040	AMD-P	03-17-078	230- 40-823	AMD-P	03-20-008	232- 19-030	REP-P	03-06-080
222- 20-055	AMD-P	03-17-078	230- 40-825	AMD-P	03-05-087	232- 19-030	REP	03-10-038
222- 21-010	AMD	03-06-039	230- 40-825	AMD	03-09-076	232- 19-040	REP-P	03-06-080
222- 21-030	AMD	03-06-039	230- 40-825	AMD-P	03-13-137	232- 19-040	REP	03-10-038
222- 21-035	AMD	03-06-039	230- 40-825	AMD	03-17-044	232- 19-050	REP-P	03-06-080
222- 21-040	AMD	03-06-039	230- 40-833	AMD-P	03-13-137	232- 19-050	REP	03-10-038
222- 21-045	AMD	03-06-039	230- 40-860	AMD-P	03-05-087	232- 19-055	REP-P	03-06-080
222- 21-050	AMD	03-06-039	230- 40-860	AMD	03-09-076	232- 19-055	REP	03-10-038
222- 24-050	AMD-P	03-17-078	230- 40-860	AMD	03-09-076	232- 19-060	REP-P	03-06-080
222- 24-051	AMD-P	03-17-078	230- 40-875	AMD-P	03-05-087	232- 19-060	REP	03-10-038
222- 24-0511	NEW-P	03-17-078	230- 40-875	AMD	03-09-076	232- 19-070	REP-P	03-06-080
222- 24-0512	NEW-P	03-17-078	230- 40-895	AMD-P	03-05-087	232- 19-070	REP	03-10-038
230- 02-412	AMD-P	03-08-002	230- 40-895	AMD	03-09-076	232- 19-080	REP-P	03-06-080
230- 02-412	AMD	03-11-042	232- 12-016	AMD-P	03-21-173	232- 19-080	REP	03-10-038
230- 04-110	AMD-P	03-08-002	232- 12-019	AMD-P	03-21-174	232- 19-090	REP-P	03-06-080
230- 04-110	AMD	03-11-042	232- 12-045	NEW-P	03-06-104	232- 19-090	REP	03-10-038
230- 04-124	AMD-P	03-16-061	232- 12-045	NEW	03-13-047	232- 19-100	REP-P	03-06-080
230- 08-010	AMD-P	03-13-135	232- 12-051	AMD-P	03-06-104	232- 19-100	REP	03-10-038
230- 08-010	AMD	03-20-009	232- 12-051	AMD	03-13-047	232- 19-110	REP-P	03-06-080
230- 08-017	AMD	03-05-089	232- 12-054	AMD-P	03-06-104	232- 19-110	REP	03-10-038
230- 12-050	AMD-P	03-17-103	232- 12-054	AMD	03-13-047	232- 19-120	REP-P	03-06-080
230- 12-050	AMD	03-21-065	232- 12-055	AMD-P	03-13-141	232- 19-120	REP	03-10-038
230- 12-305	AMD-P	03-08-001	232- 12-055	NEW	03-16-087	232- 19-130	REP-P	03-06-080
230- 12-305	AMD	03-11-041	232- 12-068	AMD-P	03-06-106	232- 19-130	REP	03-10-038
			232- 12-068	AMD	03-13-047	232- 19-140	REP-P	03-06-080

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232- 19-140	REP	03-10-038	232- 28-335	AMD-P	03-13-120	232- 28-61900G	REP-E	03-12-041
232- 19-180	REP-P	03-06-080	232- 28-335	AMD	03-16-087	232- 28-61900H	NEW-E	03-05-037
232- 19-180	REP	03-10-038	232- 28-336	NEW-P	03-02-103	232- 28-61900H	REP-E	03-05-037
232- 28-02201	REP-P	03-02-103	232- 28-336	NEW	03-06-110	232- 28-61900H	REP-E	03-09-001
232- 28-02201	REP	03-06-110	232- 28-337	NEW-P	03-06-112	232- 28-61900H	NEW-E	03-13-003
232- 28-02202	REP-P	03-02-103	232- 28-337	NEW	03-13-047	232- 28-61900H	REP-E	03-13-003
232- 28-02202	REP	03-06-110	232- 28-341	NEW-P	03-06-106	232- 28-61900I	NEW-E	03-06-009
232- 28-02203	REP-P	03-02-103	232- 28-341	NEW	03-13-047	232- 28-61900I	REP-E	03-06-009
232- 28-02203	REP	03-06-110	232- 28-341	AMD-P	03-13-116	232- 28-61900I	NEW-E	03-13-013
232- 28-02203	REP	03-06-110	232- 28-341	AMD	03-16-087	232- 28-61900I	REP-E	03-13-013
232- 28-02204	REP-P	03-02-103	232- 28-341	AMD	03-16-087	232- 28-61900J	NEW-E	03-06-008
232- 28-02204	REP	03-06-110	232- 28-351	NEW-P	03-06-113	232- 28-61900J	NEW-E	03-06-008
232- 28-02205	REP-P	03-02-103	232- 28-351	NEW	03-13-047	232- 28-61900J	REP-E	03-06-008
232- 28-02205	REP	03-06-110	232- 28-35100A	NEW-E	03-17-038	232- 28-61900J	NEW-E	03-13-001
232- 28-02206	REP-P	03-02-103	232- 28-35100A	REP-E	03-17-038	232- 28-61900J	REP-E	03-13-001
232- 28-02206	REP	03-06-110	232- 28-352	NEW-P	03-06-114	232- 28-61900K	NEW-E	03-06-028
232- 28-02220	REP-P	03-06-112	232- 28-352	NEW	03-13-047	232- 28-61900K	REP-E	03-06-028
232- 28-02220	REP	03-13-047	232- 28-35200A	NEW-E	03-17-039	232- 28-61900K	NEW-E	03-13-069
232- 28-02240	REP-P	03-06-112	232- 28-35200A	REP-E	03-18-016	232- 28-61900K	REP-E	03-14-028
232- 28-02240	REP	03-13-047	232- 28-35200B	NEW-E	03-18-016	232- 28-61900L	NEW-E	03-07-001
232- 28-02280	REP-P	03-02-103	232- 28-426	REP-P	03-13-115	232- 28-61900L	REP-E	03-07-001
232- 28-02280	REP	03-06-110	232- 28-426	REP	03-16-087	232- 28-61900L	REP-E	03-11-037
232- 28-248	AMD-P	03-06-108	232- 28-42600C	NEW-E	03-03-102	232- 28-61900L	NEW-E	03-13-068
232- 28-248	AMD	03-13-047	232- 28-42600C	REP-E	03-03-102	232- 28-61900L	REP-E	03-14-073
232- 28-266	AMD-P	03-06-066	232- 28-427	NEW-P	03-13-115	232- 28-61900M	NEW-E	03-07-016
232- 28-266	AMD	03-10-009	232- 28-427	NEW	03-16-087	232- 28-61900M	REP-E	03-07-016
232- 28-271	AMD	03-03-016	232- 28-515	AMD-P	03-06-107	232- 28-61900M	REP-E	03-11-037
232- 28-271	AMD-P	03-21-134	232- 28-515	AMD	03-13-047	232- 28-61900M	NEW-E	03-13-094
232- 28-272	AMD-P	03-06-108	232- 28-619	AMD	03-05-057	232- 28-61900M	REP-E	03-13-094
232- 28-272	AMD	03-13-047	232- 28-619	AMD-X	03-12-094	232- 28-61900N	NEW-E	03-07-023
232- 28-273	AMD-P	03-06-105	232- 28-619	AMD	03-16-110	232- 28-61900N	REP-E	03-07-023
232- 28-273	AMD	03-13-047	232- 28-619	AMD-P	03-21-174	232- 28-61900N	NEW-E	03-14-028
232- 28-276	REP-P	03-06-106	232- 28-61900A	NEW-E	03-10-053	232- 28-61900N	REP-E	03-14-093
232- 28-276	REP	03-13-047	232- 28-61900A	REP-E	03-10-053	232- 28-61900P	NEW-E	03-07-075
232- 28-278	REP-P	03-06-113	232- 28-61900A	NEW-E	03-20-099	232- 28-61900P	REP-E	03-07-075
232- 28-278	REP	03-13-047	232- 28-61900A	REP-E	03-20-099	232- 28-61900P	REP-E	03-13-069
232- 28-279	REP-P	03-06-114	232- 28-61900B	REP-E	03-04-047	232- 28-61900P	NEW-E	03-14-073
232- 28-279	REP	03-13-047	232- 28-61900B	NEW-E	03-11-001	232- 28-61900P	REP-E	03-20-004
232- 28-282	AMD	03-03-016	232- 28-61900B	REP-E	03-11-001	232- 28-61900Q	REP-E	03-05-003
232- 28-282	AMD-P	03-13-141	232- 28-61900B	REP-E	03-13-001	232- 28-61900Q	NEW-E	03-07-064
232- 28-282	AMD	03-16-087	232- 28-61900B	NEW-E	03-21-002	232- 28-61900Q	REP-E	03-07-064
232- 28-291	AMD-P	03-06-105	232- 28-61900B	REP-E	03-21-002	232- 28-61900Q	NEW-E	03-14-093
232- 28-291	AMD-P	03-12-077	232- 28-61900B	REP-E	03-21-026	232- 28-61900Q	REP-E	03-15-092
232- 28-291	AMD	03-13-047	232- 28-61900C	NEW-E	03-03-004	232- 28-61900R	NEW-E	03-07-068
232- 28-291	AMD	03-16-087	232- 28-61900C	REP-E	03-03-004	232- 28-61900R	REP-E	03-07-068
232- 28-331	NEW-P	03-02-103	232- 28-61900C	NEW-E	03-11-037	232- 28-61900R	NEW-E	03-15-092
232- 28-331	NEW	03-06-110	232- 28-61900C	REP-E	03-11-082	232- 28-61900R	REP-E	03-20-099
232- 28-331	AMD-P	03-13-117	232- 28-61900C	NEW-E	03-21-026	232- 28-61900S	NEW-E	03-08-054
232- 28-331	AMD	03-16-087	232- 28-61900D	NEW-E	03-03-098	232- 28-61900S	REP-E	03-08-054
232- 28-332	NEW-P	03-02-103	232- 28-61900D	REP-E	03-03-098	232- 28-61900S	NEW-E	03-16-012
232- 28-332	NEW	03-06-110	232- 28-61900D	NEW-E	03-11-051	232- 28-61900S	REP-E	03-21-082
232- 28-332	AMD-P	03-13-118	232- 28-61900D	REP-E	03-11-051	232- 28-61900T	NEW-E	03-09-001
232- 28-332	AMD	03-16-087	232- 28-61900E	NEW-E	03-04-047	232- 28-61900T	REP-E	03-09-001
232- 28-333	NEW-P	03-02-103	232- 28-61900E	REP-E	03-04-047	232- 28-61900T	REP-E	03-10-033
232- 28-333	NEW	03-06-110	232- 28-61900E	NEW-E	03-11-082	232- 28-61900T	NEW-E	03-16-057
232- 28-333	AMD-P	03-13-121	232- 28-61900E	REP-E	03-12-022	232- 28-61900T	REP-E	03-16-057
232- 28-333	AMD	03-16-087	232- 28-61900F	NEW-E	03-05-003	232- 28-61900U	NEW-E	03-09-016
232- 28-334	NEW-P	03-02-103	232- 28-61900F	REP-E	03-05-003	232- 28-61900U	REP-E	03-09-016
232- 28-334	NEW	03-06-110	232- 28-61900F	NEW-E	03-12-022	232- 28-61900U	NEW-E	03-18-041
232- 28-334	AMD-P	03-13-119	232- 28-61900F	REP-E	03-13-068	232- 28-61900V	NEW-E	03-10-001
232- 28-334	AMD	03-16-087	232- 28-61900G	NEW-E	03-05-038	232- 28-61900V	REP-E	03-10-001
232- 28-335	NEW-P	03-02-103	232- 28-61900G	REP-E	03-05-038	232- 28-61900V	REP-E	03-12-041
232- 28-335	NEW	03-06-110	232- 28-61900G	NEW-E	03-12-041	232- 28-61900V	NEW-E	03-18-081

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232- 28-61900V	REP-E	03-18-081	246- 01-070	REP-X	03-04-105	246-254-100	AMD	03-14-034
232- 28-61900W	NEW-E	03-10-015	246- 01-070	REP	03-11-032	246-260-9901	AMD-P	03-11-030
232- 28-61900W	REP-E	03-11-037	246- 01-080	AMD-X	03-04-105	246-260-9901	AMD	03-14-146
232- 28-61900W	NEW-E	03-19-023	246- 01-080	AMD	03-11-032	246-262-990	AMD-P	03-11-030
232- 28-61900W	REP-E	03-19-023	246- 01-090	AMD-X	03-04-105	246-262-990	AMD	03-14-146
232- 28-61900W	REP-E	03-19-039	246- 01-090	AMD	03-11-032	246-272	PREP	03-08-028
232- 28-61900X	NEW-E	03-10-032	246- 01-100	REP-X	03-04-105	246-272B-00101	NEW-P	03-12-089
232- 28-61900X	REP-E	03-10-032	246- 01-100	REP	03-11-032	246-272B-00101	NEW-S	03-18-091
232- 28-61900X	REP-E	03-11-037	246- 08-400	AMD-P	03-10-098	246-272B-00501	NEW-P	03-12-089
232- 28-61900X	NEW-E	03-19-036	246- 08-400	AMD	03-14-036	246-272B-00501	NEW-S	03-18-091
232- 28-61900X	REP-E	03-19-036	246- 12-040	AMD-P	03-15-105	246-272B-01001	NEW-P	03-12-089
232- 28-61900Y	NEW-E	03-10-039	246- 12-040	AMD	03-19-136	246-272B-01001	NEW-S	03-18-091
232- 28-61900Y	REP-E	03-10-039	246-100	AMD-W	03-06-051	246-272B-03001	NEW-P	03-12-089
232- 28-61900Y	REP-E	03-10-053	246-100	PREP	03-20-043	246-272B-03001	NEW-S	03-18-091
232- 28-61900Y	NEW-E	03-19-039	246-100-011	AMD	03-06-003	246-272B-07001	NEW-S	03-18-091
232- 28-61900Y	REP-E	03-19-039	246-100-036	AMD	03-05-048	246-272B-08001	NEW-P	03-12-089
232- 28-61900Z	NEW-E	03-10-033	246-100-036	AMD-X	03-09-066	246-272B-08001	NEW-S	03-18-091
232- 28-61900Z	REP-E	03-10-033	246-100-036	AMD	03-17-022	246-272B-09501	NEW-P	03-12-089
232- 28-61900Z	NEW-E	03-20-004	246-100-040	NEW	03-05-048	246-272B-09501	NEW-S	03-18-091
232- 28-61900Z	REP-E	03-20-004	246-100-045	NEW	03-05-048	246-272B-0990	NEW-P	03-12-089
232- 28-61900Z	REP-E	03-21-002	246-100-050	NEW	03-05-048	246-272B-0990	NEW-S	03-18-091
232- 28-620	AMD-X	03-12-095	246-100-055	NEW	03-05-048	246-272B-11001	NEW-P	03-12-089
232- 28-620	AMD	03-16-109	246-100-060	NEW	03-05-048	246-272B-11001	NEW-S	03-18-091
232- 28-62000K	NEW-E	03-10-039	246-100-065	NEW	03-05-048	246-272B-11501	NEW-P	03-12-089
232- 28-62000K	REP-E	03-10-039	246-100-070	NEW	03-05-048	246-272B-11501	NEW-S	03-18-091
232- 28-62000K	REP-E	03-15-095	246-100-166	PREP	03-09-126	246-272B-12501	NEW-P	03-12-089
232- 28-62000L	NEW-E	03-15-095	246-101	PREP	03-20-043	246-272B-12501	NEW-S	03-18-091
232- 28-62000L	REP-E	03-18-011	246-101-505	AMD	03-06-003	246-272B-13501	NEW-P	03-12-089
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296-17-76206	AMD	03-20-081	296-19A-190	AMD	03-11-009	296-23-317	NEW-P	03-21-070
296-17-76207	PREP	03-03-026	296-19A-191	NEW	03-11-009	296-23-322	NEW-P	03-21-070
296-17-76207	AMD-P	03-14-126	296-19A-192	NEW	03-11-009	296-23-327	NEW-P	03-21-070
296-17-76207	AMD	03-20-081	296-19A-193	NEW	03-11-009	296-23-332	NEW-P	03-21-070
296-17-76208	PREP	03-03-026	296-19A-200	AMD	03-11-009	296-23-337	NEW-P	03-21-070
296-17-76208	AMD-P	03-14-126	296-19A-210	AMD	03-11-009	296-23-342	NEW-P	03-21-070
296-17-76208	AMD	03-20-081	296-19A-210	PREP	03-16-083	296-23-347	NEW-P	03-21-070
296-17-76209	PREP	03-03-026	296-19A-240	AMD	03-11-009	296-23-352	NEW-P	03-21-070
296-17-76209	AMD-P	03-14-126	296-19A-245	NEW	03-11-009	296-23-357	NEW-P	03-21-070
296-17-76209	AMD	03-20-081	296-19A-260	AMD	03-11-009	296-23-362	NEW-P	03-21-070
296-17-76210	PREP	03-03-026	296-19A-270	AMD	03-11-009	296-23-367	NEW-P	03-21-070
296-17-76210	AMD-P	03-14-126	296-19A-300	AMD	03-11-009	296-23-372	NEW-P	03-21-070
296-17-76210	AMD	03-20-081	296-19A-350	AMD	03-11-009	296-23-377	NEW-P	03-21-070
296-17-76211	PREP	03-03-026	296-19A-400	AMD	03-11-009	296-23-382	NEW-P	03-21-070
296-17-76211	AMD-P	03-14-126	296-19A-440	AMD	03-11-009	296-23-387	NEW-P	03-21-070

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-23-392	NEW-P	03-21-070	296-24-655	REP	03-09-009	296-46A-095	REP	03-09-111
296-23A-0710	AMD-X	03-14-127	296-24-65501	REP	03-09-009	296-46A-100	REP-P	03-05-074
296-23A-0710	AMD	03-21-069	296-24-657	REP	03-09-009	296-46A-100	REP	03-09-111
296-24	PREP	03-03-110	296-24-65701	REP	03-09-009	296-46A-102	REP-P	03-05-074
296-24	PREP	03-10-064	296-24-65703	REP	03-09-009	296-46A-102	REP	03-09-111
296-24	PREP	03-10-066	296-24-660	REP	03-09-009	296-46A-104	REP-P	03-05-074
296-24	PREP	03-20-080	296-24-66001	REP	03-09-009	296-46A-104	REP	03-09-111
296-24-120	AMD-X	03-12-072	296-24-66003	REP	03-09-009	296-46A-110	REP-P	03-05-074
296-24-120	AMD	03-18-090	296-24-66005	REP	03-09-009	296-46A-110	REP	03-09-111
296-24-12001	REP-X	03-12-072	296-24-66007	REP	03-09-009	296-46A-130	REP-P	03-05-074
296-24-12001	REP	03-18-090	296-24-66009	REP	03-09-009	296-46A-130	REP	03-09-111
296-24-12002	REP-X	03-12-072	296-24-66011	REP	03-09-009	296-46A-140	REP-P	03-05-074
296-24-12002	REP	03-18-090	296-24-663	REP	03-09-009	296-46A-140	REP	03-09-111
296-24-12010	REP-X	03-12-072	296-24-66301	REP	03-09-009	296-46A-155	REP-P	03-05-074
296-24-12010	REP	03-18-090	296-24-66303	REP	03-09-009	296-46A-155	REP	03-09-111
296-24-12011	REP-X	03-12-072	296-24-66305	REP	03-09-009	296-46A-21052	REP-P	03-05-074
296-24-12011	REP	03-18-090	296-24-66307	REP	03-09-009	296-46A-21052	REP	03-09-111
296-24-12017	REP-X	03-12-072	296-24-66309	REP	03-09-009	296-46A-215	REP-P	03-05-074
296-24-12017	REP	03-18-090	296-24-66311	REP	03-09-009	296-46A-215	REP	03-09-111
296-24-235	REP-P	03-14-075	296-24-66313	REP	03-09-009	296-46A-220	REP-P	03-05-074
296-24-23501	REP-P	03-14-075	296-24-66315	REP	03-09-009	296-46A-220	REP	03-09-111
296-24-23503	REP-P	03-14-075	296-24-66317	REP	03-09-009	296-46A-22530	REP-P	03-05-074
296-24-23505	REP-P	03-14-075	296-24-66319	REP	03-09-009	296-46A-22530	REP	03-09-111
296-24-23507	REP-P	03-14-075	296-24-66321	REP	03-09-009	296-46A-23001	REP-P	03-05-074
296-24-23509	REP-P	03-14-075	296-24-665	REP	03-09-009	296-46A-23001	REP	03-09-111
296-24-23511	REP-P	03-14-075	296-24-66501	REP	03-09-009	296-46A-23028	REP-P	03-05-074
296-24-23513	REP-P	03-14-075	296-24-66503	REP	03-09-009	296-46A-23028	REP	03-09-111
296-24-23515	REP-P	03-14-075	296-24-66505	REP	03-09-009	296-46A-23040	REP-P	03-05-074
296-24-23517	REP-P	03-14-075	296-24-66507	REP	03-09-009	296-46A-23040	REP	03-09-111
296-24-23519	REP-P	03-14-075	296-24-66509	REP	03-09-009	296-46A-23062	REP-P	03-05-074
296-24-23521	REP-P	03-14-075	296-24-670	REP	03-09-009	296-46A-23062	REP	03-09-111
296-24-23523	REP-P	03-14-075	296-24-67001	REP	03-09-009	296-46A-250	REP-P	03-05-074
296-24-23525	REP-P	03-14-075	296-24-67003	REP	03-09-009	296-46A-250	REP	03-09-111
296-24-23527	REP-P	03-14-075	296-24-67005	REP	03-09-009	296-46A-300	REP-P	03-05-074
296-24-23529	REP-P	03-14-075	296-27-01109	AMD	03-09-110	296-46A-300	REP	03-09-111
296-24-23531	REP-P	03-14-075	296-27-01113	AMD-X	03-19-105	296-46A-30011	REP-P	03-05-074
296-24-240	REP-P	03-14-075	296-27-01117	REP-X	03-19-105	296-46A-30011	REP	03-09-111
296-24-24001	REP-P	03-14-075	296-27-01119	AMD-X	03-19-105	296-46A-324	REP-P	03-05-074
296-24-24003	REP-P	03-14-075	296-27-061	NEW-X	03-19-105	296-46A-324	REP	03-09-111
296-24-24005	REP-P	03-14-075	296-30-190	PREP	03-11-057	296-46A-348	REP-P	03-05-074
296-24-24007	REP-P	03-14-075	296-30-200	PREP	03-11-058	296-46A-348	REP	03-09-111
296-24-24009	REP-P	03-14-075	296-37	PREP	03-04-097	296-46A-365	REP-P	03-05-074
296-24-24011	REP-P	03-14-075	296-400A	PREP	03-04-098	296-46A-365	REP	03-09-111
296-24-24013	REP-P	03-14-075	296-401B	PREP	03-04-098	296-46A-370	REP-P	03-05-074
296-24-24015	REP-P	03-14-075	296-402A	PREP	03-04-098	296-46A-370	REP	03-09-111
296-24-24017	REP-P	03-14-075	296-45	PREP	03-07-072	296-46A-41004	REP-P	03-05-074
296-24-24019	REP-P	03-14-075	296-45	PREP	03-10-064	296-46A-41004	REP	03-09-111
296-24-245	REP-P	03-14-075	296-45	PREP	03-21-126	296-46A-41030	REP-P	03-05-074
296-24-24501	REP-P	03-14-075	296-45-045	AMD-P	03-10-067	296-46A-41030	REP	03-09-111
296-24-24503	REP-P	03-14-075	296-45-045	AMD	03-17-071	296-46A-422	REP-P	03-05-074
296-24-24505	REP-P	03-14-075	296-45-255	AMD-P	03-10-067	296-46A-422	REP	03-09-111
296-24-24507	REP-P	03-14-075	296-45-255	AMD	03-17-071	296-46A-450	REP-P	03-05-074
296-24-24509	REP-P	03-14-075	296-45-325	AMD-P	03-10-067	296-46A-450	REP	03-09-111
296-24-24511	REP-P	03-14-075	296-45-325	AMD	03-17-071	296-46A-500	REP-P	03-05-074
296-24-24513	REP-P	03-14-075	296-45-48535	AMD-X	03-12-072	296-46A-500	REP	03-09-111
296-24-24515	REP-P	03-14-075	296-45-48535	AMD	03-18-090	296-46A-514	REP-P	03-05-074
296-24-24517	REP-P	03-14-075	296-46A	PREP	03-04-098	296-46A-514	REP	03-09-111
296-24-24519	REP-P	03-14-075	296-46A-090	REP-P	03-05-074	296-46A-517	REP-P	03-05-074
296-24-650	REP	03-09-009	296-46A-090	REP	03-09-111	296-46A-517	REP	03-09-111
296-24-65003	REP	03-09-009	296-46A-092	REP-P	03-05-074	296-46A-550	REP-P	03-05-074
296-24-65005	REP	03-09-009	296-46A-092	REP	03-09-111	296-46A-550	REP	03-09-111
296-24-65007	REP	03-09-009	296-46A-095	REP-P	03-05-074	296-46A-553	REP-P	03-05-074

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-46A-553	REP	03-09-111	296-46B-300	NEW	03-09-111	296-46B-935	NEW	03-09-111
296-46A-600	REP-P	03-05-074	296-46B-314	NEW-P	03-05-074	296-46B-940	NEW-P	03-05-074
296-46A-600	REP	03-09-111	296-46B-314	NEW	03-09-111	296-46B-940	NEW	03-09-111
296-46A-680	REP-P	03-05-074	296-46B-334	NEW-P	03-05-074	296-46B-945	NEW-P	03-05-074
296-46A-680	REP	03-09-111	296-46B-334	NEW	03-09-111	296-46B-945	NEW	03-09-111
296-46A-700	REP-P	03-05-074	296-46B-358	NEW-P	03-05-074	296-46B-950	NEW-P	03-05-074
296-46A-700	REP	03-09-111	296-46B-358	NEW	03-09-111	296-46B-950	NEW	03-09-111
296-46A-702	REP-P	03-05-074	296-46B-394	NEW-P	03-05-074	296-46B-950	AMD-X	03-13-100
296-46A-702	REP	03-09-111	296-46B-394	NEW	03-09-111	296-46B-950	AMD	03-18-089
296-46A-900	REP-P	03-05-074	296-46B-410	NEW-P	03-05-074	296-46B-951	NEW-P	03-05-074
296-46A-900	REP	03-09-111	296-46B-410	NEW	03-09-111	296-46B-951	NEW	03-09-111
296-46A-910	REP-P	03-05-074	296-46B-422	NEW-P	03-05-074	296-46B-955	NEW-P	03-05-074
296-46A-910	REP	03-09-111	296-46B-422	NEW	03-09-111	296-46B-955	NEW	03-09-111
296-46A-915	REP-P	03-05-074	296-46B-430	NEW-P	03-05-074	296-46B-960	NEW-P	03-05-074
296-46A-915	REP	03-09-111	296-46B-430	NEW	03-09-111	296-46B-960	NEW	03-09-111
296-46A-920	REP-P	03-05-074	296-46B-450	NEW-P	03-05-074	296-46B-965	NEW-P	03-05-074
296-46A-920	REP	03-09-111	296-46B-450	NEW	03-09-111	296-46B-965	NEW	03-09-111
296-46A-930	REP-P	03-05-074	296-46B-501	NEW-P	03-05-074	296-46B-970	NEW-P	03-05-074
296-46A-930	REP	03-09-111	296-46B-501	NEW	03-09-111	296-46B-970	NEW	03-09-111
296-46A-931	REP-P	03-05-074	296-46B-514	NEW-P	03-05-074	296-46B-971	NEW-P	03-05-074
296-46A-931	REP	03-09-111	296-46B-514	NEW	03-09-111	296-46B-971	NEW	03-09-111
296-46A-932	REP-P	03-05-074	296-46B-517	NEW-P	03-05-074	296-46B-975	NEW-P	03-05-074
296-46A-932	REP	03-09-111	296-46B-517	NEW	03-09-111	296-46B-975	NEW	03-09-111
296-46A-933	REP-P	03-05-074	296-46B-520	NEW-P	03-05-074	296-46B-980	NEW-P	03-05-074
296-46A-933	REP	03-09-111	296-46B-520	NEW	03-09-111	296-46B-980	NEW	03-09-111
296-46A-934	REP-P	03-05-074	296-46B-527	NEW-P	03-05-074	296-46B-985	NEW-P	03-05-074
296-46A-934	REP	03-09-111	296-46B-527	NEW	03-09-111	296-46B-985	NEW	03-09-111
296-46A-935	REP-P	03-05-074	296-46B-550	NEW-P	03-05-074	296-46B-990	NEW-P	03-05-074
296-46A-935	REP	03-09-111	296-46B-550	NEW	03-09-111	296-46B-990	NEW	03-09-111
296-46A-940	REP-P	03-05-074	296-46B-553	NEW-P	03-05-074	296-46B-995	NEW-P	03-05-074
296-46A-940	REP	03-09-111	296-46B-553	NEW	03-09-111	296-46B-995	NEW	03-09-111
296-46A-950	REP-P	03-05-074	296-46B-555	NEW-P	03-05-074	296-46B-998	NEW-P	03-05-074
296-46A-950	REP	03-09-111	296-46B-555	NEW	03-09-111	296-46B-998	NEW	03-09-111
296-46A-960	REP-P	03-05-074	296-46B-600	NEW-P	03-05-074	296-46B-999	NEW-P	03-05-074
296-46A-960	REP	03-09-111	296-46B-600	NEW	03-09-111	296-46B-999	NEW	03-09-111
296-46B	PREP	03-10-065	296-46B-680	NEW-P	03-05-074	296-52-60020	AMD	03-06-073
296-46B	PREP	03-15-116	296-46B-680	NEW	03-09-111	296-52-60130	AMD	03-06-073
296-46B-005	NEW-P	03-05-074	296-46B-700	NEW-P	03-05-074	296-52-61040	AMD-X	03-05-073
296-46B-005	NEW	03-09-111	296-46B-700	NEW	03-09-111	296-52-61040	AMD	03-10-037
296-46B-010	NEW-P	03-05-074	296-46B-800	NEW-P	03-05-074	296-52-62005	AMD-X	03-05-073
296-46B-010	NEW	03-09-111	296-46B-800	NEW	03-09-111	296-52-62005	AMD	03-10-037
296-46B-020	NEW-P	03-05-074	296-46B-900	NEW-P	03-05-074	296-52-63005	AMD-X	03-05-073
296-46B-020	NEW	03-09-111	296-46B-900	NEW	03-09-111	296-52-63005	AMD	03-10-037
296-46B-030	NEW-P	03-05-074	296-46B-905	NEW-P	03-05-074	296-52-65005	AMD-X	03-05-073
296-46B-030	NEW	03-09-111	296-46B-905	NEW	03-09-111	296-52-65005	AMD	03-10-037
296-46B-040	NEW-P	03-05-074	296-46B-905	AMD-X	03-13-100	296-52-66005	AMD-X	03-05-073
296-46B-040	NEW	03-09-111	296-46B-905	AMD	03-18-089	296-52-66005	AMD	03-10-037
296-46B-110	NEW-P	03-05-074	296-46B-910	NEW-P	03-05-074	296-52-67065	AMD	03-06-073
296-46B-110	NEW	03-09-111	296-46B-910	NEW	03-09-111	296-52-67160	AMD	03-06-073
296-46B-210	NEW-P	03-05-074	296-46B-911	NEW-P	03-05-074	296-52-68060	AMD	03-06-073
296-46B-210	NEW	03-09-111	296-46B-911	NEW	03-09-111	296-52-69010	AMD	03-06-073
296-46B-215	NEW-P	03-05-074	296-46B-915	NEW-P	03-05-074	296-52-69015	AMD	03-06-073
296-46B-215	NEW	03-09-111	296-46B-915	NEW	03-09-111	296-52-69095	AMD	03-06-073
296-46B-220	NEW-P	03-05-074	296-46B-920	NEW-P	03-05-074	296-52-69125	AMD	03-06-073
296-46B-220	NEW	03-09-111	296-46B-920	NEW	03-09-111	296-52-69130	NEW	03-06-073
296-46B-225	NEW-P	03-05-074	296-46B-925	NEW-P	03-05-074	296-52-70010	AMD	03-06-073
296-46B-225	NEW	03-09-111	296-46B-925	NEW	03-09-111	296-52-710	AMD	03-06-073
296-46B-230	NEW-P	03-05-074	296-46B-930	NEW-P	03-05-074	296-52-71020	AMD	03-06-073
296-46B-230	NEW	03-09-111	296-46B-930	NEW	03-09-111	296-52-71040	AMD	03-06-073
296-46B-250	NEW-P	03-05-074	296-46B-930	AMD-X	03-13-100	296-52-71045	AMD	03-06-073
296-46B-250	NEW	03-09-111	296-46B-930	AMD	03-18-089	296-54	PREP	03-10-064
296-46B-300	NEW-P	03-05-074	296-46B-935	NEW-P	03-05-074	296-54	PREP	03-10-066

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296-54-51130	AMD	03-11-060	296-62-20015	AMD-X	03-12-072	296-130-020	AMD	03-03-010
296-56	PREP	03-03-110	296-62-20015	AMD	03-18-090	296-130-030	AMD	03-03-010
296-56	PREP	03-10-066	296-62-300	AMD-P	03-14-074	296-130-035	AMD	03-03-010
296-56	PREP	03-20-080	296-62-31020	AMD-X	03-12-072	296-130-040	AMD	03-03-010
296-56-60001	AMD	03-11-060	296-62-31020	AMD	03-18-090	296-130-050	AMD	03-03-010
296-59	PREP	03-03-110	296-62-31335	AMD-X	03-12-072	296-130-060	AMD	03-03-010
296-59	PREP	03-10-064	296-62-31335	AMD	03-18-090	296-130-065	AMD	03-03-010
296-59	PREP	03-20-080	296-78	PREP	03-10-064	296-130-070	AMD	03-03-010
296-59-090	AMD	03-11-060	296-78	PREP	03-10-066	296-130-080	AMD	03-03-010
296-62	PREP	03-04-097	296-78	PREP	03-20-080	296-130-100	NEW	03-03-010
296-62	PREP	03-08-073	296-78	PREP	03-21-126	296-130-500	REP	03-03-010
296-62-054	REP-X	03-04-100	296-78-56505	AMD	03-06-076	296-150C	PREP	03-10-065
296-62-054	REP	03-10-068	296-78-71001	AMD	03-06-076	296-150C	PREP	03-15-115
296-62-05402	REP-X	03-04-100	296-78-71011	AMD	03-06-076	296-150C-0150	NEW-P	03-09-109
296-62-05402	REP	03-10-068	296-78-835	AMD	03-06-076	296-150C-0150	NEW	03-12-044
296-62-05404	REP-X	03-04-100	296-79	PREP	03-03-110	296-150C-3000	AMD-P	03-09-108
296-62-05404	REP	03-10-068	296-79	PREP	03-10-064	296-150C-3000	AMD	03-12-045
296-62-05406	REP-X	03-04-100	296-79	PREP	03-10-066	296-150F	PREP	03-10-065
296-62-05406	REP	03-10-068	296-79	PREP	03-20-080	296-150F	PREP	03-15-115
296-62-05408	REP-X	03-04-100	296-96	PREP	03-04-098	296-150F-3000	AMD-P	03-09-109
296-62-05408	REP	03-10-068	296-96	PREP	03-10-065	296-150F-3000	AMD	03-12-044
296-62-05410	REP-X	03-04-100	296-96-01005	AMD-P	03-09-108	296-150M	PREP	03-10-065
296-62-05410	REP	03-10-068	296-96-01005	AMD	03-12-045	296-150M	PREP	03-15-115
296-62-05412	REP-X	03-04-100	296-96-01030	AMD-P	03-09-108	296-150M-0020	AMD-P	03-09-109
296-62-05412	REP	03-10-068	296-96-01030	AMD	03-12-045	296-150M-0020	AMD	03-12-044
296-62-070	REP-X	03-04-100	296-96-01050	AMD-P	03-09-108	296-150M-0049	AMD-P	03-09-109
296-62-070	REP	03-10-068	296-96-01050	AMD	03-12-045	296-150M-0049	AMD	03-12-044
296-62-07001	REP-X	03-04-100	296-96-01055	AMD-P	03-09-108	296-150M-0050	AMD-P	03-09-109
296-62-07001	REP	03-10-068	296-96-01055	AMD	03-12-045	296-150M-0050	AMD	03-12-044
296-62-07003	REP-X	03-04-100	296-104	PREP	03-03-129	296-150M-0051	NEW-P	03-09-109
296-62-07003	REP	03-10-068	296-104	PREP	03-12-081	296-150M-0051	NEW	03-12-044
296-62-07005	REP-X	03-04-100	296-104-010	AMD-P	03-20-120	296-150M-0302	AMD-P	03-09-109
296-62-07005	REP	03-10-068	296-104-050	AMD-P	03-20-120	296-150M-0302	AMD	03-12-044
296-62-071	AMD-P	03-08-044	296-104-055	AMD-P	03-08-076	296-150M-0320	AMD-P	03-09-109
296-62-071	AMD	03-20-114	296-104-055	AMD	03-12-051	296-150M-0320	AMD	03-12-044
296-62-07308	AMD-X	03-12-072	296-104-055	REP-P	03-20-120	296-150M-0322	NEW-P	03-09-109
296-62-07308	AMD	03-18-090	296-104-060	AMD-P	03-20-120	296-150M-0322	NEW	03-12-044
296-62-07336	AMD-X	03-12-072	296-104-065	AMD-P	03-20-120	296-150M-0360	AMD-P	03-09-109
296-62-07336	AMD	03-18-090	296-104-100	AMD-P	03-20-120	296-150M-0360	AMD	03-12-044
296-62-07342	AMD-X	03-12-072	296-104-256	AMD-P	03-20-120	296-150M-0705	NEW-P	03-09-109
296-62-07342	AMD	03-18-090	296-104-265	AMD-P	03-20-120	296-150M-0705	NEW	03-12-044
296-62-07347	AMD-X	03-12-072	296-104-300	AMD-P	03-20-120	296-150M-0715	NEW-P	03-09-109
296-62-07347	AMD	03-18-090	296-104-307	AMD-P	03-20-120	296-150M-0715	NEW	03-12-044
296-62-07419	AMD-X	03-12-072	296-104-316	AMD-P	03-20-120	296-150M-0725	NEW-P	03-09-109
296-62-07419	AMD	03-18-090	296-104-320	AMD-P	03-20-120	296-150M-0725	NEW	03-12-044
296-62-07460	AMD-X	03-12-072	296-104-325	AMD-P	03-20-120	296-150M-0800	NEW-P	03-09-109
296-62-07460	AMD	03-18-090	296-104-405	AMD-P	03-20-120	296-150M-0800	NEW	03-12-044
296-62-075	AMD-P	03-11-059	296-104-510	AMD-P	03-20-120	296-150M-0805	NEW-P	03-09-109
296-62-075	AMD	03-20-115	296-104-515	AMD-P	03-20-120	296-150M-0805	NEW	03-12-044
296-62-07521	AMD-X	03-12-072	296-104-520	AMD-P	03-20-120	296-150M-0810	NEW-P	03-09-109
296-62-07521	AMD	03-18-090	296-104-530	REP-P	03-20-120	296-150M-0810	NEW	03-12-044
296-62-07719	AMD-X	03-12-072	296-104-700	AMD-P	03-08-076	296-150M-0815	NEW-P	03-09-109
296-62-07719	AMD	03-18-090	296-104-700	AMD	03-12-051	296-150M-0815	NEW	03-12-044
296-62-080	REP-X	03-04-100	296-104-700	AMD-P	03-20-120	296-150M-0820	NEW-P	03-09-109
296-62-080	REP	03-10-068	296-115-050	AMD-X	03-12-072	296-150M-0820	NEW	03-12-044
296-62-08001	AMD	03-09-110	296-115-050	AMD	03-18-090	296-150M-0830	NEW-P	03-09-109
296-62-09015	AMD	03-11-060	296-126-025	PREP	03-20-095	296-150M-0830	NEW	03-12-044
296-62-11021	REP-X	03-04-100	296-127-018	PREP	03-20-096	296-150M-0835	NEW-P	03-09-109
296-62-11021	REP	03-10-068	296-128-500	AMD	03-03-109	296-150M-0835	NEW	03-12-044
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296-62-130	REP	03-10-068	296-128-533	NEW	03-03-109	296-150M-0840	NEW	03-12-044
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296-150M-0860	NEW	03-12-044	296-200A-065	NEW	03-20-097	296-304-10003	AMD	03-04-099
296-150M-0865	NEW-P	03-09-109	296-200A-070	AMD-P	03-15-117	296-304-10007	AMD	03-04-099
296-150M-0865	NEW	03-12-044	296-200A-070	AMD	03-20-097	296-305	PREP	03-04-097
296-150M-3000	AMD-P	03-09-109	296-200A-080	AMD-P	03-15-117	296-305	PREP	03-10-066
296-150M-3000	AMD	03-12-044	296-200A-080	AMD	03-20-097	296-305	PREP	03-21-126
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296-150P-0020	AMD-P	03-09-109	296-200A-111	AMD-P	03-15-117	296-305-02501	AMD	03-09-110
296-150P-0020	AMD	03-12-044	296-200A-111	AMD	03-20-097	296-305-05503	AMD	03-11-060
296-150P-3000	AMD-P	03-09-108	296-200A-112	AMD-P	03-15-117	296-307	PREP	03-10-064
296-150P-3000	AMD	03-12-045	296-200A-112	AMD	03-20-097	296-307	PREP	03-10-066
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296-150R	PREP	03-15-115	296-200A-300	AMD	03-20-097	296-307	PREP	03-21-126
296-150R-0020	AMD-P	03-09-109	296-200A-305	AMD-P	03-15-117	296-307-009	AMD-X	03-04-100
296-150R-0020	AMD	03-12-044	296-200A-305	AMD	03-20-097	296-307-009	AMD	03-10-068
296-150R-3000	AMD-P	03-09-108	296-200A-310	AMD-P	03-15-117	296-307-018	AMD-X	03-04-100
296-150R-3000	AMD	03-12-045	296-200A-310	AMD	03-20-097	296-307-018	AMD	03-10-068
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296-150T	PREP	03-15-115	296-200A-320	AMD	03-20-097	296-307-03930	NEW	03-10-068
296-150T-3000	AMD-P	03-09-108	296-200A-330	AMD-P	03-15-117	296-307-03935	NEW-X	03-04-100
296-150T-3000	AMD	03-12-045	296-200A-330	AMD	03-20-097	296-307-03935	NEW	03-10-068
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296-150V	PREP	03-15-115	296-200A-340	AMD	03-20-097	296-307-03940	NEW	03-10-068
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296-150V-0020	AMD	03-12-044	296-200A-360	AMD	03-20-097	296-307-03945	NEW	03-10-068
296-150V-0800	AMD-P	03-09-109	296-200A-370	AMD-P	03-15-117	296-307-148	NEW-P	03-15-032
296-150V-0800	AMD	03-12-044	296-200A-370	AMD	03-20-097	296-307-148	NEW-S	03-20-113
296-150V-1090	AMD-P	03-09-109	296-200A-380	AMD-P	03-15-117	296-307-14805	NEW-P	03-15-032
296-150V-1090	AMD	03-12-044	296-200A-380	AMD	03-20-097	296-307-14805	NEW-S	03-20-113
296-150V-1220	REP-P	03-09-109	296-200A-390	AMD-P	03-15-117	296-307-14810	NEW-P	03-15-032
296-150V-1220	REP	03-12-044	296-200A-390	AMD	03-20-097	296-307-14810	NEW-S	03-20-113
296-150V-1530	AMD-P	03-09-109	296-200A-400	AMD-P	03-15-117	296-307-14815	NEW-P	03-15-032
296-150V-1530	AMD	03-12-044	296-200A-400	AMD	03-20-097	296-307-14815	NEW-S	03-20-113
296-150V-1600	NEW-P	03-09-109	296-200A-405	AMD-P	03-15-117	296-307-14820	NEW-P	03-15-032
296-150V-1600	NEW	03-12-044	296-200A-405	AMD	03-20-097	296-307-14820	NEW-S	03-20-113
296-150V-3000	AMD-P	03-09-108	296-200A-500	REP-P	03-15-117	296-307-14825	NEW-P	03-15-032
296-150V-3000	AMD	03-12-045	296-200A-500	REP	03-20-097	296-307-14825	NEW-S	03-20-113
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296-155	PREP	03-10-064	296-200A-510	REP	03-20-097	296-307-14830	NEW-S	03-20-113
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296-155-145	AMD	03-11-060	296-304-01003	AMD	03-04-099	296-307-14840	NEW-S	03-20-113
296-155-210	AMD	03-11-060	296-304-02007	AMD	03-04-099	296-307-14845	NEW-P	03-15-032
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296-155-310	AMD	03-06-075	296-304-04001	AMD	03-04-099	296-307-40013	AMD	03-10-068
296-155-315	AMD	03-06-075	296-304-05001	AMD	03-04-099	296-307-40015	AMD-X	03-04-100
296-200A	PREP	03-10-065	296-304-05003	AMD	03-04-099	296-307-40015	AMD	03-10-068
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296-307-45005	AMD-X	03-04-100	296-307-45565	NEW-X	03-04-100	296-401B-300	REP-P	03-05-074
296-307-45005	AMD	03-10-068	296-307-45565	NEW	03-10-068	296-401B-300	REP	03-09-111
296-307-45007	REP-X	03-04-100	296-307-460	NEW-X	03-04-100	296-401B-310	REP-P	03-05-074
296-307-45007	REP	03-10-068	296-307-460	NEW	03-10-068	296-401B-310	REP	03-09-111
296-307-45009	REP-X	03-04-100	296-307-46005	NEW-X	03-04-100	296-401B-320	REP-P	03-05-074
296-307-45009	REP	03-10-068	296-307-46005	NEW	03-10-068	296-401B-320	REP	03-09-111
296-307-45010	NEW-X	03-04-100	296-307-46025	NEW-X	03-04-100	296-401B-330	REP-P	03-05-074
296-307-45010	NEW	03-10-068	296-307-46025	NEW	03-10-068	296-401B-330	REP	03-09-111
296-307-45011	REP-X	03-04-100	296-307-46030	NEW-X	03-04-100	296-401B-335	REP-P	03-05-074
296-307-45011	REP	03-10-068	296-307-46030	NEW	03-10-068	296-401B-335	REP	03-09-111
296-307-45013	REP-X	03-04-100	296-307-465	NEW-X	03-04-100	296-401B-340	REP-P	03-05-074
296-307-45013	REP	03-10-068	296-307-465	NEW	03-10-068	296-401B-340	REP	03-09-111
296-307-45015	AMD-X	03-04-100	296-307-55030	AMD-X	03-04-100	296-401B-350	REP-P	03-05-074
296-307-45015	AMD	03-10-068	296-307-55030	AMD	03-10-068	296-401B-350	REP	03-09-111
296-307-45017	REP-X	03-04-100	296-307-560	NEW-X	03-04-100	296-401B-410	REP-P	03-05-074
296-307-45017	REP	03-10-068	296-307-560	NEW	03-10-068	296-401B-410	REP	03-09-111
296-307-45019	REP-X	03-04-100	296-307-56005	NEW-X	03-04-100	296-401B-420	REP-P	03-05-074
296-307-45019	REP	03-10-068	296-307-56005	NEW	03-10-068	296-401B-420	REP	03-09-111
296-307-45020	NEW-X	03-04-100	296-307-56010	NEW-X	03-04-100	296-401B-430	REP-P	03-05-074
296-307-45020	NEW	03-10-068	296-307-56010	NEW	03-10-068	296-401B-430	REP	03-09-111
296-307-45021	REP-X	03-04-100	296-307-56015	NEW-X	03-04-100	296-401B-440	REP-P	03-05-074
296-307-45021	REP	03-10-068	296-307-56015	NEW	03-10-068	296-401B-440	REP	03-09-111
296-307-45023	REP-X	03-04-100	296-307-56020	NEW-X	03-04-100	296-401B-445	REP-P	03-05-074
296-307-45023	REP	03-10-068	296-307-56020	NEW	03-10-068	296-401B-445	REP	03-09-111
296-307-45025	AMD-X	03-04-100	296-307-56025	NEW-X	03-04-100	296-401B-450	REP-P	03-05-074
296-307-45025	AMD	03-10-068	296-307-56025	NEW	03-10-068	296-401B-450	REP	03-09-111
296-307-45027	REP-X	03-04-100	296-307-56030	NEW-X	03-04-100	296-401B-455	REP-P	03-05-074
296-307-45027	REP	03-10-068	296-307-56030	NEW	03-10-068	296-401B-455	REP	03-09-111
296-307-45029	REP-X	03-04-100	296-307-56035	NEW-X	03-04-100	296-401B-460	REP-P	03-05-074
296-307-45029	REP	03-10-068	296-307-56035	NEW	03-10-068	296-401B-460	REP	03-09-111
296-307-45030	NEW-X	03-04-100	296-307-56040	NEW-X	03-04-100	296-401B-470	REP-P	03-05-074
296-307-45030	NEW	03-10-068	296-307-56040	NEW	03-10-068	296-401B-470	REP	03-09-111
296-307-45035	NEW-X	03-04-100	296-307-56045	NEW-X	03-04-100	296-401B-475	REP-P	03-05-074
296-307-45035	NEW	03-10-068	296-307-56045	NEW	03-10-068	296-401B-475	REP	03-09-111
296-307-45045	NEW-X	03-04-100	296-307-56050	NEW-X	03-04-100	296-401B-476	REP-P	03-05-074
296-307-45045	NEW	03-10-068	296-307-56050	NEW	03-10-068	296-401B-476	REP	03-09-111
296-307-45050	NEW-X	03-04-100	296-400A	PREP	03-10-065	296-401B-500	REP-P	03-05-074
296-307-45050	NEW	03-10-068	296-400A	PREP	03-15-114	296-401B-500	REP	03-09-111
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296-307-455	NEW	03-10-068	296-400A-045	AMD	03-12-045	296-401B-510	REP	03-09-111
296-307-45505	NEW-X	03-04-100	296-401B-092	REP-P	03-05-074	296-401B-520	REP-P	03-05-074
296-307-45505	NEW	03-10-068	296-401B-092	REP	03-09-111	296-401B-520	REP	03-09-111
296-307-45510	NEW-X	03-04-100	296-401B-100	REP-P	03-05-074	296-401B-600	REP-P	03-05-074
296-307-45510	NEW	03-10-068	296-401B-100	REP	03-09-111	296-401B-600	REP	03-09-111
296-307-45515	NEW-X	03-04-100	296-401B-110	REP-P	03-05-074	296-401B-610	REP-P	03-05-074
296-307-45515	NEW	03-10-068	296-401B-110	REP	03-09-111	296-401B-610	REP	03-09-111
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296-307-45520	NEW	03-10-068	296-401B-120	REP	03-09-111	296-401B-620	REP	03-09-111
296-307-45525	NEW-X	03-04-100	296-401B-130	REP-P	03-05-074	296-401B-630	REP-P	03-05-074
296-307-45525	NEW	03-10-068	296-401B-130	REP	03-09-111	296-401B-630	REP	03-09-111
296-307-45535	NEW-X	03-04-100	296-401B-140	REP-P	03-05-074	296-401B-640	REP-P	03-05-074
296-307-45535	NEW	03-10-068	296-401B-140	REP	03-09-111	296-401B-640	REP	03-09-111
296-307-45540	NEW-X	03-04-100	296-401B-180	REP-P	03-05-074	296-401B-700	REP-P	03-05-074
296-307-45540	NEW	03-10-068	296-401B-180	REP	03-09-111	296-401B-700	REP	03-09-111
296-307-45545	NEW-X	03-04-100	296-401B-200	REP-P	03-05-074	296-401B-800	REP-P	03-05-074
296-307-45545	NEW	03-10-068	296-401B-200	REP	03-09-111	296-401B-800	REP	03-09-111
296-307-45550	NEW-X	03-04-100	296-401B-250	REP-P	03-05-074	296-401B-850	REP-P	03-05-074
296-307-45550	NEW	03-10-068	296-401B-250	REP	03-09-111	296-401B-850	REP	03-09-111
296-307-45555	NEW-X	03-04-100	296-401B-260	REP-P	03-05-074	296-401B-860	REP-P	03-05-074
296-307-45555	NEW	03-10-068	296-401B-260	REP	03-09-111	296-401B-860	REP	03-09-111
296-307-45560	NEW-X	03-04-100	296-401B-270	REP-P	03-05-074	296-401B-870	REP-P	03-05-074

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-401B-870	REP	03-09-111	296-402A-240	REP	03-09-111	296-402A-570	REP	03-09-111
296-401B-900	REP-P	03-05-074	296-402A-250	REP-P	03-05-074	296-402A-580	REP-P	03-05-074
296-401B-900	REP	03-09-111	296-402A-250	REP	03-09-111	296-402A-580	REP	03-09-111
296-401B-910	REP-P	03-05-074	296-402A-260	REP-P	03-05-074	296-402A-590	REP-P	03-05-074
296-401B-910	REP	03-09-111	296-402A-260	REP	03-09-111	296-402A-590	REP	03-09-111
296-401B-920	REP-P	03-05-074	296-402A-270	REP-P	03-05-074	296-402A-600	REP-P	03-05-074
296-401B-920	REP	03-09-111	296-402A-270	REP	03-09-111	296-402A-600	REP	03-09-111
296-401B-950	REP-P	03-05-074	296-402A-290	REP-P	03-05-074	296-402A-610	REP-P	03-05-074
296-401B-950	REP	03-09-111	296-402A-290	REP	03-09-111	296-402A-610	REP	03-09-111
296-401B-960	REP-P	03-05-074	296-402A-300	REP-P	03-05-074	296-402A-620	REP-P	03-05-074
296-401B-960	REP	03-09-111	296-402A-300	REP	03-09-111	296-402A-620	REP	03-09-111
296-401B-970	REP-P	03-05-074	296-402A-310	REP-P	03-05-074	296-402A-630	REP-P	03-05-074
296-401B-970	REP	03-09-111	296-402A-310	REP	03-09-111	296-402A-630	REP	03-09-111
296-401B-980	REP-P	03-05-074	296-402A-320	REP-P	03-05-074	296-402A-640	REP-P	03-05-074
296-401B-980	REP	03-09-111	296-402A-320	REP	03-09-111	296-402A-640	REP	03-09-111
296-401B-990	REP-P	03-05-074	296-402A-330	REP-P	03-05-074	296-402A-650	REP-P	03-05-074
296-401B-990	REP	03-09-111	296-402A-330	REP	03-09-111	296-402A-650	REP	03-09-111
296-402A-010	REP-P	03-05-074	296-402A-340	REP-P	03-05-074	296-402A-660	REP-P	03-05-074
296-402A-010	REP	03-09-111	296-402A-340	REP	03-09-111	296-402A-660	REP	03-09-111
296-402A-020	REP-P	03-05-074	296-402A-350	REP-P	03-05-074	296-402A-670	REP-P	03-05-074
296-402A-020	REP	03-09-111	296-402A-350	REP	03-09-111	296-402A-670	REP	03-09-111
296-402A-030	REP-P	03-05-074	296-402A-360	REP-P	03-05-074	296-402A-675	REP-P	03-05-074
296-402A-030	REP	03-09-111	296-402A-360	REP	03-09-111	296-402A-675	REP	03-09-111
296-402A-040	REP-P	03-05-074	296-402A-370	REP-P	03-05-074	296-402A-680	REP-P	03-05-074
296-402A-040	REP	03-09-111	296-402A-370	REP	03-09-111	296-402A-680	REP	03-09-111
296-402A-050	REP-P	03-05-074	296-402A-380	REP-P	03-05-074	296-402A-690	REP-P	03-05-074
296-402A-050	REP	03-09-111	296-402A-380	REP	03-09-111	296-402A-690	REP	03-09-111
296-402A-060	REP-P	03-05-074	296-402A-390	REP-P	03-05-074	296-800	PREP	03-04-097
296-402A-060	REP	03-09-111	296-402A-390	REP	03-09-111	296-800	PREP	03-21-126
296-402A-070	REP-P	03-05-074	296-402A-400	REP-P	03-05-074	296-800-110	AMD-X	03-12-072
296-402A-070	REP	03-09-111	296-402A-400	REP	03-09-111	296-800-110	AMD	03-18-090
296-402A-080	REP-P	03-05-074	296-402A-410	REP-P	03-05-074	296-800-11030	AMD-X	03-12-072
296-402A-080	REP	03-09-111	296-402A-410	REP	03-09-111	296-800-11030	AMD	03-18-090
296-402A-090	REP-P	03-05-074	296-402A-430	REP-P	03-05-074	296-800-15005	AMD	03-09-110
296-402A-090	REP	03-09-111	296-402A-430	REP	03-09-111	296-800-170	AMD-X	03-12-072
296-402A-100	REP-P	03-05-074	296-402A-440	REP-P	03-05-074	296-800-170	AMD	03-18-090
296-402A-100	REP	03-09-111	296-402A-440	REP	03-09-111	296-800-17005	AMD-X	03-12-072
296-402A-110	REP-P	03-05-074	296-402A-450	REP-P	03-05-074	296-800-17005	AMD	03-18-090
296-402A-110	REP	03-09-111	296-402A-450	REP	03-09-111	296-800-17007	NEW-X	03-12-072
296-402A-130	REP-P	03-05-074	296-402A-460	REP-P	03-05-074	296-800-17007	NEW	03-18-090
296-402A-130	REP	03-09-111	296-402A-460	REP	03-09-111	296-800-17015	AMD-X	03-12-072
296-402A-140	REP-P	03-05-074	296-402A-470	REP-P	03-05-074	296-800-17015	AMD	03-18-090
296-402A-140	REP	03-09-111	296-402A-470	REP	03-09-111	296-800-17020	AMD-X	03-12-072
296-402A-150	REP-P	03-05-074	296-402A-480	REP-P	03-05-074	296-800-17020	AMD	03-18-090
296-402A-150	REP	03-09-111	296-402A-480	REP	03-09-111	296-800-230	AMD-X	03-12-072
296-402A-160	REP-P	03-05-074	296-402A-490	REP-P	03-05-074	296-800-230	AMD	03-18-090
296-402A-160	REP	03-09-111	296-402A-490	REP	03-09-111	296-800-23005	AMD-X	03-12-072
296-402A-170	REP-P	03-05-074	296-402A-500	REP-P	03-05-074	296-800-23005	AMD	03-18-090
296-402A-170	REP	03-09-111	296-402A-500	REP	03-09-111	296-800-23010	AMD-X	03-12-072
296-402A-180	REP-P	03-05-074	296-402A-510	REP-P	03-05-074	296-800-23010	AMD	03-18-090
296-402A-180	REP	03-09-111	296-402A-510	REP	03-09-111	296-800-23020	AMD-X	03-12-072
296-402A-190	REP-P	03-05-074	296-402A-520	REP-P	03-05-074	296-800-23020	AMD	03-18-090
296-402A-190	REP	03-09-111	296-402A-520	REP	03-09-111	296-800-23025	AMD-X	03-12-072
296-402A-200	REP-P	03-05-074	296-402A-530	REP-P	03-05-074	296-800-23025	AMD	03-18-090
296-402A-200	REP	03-09-111	296-402A-530	REP	03-09-111	296-800-23030	REP-X	03-12-072
296-402A-210	REP-P	03-05-074	296-402A-540	REP-P	03-05-074	296-800-23030	REP	03-18-090
296-402A-210	REP	03-09-111	296-402A-540	REP	03-09-111	296-800-23035	REP-X	03-12-072
296-402A-220	REP-P	03-05-074	296-402A-550	REP-P	03-05-074	296-800-23035	REP	03-18-090
296-402A-220	REP	03-09-111	296-402A-550	REP	03-09-111	296-800-23040	NEW-X	03-12-072
296-402A-230	REP-P	03-05-074	296-402A-560	REP-P	03-05-074	296-800-23040	NEW	03-18-090
296-402A-230	REP	03-09-111	296-402A-560	REP	03-09-111	296-800-23045	NEW-X	03-12-072
296-402A-240	REP-P	03-05-074	296-402A-570	REP-P	03-05-074	296-800-23045	NEW	03-18-090

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-800-23050	NEW-X	03-12-072	296-807-170	NEW	03-09-009	296-817-01035	NEW-W	03-13-096
296-800-23050	NEW	03-18-090	296-807-17005	NEW	03-09-009	296-817-01040	NEW-W	03-13-096
296-800-23055	NEW-X	03-12-072	296-807-17010	NEW	03-09-009	296-817-020	NEW-W	03-13-096
296-800-23055	NEW	03-18-090	296-807-17015	NEW	03-09-009	296-817-02005	NEW-W	03-13-096
296-800-23060	NEW-X	03-12-072	296-807-17020	NEW	03-09-009	296-817-02010	NEW-W	03-13-096
296-800-23060	NEW	03-18-090	296-807-180	NEW	03-09-009	296-817-02015	NEW-W	03-13-096
296-800-23065	NEW-X	03-12-072	296-807-18005	NEW	03-09-009	296-817-030	NEW-W	03-13-096
296-800-23065	NEW	03-18-090	296-807-18010	NEW	03-09-009	296-817-03005	NEW-W	03-13-096
296-800-23070	NEW-X	03-12-072	296-807-18015	NEW	03-09-009	296-817-03010	NEW-W	03-13-096
296-800-23070	NEW	03-18-090	296-807-18020	NEW	03-09-009	296-817-03015	NEW-W	03-13-096
296-800-23075	NEW-X	03-12-072	296-807-18025	NEW	03-09-009	296-817-03020	NEW-W	03-13-096
296-800-23075	NEW	03-18-090	296-807-18030	NEW	03-09-009	296-817-03025	NEW-W	03-13-096
296-800-31050	AMD-X	03-12-072	296-807-18035	NEW	03-09-009	296-817-03030	NEW-W	03-13-096
296-800-31050	AMD	03-18-090	296-807-18040	NEW	03-09-009	296-817-03035	NEW-W	03-13-096
296-800-350	AMD-X	03-12-072	296-807-18045	NEW	03-09-009	296-817-040	NEW-W	03-13-096
296-800-350	AMD	03-18-090	296-807-18050	NEW	03-09-009	296-817-04005	NEW-W	03-13-096
296-800-35038	AMD-X	03-12-072	296-807-18055	NEW	03-09-009	296-817-04010	NEW-W	03-13-096
296-800-35038	AMD	03-18-090	296-807-18060	NEW	03-09-009	296-817-04015	NEW-W	03-13-096
296-800-35040	AMD-X	03-12-072	296-807-18065	NEW	03-09-009	296-817-04020	NEW-W	03-13-096
296-800-35040	AMD	03-18-090	296-807-18070	NEW	03-09-009	296-817-04025	NEW-W	03-13-096
296-800-35062	AMD-X	03-12-072	296-807-18075	NEW	03-09-009	296-817-050	NEW-W	03-13-096
296-800-35062	AMD	03-18-090	296-807-18080	NEW	03-09-009	296-817-100	NEW	03-11-060
296-800-35064	AMD-X	03-12-072	296-807-18085	NEW	03-09-009	296-817-200	NEW	03-11-060
296-800-35064	AMD	03-18-090	296-807-190	NEW	03-09-009	296-817-20005	NEW	03-11-060
296-800-370	AMD-X	03-12-072	296-809-100	NEW-P	03-19-106	296-817-20010	NEW	03-11-060
296-800-370	AMD	03-18-090	296-809-200	NEW-P	03-19-106	296-817-20015	NEW	03-11-060
296-807-100	NEW	03-09-009	296-809-20002	NEW-P	03-19-106	296-817-20020	NEW	03-11-060
296-807-110	NEW	03-09-009	296-809-20004	NEW-P	03-19-106	296-817-20025	NEW	03-11-060
296-807-11005	NEW	03-09-009	296-809-20006	NEW-P	03-19-106	296-817-20030	NEW	03-11-060
296-807-120	NEW	03-09-009	296-809-300	NEW-P	03-19-106	296-817-20035	NEW	03-11-060
296-807-12005	NEW	03-09-009	296-809-30002	NEW-P	03-19-106	296-817-20040	NEW	03-11-060
296-807-130	NEW	03-09-009	296-809-30004	NEW-P	03-19-106	296-817-300	NEW	03-11-060
296-807-13005	NEW	03-09-009	296-809-400	NEW-P	03-19-106	296-817-30005	NEW	03-11-060
296-807-140	NEW	03-09-009	296-809-40002	NEW-P	03-19-106	296-817-30010	NEW	03-11-060
296-807-14005	NEW	03-09-009	296-809-40004	NEW-P	03-19-106	296-817-30015	NEW	03-11-060
296-807-14010	NEW	03-09-009	296-809-500	NEW-P	03-19-106	296-817-400	NEW	03-11-060
296-807-14015	NEW	03-09-009	296-809-50002	NEW-P	03-19-106	296-817-40005	NEW	03-11-060
296-807-14020	NEW	03-09-009	296-809-50004	NEW-P	03-19-106	296-817-40010	NEW	03-11-060
296-807-14025	NEW	03-09-009	296-809-50006	NEW-P	03-19-106	296-817-40015	NEW	03-11-060
296-807-14030	NEW	03-09-009	296-809-50008	NEW-P	03-19-106	296-817-40020	NEW	03-11-060
296-807-14035	NEW	03-09-009	296-809-50010	NEW-P	03-19-106	296-817-40025	NEW	03-11-060
296-807-14040	NEW	03-09-009	296-809-50012	NEW-P	03-19-106	296-817-40030	NEW	03-11-060
296-807-150	NEW	03-09-009	296-809-50014	NEW-P	03-19-106	296-817-40035	NEW	03-11-060
296-807-15005	NEW	03-09-009	296-809-50016	NEW-P	03-19-106	296-817-500	NEW	03-11-060
296-807-15010	NEW	03-09-009	296-809-50018	NEW-P	03-19-106	296-817-50005	NEW	03-11-060
296-807-15015	NEW	03-09-009	296-809-50020	NEW-P	03-19-106	296-817-50010	NEW	03-11-060
296-807-15020	NEW	03-09-009	296-809-50022	NEW-P	03-19-106	296-817-50015	NEW	03-11-060
296-807-15025	NEW	03-09-009	296-809-50024	NEW-P	03-19-106	296-817-50020	NEW	03-11-060
296-807-15030	NEW	03-09-009	296-809-600	NEW-P	03-19-106	296-817-50025	NEW	03-11-060
296-807-15035	NEW	03-09-009	296-809-60002	NEW-P	03-19-106	296-817-600	NEW	03-11-060
296-807-15040	NEW	03-09-009	296-809-60004	NEW-P	03-19-106	296-823-100	NEW	03-09-110
296-807-15045	NEW	03-09-009	296-809-700	NEW-P	03-19-106	296-823-110	NEW	03-09-110
296-807-15050	NEW	03-09-009	296-809-70002	NEW-P	03-19-106	296-823-11005	NEW	03-09-110
296-807-15055	NEW	03-09-009	296-809-70004	NEW-P	03-19-106	296-823-11010	NEW	03-09-110
296-807-160	NEW	03-09-009	296-809-800	NEW-P	03-19-106	296-823-120	NEW	03-09-110
296-807-16005	NEW	03-09-009	296-817-010	NEW-W	03-13-096	296-823-12005	NEW	03-09-110
296-807-16010	NEW	03-09-009	296-817-01005	NEW-W	03-13-096	296-823-12010	NEW	03-09-110
296-807-16015	NEW	03-09-009	296-817-01010	NEW-W	03-13-096	296-823-12015	NEW	03-09-110
296-807-16020	NEW	03-09-009	296-817-01015	NEW-W	03-13-096	296-823-130	NEW	03-09-110
296-807-16025	NEW	03-09-009	296-817-01020	NEW-W	03-13-096	296-823-13005	NEW	03-09-110
296-807-16030	NEW	03-09-009	296-817-01025	NEW-W	03-13-096	296-823-13010	NEW	03-09-110
296-807-16035	NEW	03-09-009	296-817-01030	NEW-W	03-13-096	296-823-13015	NEW-W	03-14-136

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-831-52015	NEW-P	03-14-075	296-842-150	NEW	03-20-114	296-843-15010	NEW-P	03-14-074
296-831-52020	NEW-P	03-14-075	296-842-15005	NEW-P	03-08-044	296-843-15015	NEW-P	03-14-074
296-831-530	NEW-P	03-14-075	296-842-15005	NEW	03-20-114	296-843-160	NEW-P	03-14-074
296-831-53005	NEW-P	03-14-075	296-842-160	NEW-P	03-08-044	296-843-16005	NEW-P	03-14-074
296-831-53010	NEW-P	03-14-075	296-842-160	NEW	03-20-114	296-843-170	NEW-P	03-14-074
296-831-53015	NEW-P	03-14-075	296-842-16005	NEW-P	03-08-044	296-843-17005	NEW-P	03-14-074
296-831-53020	NEW-P	03-14-075	296-842-16005	NEW	03-20-114	296-843-180	NEW-P	03-14-074
296-831-53025	NEW-P	03-14-075	296-842-170	NEW-P	03-08-044	296-843-18005	NEW-P	03-14-074
296-831-53030	NEW-P	03-14-075	296-842-170	NEW	03-20-114	296-843-18010	NEW-P	03-14-074
296-831-53035	NEW-P	03-14-075	296-842-17005	NEW-P	03-08-044	296-843-18015	NEW-P	03-14-074
296-831-53040	NEW-P	03-14-075	296-842-17005	NEW	03-20-114	296-843-18020	NEW-P	03-14-074
296-831-53045	NEW-P	03-14-075	296-842-17010	NEW-P	03-08-044	296-843-190	NEW-P	03-14-074
296-831-53050	NEW-P	03-14-075	296-842-17010	NEW	03-20-114	296-843-19005	NEW-P	03-14-074
296-831-53055	NEW-P	03-14-075	296-842-17015	NEW-P	03-08-044	296-843-200	NEW-P	03-14-074
296-831-540	NEW-P	03-14-075	296-842-17015	NEW	03-20-114	296-843-20005	NEW-P	03-14-074
296-831-54005	NEW-P	03-14-075	296-842-180	NEW-P	03-08-044	296-843-20010	NEW-P	03-14-074
296-831-54010	NEW-P	03-14-075	296-842-180	NEW	03-20-114	296-843-20015	NEW-P	03-14-074
296-831-54015	NEW-P	03-14-075	296-842-18005	NEW-P	03-08-044	296-843-20020	NEW-P	03-14-074
296-831-54020	NEW-P	03-14-075	296-842-18005	NEW	03-20-114	296-843-20025	NEW-P	03-14-074
296-831-900	NEW-P	03-14-075	296-842-18010	NEW-P	03-08-044	296-843-20030	NEW-P	03-14-074
296-841	PREP	03-08-073	296-842-18010	NEW	03-20-114	296-843-20035	NEW-P	03-14-074
296-841-100	NEW-P	03-11-059	296-842-190	NEW-P	03-08-044	296-843-210	NEW-P	03-14-074
296-841-100	NEW	03-20-115	296-842-190	NEW	03-20-114	296-843-21005	NEW-P	03-14-074
296-841-200	NEW-P	03-11-059	296-842-19005	NEW-P	03-08-044	296-843-220	NEW-P	03-14-074
296-841-200	NEW	03-20-115	296-842-19005	NEW	03-20-114	296-843-22005	NEW-P	03-14-074
296-841-20005	NEW-P	03-11-059	296-842-200	NEW-P	03-08-044	296-843-22010	NEW-P	03-14-074
296-841-20005	NEW	03-20-115	296-842-200	NEW	03-20-114	296-843-300	NEW-P	03-14-074
296-841-20010	NEW-P	03-11-059	296-842-20005	NEW-P	03-08-044	296-878	PREP	03-03-110
296-841-20010	NEW	03-20-115	296-842-20005	NEW	03-20-114	308- 11	PREP	03-17-028
296-841-20015	NEW-P	03-11-059	296-842-20010	NEW-P	03-08-044	308- 13-150	PREP	03-04-056
296-841-20015	NEW	03-20-115	296-842-20010	NEW	03-20-114	308- 13-150	AMD-P	03-08-062
296-841-20020	NEW-P	03-11-059	296-842-20015	NEW-P	03-08-044	308- 13-150	AMD	03-11-074
296-841-20020	NEW	03-20-115	296-842-20015	NEW	03-20-114	308- 13-150	PREP	03-20-033
296-841-300	NEW-P	03-11-059	296-842-210	NEW-P	03-08-044	308- 14	PREP	03-17-027
296-841-300	NEW	03-20-115	296-842-210	NEW	03-20-114	308- 14	PREP	03-21-063
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388-71-05940	PREP	03-19-117	388-71-0734	NEW	03-06-024	388-72A-0095	NEW	03-05-097
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388-71-0704	NEW	03-06-024	388-72A-0035	NEW	03-05-097	388-78A-0170	NEW	03-16-047
388-71-0706	NEW	03-06-024	388-72A-0040	NEW	03-05-097	388-78A-0180	NEW-P	03-03-018
388-71-0708	NEW	03-06-024	388-72A-0045	NEW	03-05-097	388-78A-0180	NEW	03-16-047
388-71-0710	NEW	03-06-024	388-72A-0050	NEW	03-05-097	388-78A-0190	NEW-P	03-03-018
388-71-0712	NEW	03-06-024	388-72A-0055	NEW	03-05-097	388-78A-0190	NEW	03-16-047
388-71-0714	NEW	03-06-024	388-72A-0060	NEW	03-05-097	388-78A-020	REP-P	03-03-018
388-71-0716	NEW	03-06-024	388-72A-0060	PREP	03-14-099	388-78A-020	REP	03-16-047
388-71-0718	NEW	03-06-024	388-72A-0060	AMD-E	03-15-133	388-78A-0200	NEW-P	03-03-018
388-71-0720	NEW	03-06-024	388-72A-0060	AMD-P	03-19-073	388-78A-0200	NEW	03-16-047
388-71-0722	NEW	03-06-024	388-72A-0065	NEW	03-05-097	388-78A-0210	NEW-P	03-03-018
388-71-0724	NEW	03-06-024	388-72A-0070	NEW	03-05-097	388-78A-0210	NEW	03-16-047

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-78A-1030	NEW-P	03-03-018	388-78A-210	REP-P	03-03-018	388-140-0020	NEW-E	03-04-035
388-78A-1030	NEW	03-16-047	388-78A-210	REP	03-16-047	388-140-0020	NEW-E	03-12-004
388-78A-1040	NEW-P	03-03-018	388-78A-220	REP-P	03-03-018	388-140-0020	NEW-E	03-19-074
388-78A-1040	NEW	03-16-047	388-78A-220	REP	03-16-047	388-140-0025	NEW-E	03-04-035
388-78A-1050	NEW-P	03-03-018	388-78A-230	REP-P	03-03-018	388-140-0025	NEW-E	03-12-004
388-78A-1050	NEW	03-16-047	388-78A-230	REP	03-16-047	388-140-0025	NEW-E	03-19-074
388-78A-1060	NEW-P	03-03-018	388-78A-240	REP-P	03-03-018	388-140-0030	NEW-E	03-04-035
388-78A-1060	NEW	03-16-047	388-78A-240	REP	03-16-047	388-140-0030	NEW-E	03-12-004
388-78A-1070	NEW-P	03-03-018	388-78A-250	REP-P	03-03-018	388-140-0030	NEW-E	03-19-074
388-78A-1070	NEW	03-16-047	388-78A-250	REP	03-16-047	388-140-0035	NEW-E	03-04-035
388-78A-1080	NEW-P	03-03-018	388-78A-260	REP-P	03-03-018	388-140-0035	NEW-E	03-12-004
388-78A-1080	NEW	03-16-047	388-78A-260	REP	03-16-047	388-140-0035	NEW-E	03-19-074
388-78A-1090	NEW-P	03-03-018	388-78A-265	REP-P	03-03-018	388-140-0040	NEW-E	03-04-035
388-78A-1090	NEW	03-16-047	388-78A-265	REP	03-16-047	388-140-0040	NEW-E	03-12-004
388-78A-110	REP-P	03-03-018	388-78A-268	REP-P	03-03-018	388-140-0040	NEW-E	03-19-074
388-78A-110	REP	03-16-047	388-78A-268	REP	03-16-047	388-140-0045	NEW-E	03-04-035
388-78A-1100	NEW-P	03-03-018	388-78A-280	REP-P	03-03-018	388-140-0045	NEW-E	03-12-004
388-78A-1100	NEW	03-16-047	388-78A-280	REP	03-16-047	388-140-0045	NEW-E	03-19-074
388-78A-1110	NEW-P	03-03-018	388-78A-290	REP-P	03-03-018	388-140-0050	NEW-E	03-04-035
388-78A-1110	NEW	03-16-047	388-78A-290	REP	03-16-047	388-140-0050	NEW-E	03-12-004
388-78A-1120	NEW-P	03-03-018	388-78A-300	REP-P	03-03-018	388-140-0050	NEW-E	03-19-074
388-78A-1120	NEW	03-16-047	388-78A-300	REP	03-16-047	388-140-0055	NEW-E	03-04-035
388-78A-1130	NEW-P	03-03-018	388-78A-310	REP-P	03-03-018	388-140-0055	NEW-E	03-12-004
388-78A-1130	NEW	03-16-047	388-78A-310	REP	03-16-047	388-140-0055	NEW-E	03-19-074
388-78A-1140	NEW-P	03-03-018	388-78A-320	REP-P	03-03-018	388-140-0060	NEW-E	03-04-035
388-78A-1140	NEW	03-16-047	388-78A-320	REP	03-16-047	388-140-0060	NEW-E	03-12-004
388-78A-1150	NEW-P	03-03-018	388-78A-330	REP-P	03-03-018	388-140-0060	NEW-E	03-19-074
388-78A-1150	NEW	03-16-047	388-78A-330	REP	03-16-047	388-140-0065	NEW-E	03-04-035
388-78A-1160	NEW-P	03-03-018	388-78A-335	REP-P	03-03-018	388-140-0065	NEW-E	03-12-004
388-78A-1160	NEW	03-16-047	388-78A-335	REP	03-16-047	388-140-0065	NEW-E	03-19-074
388-78A-1170	NEW-P	03-03-018	388-78A-340	REP-P	03-03-018	388-140-0070	NEW-E	03-04-035
388-78A-1170	NEW	03-16-047	388-78A-340	REP	03-16-047	388-140-0070	NEW-E	03-12-004
388-78A-1180	NEW-P	03-03-018	388-78A-990	REP-P	03-03-018	388-140-0070	NEW-E	03-19-074
388-78A-1180	NEW	03-16-047	388-78A-990	REP	03-16-047	388-140-0075	NEW-E	03-04-035
388-78A-1190	NEW-P	03-03-018	388-79-010	AMD-P	03-06-094	388-140-0075	NEW-E	03-12-004
388-78A-1190	NEW	03-16-047	388-79-010	AMD	03-16-022	388-140-0075	NEW-E	03-19-074
388-78A-120	REP-P	03-03-018	388-79-020	AMD-P	03-06-094	388-140-0080	NEW-E	03-04-035
388-78A-120	REP	03-16-047	388-79-020	AMD	03-16-022	388-140-0080	NEW-E	03-12-004
388-78A-1200	NEW-P	03-03-018	388-79-030	AMD-P	03-06-094	388-140-0080	NEW-E	03-19-074
388-78A-1200	NEW	03-16-047	388-79-030	AMD	03-16-022	388-140-0085	NEW-E	03-04-035
388-78A-1210	NEW-P	03-03-018	388-79-040	AMD-P	03-06-094	388-140-0085	NEW-E	03-12-004
388-78A-1210	NEW	03-16-047	388-79-040	AMD	03-16-022	388-140-0085	NEW-E	03-19-074
388-78A-1220	NEW-P	03-03-018	388-79-050	NEW-P	03-06-094	388-140-0090	NEW-E	03-04-035
388-78A-1220	NEW	03-16-047	388-79-050	NEW	03-16-022	388-140-0090	NEW-E	03-12-004
388-78A-1230	NEW-P	03-03-018	388-96	PREP	03-07-031	388-140-0090	NEW-E	03-19-074
388-78A-1230	NEW	03-16-047	388-97-027	PREP-W	03-16-018	388-140-0095	NEW-E	03-04-035
388-78A-130	REP-P	03-03-018	388-97-076	PREP	03-12-056	388-140-0095	NEW-E	03-12-004
388-78A-130	REP	03-16-047	388-97-076	AMD-P	03-20-040	388-140-0095	NEW-E	03-19-074
388-78A-140	REP-P	03-03-018	388-105	PREP	03-15-050	388-140-0100	NEW-E	03-04-035
388-78A-140	REP	03-16-047	388-105-0005	AMD-E	03-15-011	388-140-0100	NEW-E	03-12-004
388-78A-150	REP-P	03-03-018	388-105-0030	AMD-E	03-15-011	388-140-0100	NEW-E	03-19-074
388-78A-150	REP	03-16-047	388-105-0040	AMD-E	03-15-011	388-140-0105	NEW-E	03-04-035
388-78A-160	REP-P	03-03-018	388-105-0045	NEW-E	03-15-011	388-140-0105	NEW-E	03-12-004
388-78A-160	REP	03-16-047	388-140-0005	NEW-E	03-04-035	388-140-0105	NEW-E	03-19-074
388-78A-170	REP-P	03-03-018	388-140-0005	NEW-E	03-12-004	388-140-0110	NEW-E	03-04-035
388-78A-170	REP	03-16-047	388-140-0005	NEW-E	03-19-074	388-140-0110	NEW-E	03-12-004
388-78A-180	REP-P	03-03-018	388-140-0010	NEW-E	03-04-035	388-140-0110	NEW-E	03-19-074
388-78A-180	REP	03-16-047	388-140-0010	NEW-E	03-12-004	388-140-0115	NEW-E	03-04-035
388-78A-190	REP-P	03-03-018	388-140-0010	NEW-E	03-19-074	388-140-0115	NEW-E	03-12-004
388-78A-190	REP	03-16-047	388-140-0015	NEW-E	03-04-035	388-140-0115	NEW-E	03-19-074
388-78A-200	REP-P	03-03-018	388-140-0015	NEW-E	03-12-004	388-140-0120	NEW-E	03-04-035
388-78A-200	REP	03-16-047	388-140-0015	NEW-E	03-19-074	388-140-0120	NEW-E	03-12-004

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388-145-0660	NEW	03-08-026	388-148-0045	AMD-E	03-05-099	388-148-0542	NEW-E	03-14-012
388-145-0670	NEW	03-08-026	388-148-0045	AMD-E	03-14-012	388-148-0542	NEW-E	03-21-074
388-145-0680	NEW	03-08-026	388-148-0045	AMD-E	03-21-074	388-148-0560	AMD-E	03-05-099
388-145-0690	NEW	03-08-026	388-148-0050	AMD-E	03-05-099	388-148-0560	AMD-E	03-14-012
388-145-0700	NEW	03-08-026	388-148-0050	AMD-E	03-14-012	388-148-0560	AMD-E	03-21-074
388-145-0710	NEW	03-08-026	388-148-0050	AMD-E	03-21-074	388-148-0585	AMD-E	03-05-099
388-145-0720	NEW	03-08-026	388-148-0058	NEW-E	03-05-099	388-148-0585	AMD-E	03-14-012
388-145-0730	NEW	03-08-026	388-148-0058	NEW-E	03-14-012	388-148-0585	AMD-E	03-21-074
388-145-0740	NEW	03-08-026	388-148-0058	NEW-E	03-21-074	388-148-0630	AMD-E	03-05-099
388-145-0750	NEW	03-08-026	388-148-0060	AMD-E	03-05-099	388-148-0630	AMD-E	03-14-012
388-145-0760	NEW	03-08-026	388-148-0060	AMD-E	03-14-012	388-148-0630	AMD-E	03-21-074
388-145-0770	NEW	03-08-026	388-148-0060	AMD-E	03-21-074	388-148-0700	AMD-E	03-05-099
388-145-0780	NEW	03-08-026	388-148-0065	AMD-E	03-05-099	388-148-0700	AMD-E	03-14-012
388-145-0790	NEW	03-08-026	388-148-0065	AMD-E	03-14-012	388-148-0700	AMD-E	03-21-074
388-145-0800	NEW	03-08-026	388-148-0065	AMD-E	03-21-074	388-148-0720	AMD-E	03-05-099
388-145-0810	NEW	03-08-026	388-148-0095	AMD-E	03-14-012	388-148-0720	AMD-E	03-14-012
388-145-0820	NEW	03-08-026	388-148-0095	AMD-E	03-21-074	388-148-0720	AMD-E	03-21-074
388-145-0830	NEW	03-08-026	388-148-0120	AMD-E	03-05-099	388-148-0722	NEW-E	03-05-099
388-145-0840	NEW	03-08-026	388-148-0120	AMD-E	03-14-012	388-148-0722	NEW-E	03-14-012
388-145-0850	NEW	03-08-026	388-148-0120	AMD-E	03-21-074	388-148-0722	NEW-E	03-21-074
388-145-0860	NEW	03-08-026	388-148-0125	AMD-E	03-05-099	388-148-0725	AMD-E	03-05-099
388-145-0870	NEW	03-08-026	388-148-0125	AMD-E	03-14-012	388-148-0725	AMD-E	03-14-012
388-145-0880	NEW	03-08-026	388-148-0125	AMD-E	03-21-074	388-148-0725	AMD-E	03-21-074
388-145-0890	NEW	03-08-026	388-148-0140	AMD-E	03-05-099	388-148-0785	AMD-E	03-05-099
388-145-0900	NEW	03-08-026	388-148-0140	AMD-E	03-14-012	388-148-0785	AMD-E	03-14-012
388-145-0910	NEW	03-08-026	388-148-0140	AMD-E	03-21-074	388-148-0785	AMD-E	03-21-074
388-145-0920	NEW	03-08-026	388-148-0170	AMD-E	03-14-012	388-148-0880	AMD-E	03-05-099
388-145-0930	NEW	03-08-026	388-148-0170	AMD-E	03-21-074	388-148-0880	AMD-E	03-14-012
388-145-0940	NEW	03-08-026	388-148-0170	AMD-E	03-21-074	388-148-0880	AMD-E	03-21-074
388-145-0950	NEW	03-08-026	388-148-0220	AMD-E	03-05-099	388-148-0892	NEW-E	03-05-099
388-145-0960	NEW	03-08-026	388-148-0220	AMD-E	03-14-012	388-148-0892	NEW-E	03-14-012
388-145-0970	NEW	03-08-026	388-148-0220	AMD-E	03-21-074	388-148-0892	NEW-E	03-21-074
388-145-0980	NEW	03-08-026	388-148-0260	AMD-E	03-05-099	388-148-0915	AMD-E	03-05-099
388-145-0990	NEW	03-08-026	388-148-0260	AMD-E	03-14-012	388-148-0915	AMD-E	03-14-012
388-145-1000	NEW	03-08-026	388-148-0260	AMD-E	03-21-074	388-148-0915	AMD-E	03-21-074
388-145-1010	NEW	03-08-026	388-148-0270	AMD-E	03-05-099	388-148-0915	AMD-E	03-21-074
388-145-1020	NEW	03-08-026	388-148-0270	AMD-E	03-14-012	388-148-0995	AMD-E	03-05-099
388-145-1030	NEW	03-08-026	388-148-0270	AMD-E	03-21-074	388-148-0995	AMD-E	03-14-012
388-145-1040	NEW	03-08-026	388-148-0335	AMD-E	03-05-099	388-148-0995	AMD-E	03-21-074
388-145-1050	NEW	03-08-026	388-148-0335	AMD-E	03-14-012	388-148-1060	AMD-E	03-05-099
388-145-1060	NEW	03-08-026	388-148-0335	AMD-E	03-21-074	388-148-1060	AMD-E	03-14-012
388-145-1070	NEW	03-08-026	388-148-0345	AMD-E	03-05-099	388-148-1060	AMD-E	03-21-074
388-145-1080	NEW	03-08-026	388-148-0345	AMD-E	03-14-012	388-148-1070	AMD-E	03-05-099
388-145-1090	NEW	03-08-026	388-148-0345	AMD-E	03-21-074	388-148-1070	AMD-E	03-14-012
388-145-1090	NEW	03-08-026	388-148-0350	AMD-E	03-05-099	388-148-1070	AMD-E	03-21-074
388-145-1100	NEW	03-08-026	388-148-0350	AMD-E	03-14-012	388-148-1076	NEW-E	03-05-099
388-145-1110	NEW	03-08-026	388-148-0350	AMD-E	03-21-074	388-148-1076	NEW-E	03-14-012
388-145-1120	NEW	03-08-026	388-148-0350	AMD-E	03-21-074	388-148-1076	NEW-E	03-14-012
388-145-1130	NEW	03-08-026	388-148-0395	AMD-E	03-05-099	388-148-1076	NEW-E	03-21-074
388-145-1140	NEW	03-08-026	388-148-0395	AMD-E	03-14-012	388-148-1077	NEW-E	03-05-099
388-145-1150	NEW	03-08-026	388-148-0395	AMD-E	03-21-074	388-148-1077	NEW-E	03-14-012
388-145-1150	NEW	03-08-026	388-148-0427	NEW-E	03-05-099	388-148-1077	NEW-E	03-21-074
388-145-1160	NEW	03-08-026	388-148-0427	NEW-E	03-14-012	388-148-1078	NEW-E	03-05-099
388-145-1170	NEW	03-08-026	388-148-0427	NEW-E	03-21-074	388-148-1078	NEW-E	03-14-012
388-145-1180	NEW	03-08-026	388-148-0460	AMD-E	03-05-099	388-148-1078	NEW-E	03-21-074
388-145-1190	NEW	03-08-026	388-148-0460	AMD-E	03-14-012	388-148-1079	NEW-E	03-05-099
388-145-1200	NEW	03-08-026	388-148-0460	AMD-E	03-21-074	388-148-1079	NEW-E	03-14-012
388-145-1210	NEW	03-08-026	388-148-0462	NEW-E	03-05-099	388-148-1079	NEW-E	03-21-074
388-145-1220	NEW	03-08-026	388-148-0462	NEW-E	03-14-012	388-148-1115	AMD-E	03-05-099
388-148-0035	AMD-E	03-14-012	388-148-0462	NEW-E	03-21-074	388-148-1115	AMD-E	03-14-012
388-148-0035	AMD-E	03-21-074	388-148-0520	AMD-E	03-05-099	388-148-1115	AMD-E	03-21-074
388-148-0040	AMD-E	03-05-099	388-148-0520	AMD-E	03-14-012	388-148-1120	AMD-E	03-05-099
388-148-0040	AMD-E	03-14-012	388-148-0520	AMD-E	03-21-074	388-148-1120	AMD-E	03-14-012
388-148-0040	AMD-E	03-21-074	388-148-0542	NEW-E	03-05-099	388-148-1120	AMD-E	03-21-074

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-148-1140	NEW-E	03-05-099	388-150-092	REP-P	03-09-005	388-150-330	REP-P	03-09-005
388-148-1140	NEW-E	03-14-012	388-150-092	REP	03-14-110	388-150-330	REP	03-14-110
388-148-1145	NEW-E	03-05-099	388-150-093	REP-P	03-09-005	388-150-340	REP-P	03-09-005
388-148-1145	NEW-E	03-14-012	388-150-093	REP	03-14-110	388-150-340	REP	03-14-110
388-148-1150	NEW-E	03-05-099	388-150-094	REP-P	03-09-005	388-150-350	REP-P	03-09-005
388-148-1150	NEW-E	03-14-012	388-150-094	REP	03-14-110	388-150-350	REP	03-14-110
388-148-1155	NEW-E	03-05-099	388-150-095	REP-P	03-09-005	388-150-360	REP-P	03-09-005
388-148-1155	NEW-E	03-14-012	388-150-095	REP	03-14-110	388-150-360	REP	03-14-110
388-148-1160	NEW-E	03-05-099	388-150-096	REP-P	03-09-005	388-150-370	REP-P	03-09-005
388-148-1160	NEW-E	03-14-012	388-150-096	REP	03-14-110	388-150-370	REP	03-14-110
388-148-1165	NEW-E	03-05-099	388-150-097	REP-P	03-09-005	388-150-380	REP-P	03-09-005
388-148-1165	NEW-E	03-14-012	388-150-097	REP	03-14-110	388-150-380	REP	03-14-110
388-148-1170	NEW-E	03-05-099	388-150-098	REP-P	03-09-005	388-150-390	REP-P	03-09-005
388-148-1170	NEW-E	03-14-012	388-150-098	REP	03-14-110	388-150-390	REP	03-14-110
388-148-1175	NEW-E	03-05-099	388-150-100	REP-P	03-09-005	388-150-400	REP-P	03-09-005
388-148-1175	NEW-E	03-14-012	388-150-100	REP	03-14-110	388-150-400	REP	03-14-110
388-148-1180	NEW-E	03-05-099	388-150-110	REP-P	03-09-005	388-150-410	REP-P	03-09-005
388-148-1180	NEW-E	03-14-012	388-150-110	REP	03-14-110	388-150-410	REP	03-14-110
388-148-1185	NEW-E	03-05-099	388-150-120	REP-P	03-09-005	388-150-420	REP-P	03-09-005
388-148-1185	NEW-E	03-14-012	388-150-120	REP	03-14-110	388-150-420	REP	03-14-110
388-148-1190	NEW-E	03-05-099	388-150-130	REP-P	03-09-005	388-150-430	REP-P	03-09-005
388-148-1190	NEW-E	03-14-012	388-150-130	REP	03-14-110	388-150-430	REP	03-14-110
388-148-1205	NEW-E	03-06-091	388-150-140	REP-P	03-09-005	388-150-440	REP-P	03-09-005
388-148-1210	NEW-E	03-06-091	388-150-140	REP	03-14-110	388-150-440	REP	03-14-110
388-148-1215	NEW-E	03-06-091	388-150-150	REP-P	03-09-005	388-150-450	REP-P	03-09-005
388-148-1220	NEW-E	03-06-091	388-150-150	REP	03-14-110	388-150-450	REP	03-14-110
388-148-1225	NEW-E	03-06-091	388-150-160	REP-P	03-09-005	388-150-460	REP-P	03-09-005
388-148-1230	NEW-E	03-06-091	388-150-160	REP	03-14-110	388-150-460	REP	03-14-110
388-148-1235	NEW-E	03-06-091	388-150-165	REP-P	03-09-005	388-150-470	REP-P	03-09-005
388-148-1240	NEW-E	03-06-091	388-150-165	REP	03-14-110	388-150-470	REP	03-14-110
388-148-1245	NEW-E	03-06-091	388-150-170	REP-P	03-09-005	388-150-480	REP-P	03-09-005
388-148-1250	NEW-E	03-06-091	388-150-170	REP	03-14-110	388-150-480	REP	03-14-110
388-148-1255	NEW-E	03-06-091	388-150-180	REP-P	03-09-005	388-150-490	REP-P	03-09-005
388-148-1260	NEW-E	03-06-091	388-150-180	REP	03-14-110	388-150-490	REP	03-14-110
388-148-1265	NEW-E	03-06-091	388-150-190	REP-P	03-09-005	388-150-500	REP-P	03-09-005
388-148-1270	NEW-E	03-06-091	388-150-190	REP	03-14-110	388-150-500	REP	03-14-110
388-148-1275	NEW-E	03-06-091	388-150-200	REP-P	03-09-005	388-150-990	REP-P	03-09-005
388-148-1280	NEW-E	03-06-091	388-150-200	REP	03-14-110	388-150-990	REP	03-14-110
388-148-1285	NEW-E	03-06-091	388-150-210	REP-P	03-09-005	388-150-991	REP-P	03-09-005
388-148-1290	NEW-E	03-06-091	388-150-210	REP	03-14-110	388-150-991	REP	03-14-110
388-148-1295	NEW-E	03-06-091	388-150-220	REP-P	03-09-005	388-150-992	REP-P	03-09-005
388-148-1300	NEW-E	03-06-091	388-150-220	REP	03-14-110	388-150-992	REP	03-14-110
388-150-005	REP-P	03-09-005	388-150-230	REP-P	03-09-005	388-150-993	REP-P	03-09-005
388-150-005	REP	03-14-110	388-150-230	REP	03-14-110	388-150-993	REP	03-14-110
388-150-010	REP-P	03-09-005	388-150-240	REP-P	03-09-005	388-151	PREP	03-20-025
388-150-010	REP	03-14-110	388-150-240	REP	03-14-110	388-155-070	AMD-P	03-06-092
388-150-020	REP-P	03-09-005	388-150-250	REP-P	03-09-005	388-155-070	AMD	03-09-074
388-150-020	REP	03-14-110	388-150-250	REP	03-14-110	388-155-090	AMD-P	03-06-092
388-150-040	REP-P	03-09-005	388-150-260	REP-P	03-09-005	388-155-090	AMD	03-09-074
388-150-040	REP	03-14-110	388-150-260	REP	03-14-110	388-165-130	REP-P	03-09-033
388-150-050	REP-P	03-09-005	388-150-270	REP-P	03-09-005	388-165-130	REP	03-14-109
388-150-050	REP	03-14-110	388-150-270	REP	03-14-110	388-180-0100	NEW	03-04-013
388-150-060	REP-P	03-09-005	388-150-280	REP-P	03-09-005	388-180-0110	NEW	03-04-013
388-150-060	REP	03-14-110	388-150-280	REP	03-14-110	388-180-0120	NEW	03-04-013
388-150-070	REP-P	03-09-005	388-150-290	REP-P	03-09-005	388-180-0130	NEW	03-04-013
388-150-070	REP	03-14-110	388-150-290	REP	03-14-110	388-180-0140	NEW	03-04-013
388-150-080	REP-P	03-09-005	388-150-295	REP-P	03-09-005	388-180-0150	NEW	03-04-013
388-150-080	REP	03-14-110	388-150-295	REP	03-14-110	388-180-0160	NEW	03-04-013
388-150-085	REP-P	03-09-005	388-150-310	REP-P	03-09-005	388-180-0170	NEW	03-04-013
388-150-085	REP	03-14-110	388-150-310	REP	03-14-110	388-180-0180	NEW	03-04-013
388-150-090	REP-P	03-09-005	388-150-320	REP-P	03-09-005	388-180-0190	NEW	03-04-013
388-150-090	REP	03-14-110	388-150-320	REP	03-14-110	388-180-0200	NEW	03-04-013

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388-180-0210	NEW	03-04-013	388-292-0095	NEW-P	03-09-033	388-295-0150	NEW-P	03-09-005
388-180-0220	NEW	03-04-013	388-292-0095	NEW	03-14-109	388-295-0150	NEW	03-14-110
388-180-0230	NEW	03-04-013	388-292-0100	NEW-P	03-09-033	388-295-1010	NEW-P	03-09-005
388-273-0025	AMD-E	03-12-057	388-292-0100	NEW	03-14-109	388-295-1010	NEW	03-14-110
388-273-0025	PREP	03-13-044	388-292-0102	NEW-P	03-09-033	388-295-1020	NEW-P	03-09-005
388-273-0025	AMD-E	03-20-051	388-292-0102	NEW	03-14-109	388-295-1020	NEW	03-14-110
388-273-0030	AMD-E	03-12-057	388-292-0105	NEW-P	03-09-033	388-295-1030	NEW-P	03-09-005
388-273-0030	PREP	03-13-044	388-292-0105	NEW	03-14-109	388-295-1030	NEW	03-14-110
388-273-0030	AMD-E	03-20-051	388-292-0110	NEW-P	03-09-033	388-295-1040	NEW-P	03-09-005
388-273-0035	AMD-E	03-12-057	388-292-0110	NEW	03-14-109	388-295-1040	NEW	03-14-110
388-273-0035	PREP	03-13-044	388-292-0115	NEW-P	03-09-033	388-295-1050	NEW-P	03-09-005
388-273-0035	AMD-E	03-20-051	388-292-0115	NEW	03-14-109	388-295-1050	NEW	03-14-110
388-290-0075	AMD-E	03-06-045	388-292-0120	NEW-P	03-09-033	388-295-1060	NEW-P	03-09-005
388-290-0075	AMD-E	03-14-061	388-292-0120	NEW	03-14-109	388-295-1060	NEW	03-14-110
388-290-0085	AMD-E	03-06-045	388-292-0125	NEW-P	03-09-033	388-295-1070	NEW-P	03-09-005
388-290-0085	AMD-E	03-14-061	388-292-0125	NEW	03-14-109	388-295-1070	NEW	03-14-110
388-290-0130	AMD-E	03-12-026	388-292-0130	NEW-P	03-09-033	388-295-1080	NEW-P	03-09-005
388-290-0130	AMD-E	03-20-050	388-292-0130	NEW	03-14-109	388-295-1080	NEW	03-14-110
388-290-0190	AMD-E	03-06-045	388-292-0135	NEW-P	03-09-033	388-295-1090	NEW-P	03-09-005
388-290-0190	AMD-E	03-14-061	388-292-0135	NEW	03-14-109	388-295-1090	NEW	03-14-110
388-290-0210	REP-E	03-06-045	388-292-0140	NEW-P	03-09-033	388-295-1100	NEW-P	03-09-005
388-290-0210	REP-E	03-14-061	388-292-0140	NEW	03-14-109	388-295-1100	NEW	03-14-110
388-292-0001	NEW-P	03-09-033	388-292-0145	NEW-P	03-09-033	388-295-1110	NEW-P	03-09-005
388-292-0001	NEW	03-14-109	388-292-0145	NEW	03-14-109	388-295-1110	NEW	03-14-110
388-292-0003	NEW-P	03-09-033	388-292-0150	NEW-P	03-09-033	388-295-1120	NEW-P	03-09-005
388-292-0003	NEW	03-14-109	388-292-0150	NEW	03-14-109	388-295-1120	NEW	03-14-110
388-292-0005	NEW-P	03-09-033	388-292-0155	NEW-P	03-09-033	388-295-2010	NEW-P	03-09-005
388-292-0005	NEW	03-14-109	388-292-0155	NEW	03-14-109	388-295-2010	NEW	03-14-110
388-292-0010	NEW-P	03-09-033	388-292-0160	NEW-P	03-09-033	388-295-2020	NEW-P	03-09-005
388-292-0010	NEW	03-14-109	388-292-0160	NEW	03-14-109	388-295-2020	NEW	03-14-110
388-292-0015	NEW-P	03-09-033	388-295-0001	NEW-P	03-09-005	388-295-2030	NEW-P	03-09-005
388-292-0015	NEW	03-14-109	388-295-0001	NEW	03-14-110	388-295-2030	NEW	03-14-110
388-292-0020	NEW-P	03-09-033	388-295-0010	NEW-P	03-09-005	388-295-2040	NEW-P	03-09-005
388-292-0020	NEW	03-14-109	388-295-0010	NEW	03-14-110	388-295-2040	NEW	03-14-110
388-292-0025	NEW-P	03-09-033	388-295-0020	NEW-P	03-09-005	388-295-2050	NEW-P	03-09-005
388-292-0025	NEW	03-14-109	388-295-0020	NEW	03-14-110	388-295-2050	NEW	03-14-110
388-292-0030	NEW-P	03-09-033	388-295-0030	NEW-P	03-09-005	388-295-2060	NEW-P	03-09-005
388-292-0030	NEW	03-14-109	388-295-0030	NEW	03-14-110	388-295-2060	NEW	03-14-110
388-292-0035	NEW-P	03-09-033	388-295-0040	NEW-P	03-09-005	388-295-2070	NEW-P	03-09-005
388-292-0035	NEW	03-14-109	388-295-0040	NEW	03-14-110	388-295-2070	NEW	03-14-110
388-292-0040	NEW-P	03-09-033	388-295-0050	NEW-P	03-09-005	388-295-2080	NEW-P	03-09-005
388-292-0040	NEW	03-14-109	388-295-0050	NEW	03-14-110	388-295-2080	NEW	03-14-110
388-292-0045	NEW-P	03-09-033	388-295-0055	NEW-P	03-09-005	388-295-2090	NEW-P	03-09-005
388-292-0045	NEW	03-14-109	388-295-0055	NEW	03-14-110	388-295-2090	NEW	03-14-110
388-292-0050	NEW-P	03-09-033	388-295-0060	NEW-P	03-09-005	388-295-2100	NEW-P	03-09-005
388-292-0050	NEW	03-14-109	388-295-0060	NEW	03-14-110	388-295-2100	NEW	03-14-110
388-292-0055	NEW-P	03-09-033	388-295-0070	NEW-P	03-09-005	388-295-2110	NEW-P	03-09-005
388-292-0055	NEW	03-14-109	388-295-0070	NEW	03-14-110	388-295-2110	NEW	03-14-110
388-292-0060	NEW-P	03-09-033	388-295-0080	NEW-P	03-09-005	388-295-2120	NEW-P	03-09-005
388-292-0060	NEW	03-14-109	388-295-0080	NEW	03-14-110	388-295-2120	NEW	03-14-110
388-292-0065	NEW-P	03-09-033	388-295-0090	NEW-P	03-09-005	388-295-2130	NEW-P	03-09-005
388-292-0065	NEW	03-14-109	388-295-0090	NEW	03-14-110	388-295-2130	NEW	03-14-110
388-292-0070	NEW-P	03-09-033	388-295-0100	NEW-P	03-09-005	388-295-3010	NEW-P	03-09-005
388-292-0070	NEW	03-14-109	388-295-0100	NEW	03-14-110	388-295-3010	NEW	03-14-110
388-292-0075	NEW-P	03-09-033	388-295-0110	NEW-P	03-09-005	388-295-3020	NEW-P	03-09-005
388-292-0075	NEW	03-14-109	388-295-0110	NEW	03-14-110	388-295-3020	NEW	03-14-110
388-292-0080	NEW-P	03-09-033	388-295-0120	NEW-P	03-09-005	388-295-3030	NEW-P	03-09-005
388-292-0080	NEW	03-14-109	388-295-0120	NEW	03-14-110	388-295-3030	NEW	03-14-110
388-292-0085	NEW-P	03-09-033	388-295-0130	NEW-P	03-09-005	388-295-3040	NEW-P	03-09-005
388-292-0085	NEW	03-14-109	388-295-0130	NEW	03-14-110	388-295-3040	NEW	03-14-110
388-292-0090	NEW-P	03-09-033	388-295-0140	NEW-P	03-09-005	388-295-3050	NEW-P	03-09-005
388-292-0090	NEW	03-14-109	388-295-0140	NEW	03-14-110	388-295-3050	NEW	03-14-110

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388-295-3060	NEW	03-14-110	388-295-4140	NEW	03-14-110	388-310	PREP	03-17-063
388-295-3070	NEW-P	03-09-005	388-295-5010	NEW-P	03-09-005	388-310-0350	AMD-P	03-21-153
388-295-3070	NEW	03-14-110	388-295-5010	NEW	03-14-110	388-310-0800	AMD-E	03-04-066
388-295-3080	NEW-P	03-09-005	388-295-5020	NEW-P	03-09-005	388-310-0800	PREP	03-11-087
388-295-3080	NEW	03-14-110	388-295-5020	NEW	03-14-110	388-310-0800	AMD-E	03-12-025
388-295-3090	NEW-P	03-09-005	388-295-5030	NEW-P	03-09-005	388-310-0800	AMD-E	03-14-105
388-295-3090	NEW	03-14-110	388-295-5030	NEW	03-14-110	388-310-0800	AMD-P	03-18-104
388-295-3100	NEW-P	03-09-005	388-295-5040	NEW-P	03-09-005	388-310-0800	AMD	03-21-154
388-295-3100	NEW	03-14-110	388-295-5040	NEW	03-14-110	388-310-1800	AMD-E	03-14-105
388-295-3110	NEW-P	03-09-005	388-295-5050	NEW-P	03-09-005	388-310-1800	AMD-P	03-18-104
388-295-3110	NEW	03-14-110	388-295-5050	NEW	03-14-110	388-310-1800	AMD	03-21-154
388-295-3120	NEW-P	03-09-005	388-295-5060	NEW-P	03-09-005	388-400-0040	AMD	03-05-028
388-295-3120	NEW	03-14-110	388-295-5060	NEW	03-14-110	388-400-0045	AMD	03-05-028
388-295-3130	NEW-P	03-09-005	388-295-5070	NEW-P	03-09-005	388-406-0005	PREP	03-15-024
388-295-3130	NEW	03-14-110	388-295-5070	NEW	03-14-110	388-406-0005	AMD-P	03-19-112
388-295-3140	NEW-P	03-09-005	388-295-5080	NEW-P	03-09-005	388-406-0010	PREP	03-15-024
388-295-3140	NEW	03-14-110	388-295-5080	NEW	03-14-110	388-406-0010	AMD-P	03-19-112
388-295-3150	NEW-P	03-09-005	388-295-5090	NEW-P	03-09-005	388-406-0012	AMD-P	03-19-112
388-295-3150	NEW	03-14-110	388-295-5090	NEW	03-14-110	388-406-0015	PREP-W	03-03-112
388-295-3160	NEW-P	03-09-005	388-295-5100	NEW-P	03-09-005	388-406-0015	PREP	03-15-024
388-295-3160	NEW	03-14-110	388-295-5100	NEW	03-14-110	388-406-0015	AMD-P	03-19-069
388-295-3170	NEW-P	03-09-005	388-295-5110	NEW-P	03-09-005	388-406-0021	PREP	03-15-024
388-295-3170	NEW	03-14-110	388-295-5110	NEW	03-14-110	388-406-0021	AMD-P	03-19-112
388-295-3180	NEW-P	03-09-005	388-295-5120	NEW-P	03-09-005	388-406-0035	PREP	03-15-024
388-295-3180	NEW	03-14-110	388-295-5120	NEW	03-14-110	388-406-0035	AMD-P	03-19-112
388-295-3190	NEW-P	03-09-005	388-295-5140	NEW-P	03-09-005	388-406-0040	PREP	03-15-024
388-295-3190	NEW	03-14-110	388-295-5140	NEW	03-14-110	388-406-0040	AMD-P	03-19-112
388-295-3200	NEW-P	03-09-005	388-295-5150	NEW-P	03-09-005	388-406-0055	PREP	03-15-024
388-295-3200	NEW	03-14-110	388-295-5150	NEW	03-14-110	388-406-0055	AMD-P	03-19-112
388-295-3210	NEW-P	03-09-005	388-295-5160	NEW-P	03-09-005	388-406-0060	PREP	03-15-024
388-295-3210	NEW	03-14-110	388-295-5160	NEW	03-14-110	388-406-0060	AMD-P	03-19-112
388-295-3220	NEW-P	03-09-005	388-295-5170	NEW-P	03-09-005	388-406-0065	PREP	03-15-024
388-295-3220	NEW	03-14-110	388-295-5170	NEW	03-14-110	388-406-0065	AMD-P	03-19-112
388-295-3230	NEW-P	03-09-005	388-295-6010	NEW-P	03-09-005	388-408-0005	AMD-P	03-13-090
388-295-3230	NEW	03-14-110	388-295-6010	NEW	03-14-110	388-408-0005	AMD	03-17-066
388-295-4010	NEW-P	03-09-005	388-295-6020	NEW-P	03-09-005	388-408-0025	PREP	03-19-032
388-295-4010	NEW	03-14-110	388-295-6020	NEW	03-14-110	388-408-0034	PREP	03-06-056
388-295-4020	NEW-P	03-09-005	388-295-6030	NEW-P	03-09-005	388-408-0034	AMD-P	03-16-045
388-295-4020	NEW	03-14-110	388-295-6030	NEW	03-14-110	388-408-0034	AMD	03-19-118
388-295-4030	NEW-P	03-09-005	388-295-6040	NEW-P	03-09-005	388-408-0035	PREP	03-06-056
388-295-4030	NEW	03-14-110	388-295-6040	NEW	03-14-110	388-408-0035	AMD-P	03-16-045
388-295-4040	NEW-P	03-09-005	388-295-6050	NEW-P	03-09-005	388-408-0035	AMD	03-19-118
388-295-4040	NEW	03-14-110	388-295-6050	NEW	03-14-110	388-408-0040	PREP	03-06-056
388-295-4050	NEW-P	03-09-005	388-295-6060	NEW-P	03-09-005	388-408-0040	AMD-P	03-16-045
388-295-4050	NEW	03-14-110	388-295-6060	NEW	03-14-110	388-408-0040	AMD	03-19-118
388-295-4060	NEW-P	03-09-005	388-295-7010	NEW-P	03-09-005	388-408-0045	PREP	03-06-056
388-295-4060	NEW	03-14-110	388-295-7010	NEW	03-14-110	388-408-0045	AMD-P	03-16-045
388-295-4070	NEW-P	03-09-005	388-295-7020	NEW-P	03-09-005	388-408-0045	AMD	03-19-118
388-295-4070	NEW	03-14-110	388-295-7020	NEW	03-14-110	388-408-0050	PREP	03-06-056
388-295-4080	NEW-P	03-09-005	388-295-7030	NEW-P	03-09-005	388-408-0050	AMD-P	03-16-045
388-295-4080	NEW	03-14-110	388-295-7030	NEW	03-14-110	388-408-0050	AMD	03-19-118
388-295-4090	NEW-P	03-09-005	388-295-7040	NEW-P	03-09-005	388-410-0030	PREP	03-07-040
388-295-4090	NEW	03-14-110	388-295-7040	NEW	03-14-110	388-410-0030	AMD-P	03-17-086
388-295-4100	NEW-P	03-09-005	388-295-7050	NEW-P	03-09-005	388-410-0030	AMD	03-21-027
388-295-4100	NEW	03-14-110	388-295-7050	NEW	03-14-110	388-412-0015	PREP	03-15-023
388-295-4110	NEW-P	03-09-005	388-295-7060	NEW-P	03-09-005	388-412-0015	AMD-P	03-19-072
388-295-4110	NEW	03-14-110	388-295-7060	NEW	03-14-110	388-412-0020	PREP	03-15-023
388-295-4120	NEW-P	03-09-005	388-295-7070	NEW-P	03-09-005	388-412-0020	AMD-P	03-19-072
388-295-4120	NEW	03-14-110	388-295-7070	NEW	03-14-110	388-412-0025	PREP	03-15-023
388-295-4130	NEW-P	03-09-005	388-295-7080	NEW-P	03-09-005	388-412-0025	AMD-P	03-19-072
388-295-4130	NEW	03-14-110	388-295-7080	NEW	03-14-110	388-412-0040	PREP	03-15-023

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388-540-015	NEW	03-21-039	388-543-2900	AMD	03-19-083	388-550-6150	AMD	03-19-043
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388-540-020	REP	03-21-039	388-544	PREP	03-12-054	388-550-6200	AMD	03-19-043
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388-818-0250	NEW	03-05-100	388-820-650	AMD-P	03-21-033	388-825-525	NEW-E	03-10-027
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434-219-020	AMD-P	03-16-041	458-12-065	PREP	03-03-100	458-17-110	REP-P	03-09-147
434-219-030	REP-P	03-16-041	458-12-065	REP-P	03-17-005	458-17-110	REP	03-16-028
434-219-040	REP-P	03-16-041	458-12-070	PREP	03-03-100	458-17-115	REP-P	03-09-147
434-219-080	AMD-P	03-16-041	458-12-070	REP-P	03-17-005	458-17-115	REP	03-16-028
434-219-100	AMD-P	03-16-041	458-12-075	PREP	03-03-100	458-17-120	REP-P	03-09-147
434-219-130	REP-P	03-16-041	458-12-075	REP-P	03-17-005	458-17-120	REP	03-16-028
434-219-150	AMD-P	03-16-041	458-12-080	PREP	03-03-100	458-18-220	AMD-X	03-19-061
434-219-160	AMD-P	03-16-041	458-12-080	REP-P	03-17-005	458-20-122	REP-P	03-09-146
434-219-170	AMD-P	03-16-041	458-12-095	PREP	03-19-060	458-20-122	REP	03-18-024
434-219-180	AMD-P	03-16-041	458-12-100	PREP	03-19-060	458-20-135	AMD-P	03-04-032
434-219-185	AMD-P	03-16-041	458-12-105	PREP	03-19-060	458-20-135	AMD-W	03-17-068
434-219-210	AMD-P	03-16-041	458-12-110	PREP	03-19-060	458-20-135	AMD-P	03-21-035
434-219-220	AMD-P	03-16-041	458-12-360	PREP	03-03-100	458-20-148	PREP	03-15-065
434-219-230	AMD-P	03-16-041	458-12-360	AMD-P	03-09-098	458-20-177	PREP	03-11-048
434-219-250	AMD-P	03-16-041	458-12-360	AMD	03-18-037	458-20-17803	NEW-E	03-04-031
434-219-255	REP-P	03-16-041	458-16-010	REP-P	03-03-099	458-20-185	AMD-E	03-06-016
434-219-270	REP-P	03-16-041	458-16-010	REP	03-09-002	458-20-185	AMD-S	03-08-042
434-219-280	AMD-P	03-16-041	458-16-011	REP-P	03-03-099	458-20-185	AMD	03-12-058
434-219-285	REP-P	03-16-041	458-16-011	REP	03-09-002	458-20-18801	PREP	03-18-120
434-219-290	AMD-P	03-16-041	458-16-012	REP-P	03-03-099	458-20-208	AMD	03-07-066
434-219-300	REP-P	03-16-041	458-16-012	REP	03-09-002	458-20-209	AMD-P	03-09-146
434-219-340	AMD-P	03-16-041	458-16-013	REP-P	03-03-099	458-20-210	AMD-P	03-09-146
434-219-350	REP-P	03-16-041	458-16-013	REP	03-09-002	458-20-210	AMD	03-18-024
434-238-057	NEW-E	03-18-025	458-16-020	REP-P	03-03-099	458-20-211	PREP	03-16-044
434-240-010	AMD-P	03-10-055	458-16-020	REP	03-09-002	458-20-231	REP-X	03-04-030
434-240-010	AMD	03-15-054	458-16-022	REP-P	03-03-099	458-20-231	REP	03-09-062
434-240-210	NEW-E	03-18-025	458-16-022	REP	03-09-002	458-20-24001	PREP	03-15-039
434-240-245	NEW-P	03-18-022	458-16-030	REP-P	03-03-099	458-20-24001	AMD-P	03-21-034
434-262-010	PREP	03-07-086	458-16-030	REP	03-09-002	458-20-24001A	PREP	03-15-039
434-262-010	AMD-P	03-10-055	458-16-040	REP-P	03-03-099	458-20-24001A	AMD-P	03-21-034
434-262-010	AMD	03-15-054	458-16-040	REP	03-09-002	458-20-24003	PREP	03-03-101
434-262-020	PREP	03-07-086	458-16-060	REP-P	03-03-099	458-20-24003	NEW-P	03-08-069
434-262-020	AMD-P	03-10-055	458-16-060	REP	03-09-002	458-20-24003	NEW	03-12-053
434-262-020	AMD	03-15-054	458-16-070	REP-P	03-03-099	458-20-244	PREP	03-15-038
434-670-010	NEW	03-06-069	458-16-070	REP	03-09-002	458-20-244	AMD-P	03-20-042
434-670-020	NEW	03-06-069	458-16-079	REP-P	03-03-099	458-20-251	AMD-P	03-13-022
434-670-030	NEW	03-06-069	458-16-079	REP	03-09-002	458-20-251	AMD	03-19-059
434-670-040	NEW	03-06-069	458-16A	AMD-P	03-03-099	458-20-266	PREP	03-16-044
434-670-050	NEW	03-06-069	458-16A	AMD	03-09-002	458-30-262	AMD-X	03-19-062
434-670-060	NEW	03-06-069	458-16A-100	NEW-P	03-03-099	458-30-590	AMD-X	03-20-087
434-670-070	NEW	03-06-069	458-16A-100	NEW	03-09-002	458-40-660	PREP	03-05-084
434-670-080	NEW	03-06-069	458-16A-110	NEW-P	03-03-099	458-40-660	AMD-P	03-10-079
434-670-090	NEW	03-06-069	458-16A-110	NEW	03-09-002	458-40-660	AMD	03-14-072
446-20-285	AMD	03-05-007	458-16A-115	NEW-P	03-03-099	458-40-660	PREP	03-17-098
446-75-010	AMD-P	03-04-070	458-16A-115	NEW	03-09-002	458-40-680	PREP	03-09-100
446-75-010	AMD	03-08-053	458-16A-120	NEW-P	03-03-099	458-40-680	AMD-P	03-16-009
446-75-020	AMD-P	03-04-070	458-16A-120	NEW	03-09-002	458-61-100	PREP	03-07-065
446-75-020	AMD	03-08-053	458-16A-130	NEW-P	03-03-099	458-61-100	AMD-P	03-11-079
446-75-030	AMD-P	03-04-070	458-16A-130	NEW	03-09-002	458-61-100	AMD	03-18-023
446-75-030	AMD	03-08-053	458-16A-135	NEW-P	03-03-099	468-06-040	AMD-X	03-04-062
446-75-060	AMD-P	03-04-070	458-16A-135	NEW	03-09-002	468-06-040	AMD	03-09-103
446-75-060	AMD	03-08-053	458-16A-140	NEW-P	03-03-099	468-15-010	NEW	03-03-012
446-75-070	AMD-P	03-04-070	458-16A-140	NEW	03-09-002	468-15-020	NEW	03-03-012
446-75-070	AMD	03-08-053	458-16A-150	NEW-P	03-03-099	468-15-030	NEW	03-03-012
446-75-080	AMD-P	03-04-070	458-16A-150	NEW	03-09-002	468-15-040	NEW	03-03-012
446-75-080	AMD	03-08-053	458-16A-150	AMD-X	03-11-095	468-15-050	NEW	03-03-012
458-07-020	AMD-X	03-17-096	458-16A-150	AMD	03-16-029	468-15-060	NEW	03-03-012
458-07-035	AMD-X	03-17-097	458-17	AMD	03-16-028	468-38-110	PREP	03-14-027
458-10-050	PREP	03-19-022	458-17-101	NEW-P	03-09-147	468-38-110	AMD-P	03-17-045
458-12-050	PREP	03-19-060	458-17-101	NEW	03-16-028	468-38-110	AMD	03-20-070

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
468-38-265	PREP	03-11-075	468-95-090	REP	03-06-053	468-95-300	NEW-P	03-03-029
468-38-265	AMD-E	03-14-026	468-95-100	REP-E	03-03-028	468-95-300	NEW	03-06-053
468-38-265	AMD-P	03-15-041	468-95-100	REP-P	03-03-029	468-95-310	NEW-E	03-03-028
468-38-265	AMD	03-19-026	468-95-100	REP	03-06-053	468-95-310	NEW-P	03-03-029
468-38-340	AMD	03-03-035	468-95-110	NEW-E	03-03-028	468-95-310	NEW	03-06-053
468-58-010	AMD-E	03-16-026	468-95-110	NEW-P	03-03-029	468-95-320	NEW-E	03-03-028
468-58-010	PREP	03-16-059	468-95-110	NEW	03-06-053	468-95-320	NEW-P	03-03-029
468-58-010	AMD-P	03-20-012	468-95-120	NEW-E	03-03-028	468-95-320	NEW	03-06-053
468-58-080	AMD-E	03-04-040	468-95-120	NEW-P	03-03-029	468-95-330	NEW-E	03-03-028
468-58-080	AMD-E	03-08-008	468-95-120	NEW	03-06-053	468-95-330	NEW-P	03-03-029
468-58-080	AMD-P	03-08-061	468-95-130	NEW-E	03-03-028	468-95-330	NEW	03-06-053
468-58-080	AMD	03-11-076	468-95-130	NEW-P	03-03-029	468-95-340	NEW-E	03-03-028
468-70	PREP	03-13-040	468-95-130	NEW	03-06-053	468-95-340	NEW-P	03-03-029
468-70-050	AMD-E	03-11-071	468-95-140	NEW-E	03-03-028	468-95-340	NEW	03-06-053
468-70-050	AMD-P	03-16-104	468-95-140	NEW-P	03-03-029	468-95-350	NEW-E	03-03-028
468-70-050	AMD	03-20-084	468-95-140	NEW	03-06-053	468-95-350	NEW-P	03-03-029
468-70-070	AMD-E	03-06-052	468-95-150	NEW-E	03-03-028	468-95-350	NEW	03-06-053
468-70-070	AMD-E	03-14-051	468-95-150	NEW-P	03-03-029	468-95-360	NEW-E	03-03-028
468-70-070	AMD-P	03-16-105	468-95-150	NEW	03-06-053	468-95-360	NEW-P	03-03-029
468-70-070	AMD	03-20-082	468-95-160	NEW-E	03-03-028	468-95-360	NEW	03-06-053
468-70-080	REP-E	03-06-052	468-95-160	NEW-P	03-03-029	468-95-370	NEW-E	03-03-028
468-70-080	REP-E	03-14-051	468-95-160	NEW	03-06-053	468-95-370	NEW-P	03-03-029
468-70-080	REP-P	03-16-105	468-95-170	NEW-E	03-03-028	468-95-370	NEW	03-06-053
468-70-080	REP	03-20-082	468-95-170	NEW-P	03-03-029	468-95-400	NEW-E	03-03-028
468-95-010	AMD-E	03-03-028	468-95-170	NEW	03-06-053	468-95-400	NEW-P	03-03-029
468-95-010	AMD-P	03-03-029	468-95-180	NEW-E	03-03-028	468-95-400	NEW	03-06-053
468-95-010	AMD	03-06-053	468-95-180	NEW-P	03-03-029	468-300-010	AMD-P	03-04-102
468-95-020	REP-E	03-03-028	468-95-180	NEW	03-06-053	468-300-010	AMD	03-08-072
468-95-020	REP-P	03-03-029	468-95-190	NEW-E	03-03-028	468-300-020	AMD-P	03-04-102
468-95-020	REP	03-06-053	468-95-190	NEW-P	03-03-029	468-300-020	AMD	03-08-072
468-95-025	REP-E	03-03-028	468-95-190	NEW	03-06-053	468-300-040	AMD-P	03-04-102
468-95-025	REP-P	03-03-029	468-95-200	NEW-E	03-03-028	468-300-040	AMD	03-08-072
468-95-025	REP	03-06-053	468-95-200	NEW-P	03-03-029	468-300-220	AMD-P	03-04-102
468-95-030	REP-E	03-03-028	468-95-200	NEW	03-06-053	468-300-220	AMD	03-08-072
468-95-030	REP-P	03-03-029	468-95-210	NEW-E	03-03-028	468-300-700	AMD-P	03-04-102
468-95-030	REP	03-06-053	468-95-210	NEW-P	03-03-029	468-300-700	AMD	03-08-072
468-95-035	REP-E	03-03-028	468-95-210	NEW	03-06-053	468-510-010	AMD-E	03-06-014
468-95-035	REP-P	03-03-029	468-95-220	NEW-E	03-03-028	468-510-010	AMD-E	03-14-050
468-95-035	REP	03-06-053	468-95-220	NEW-P	03-03-029	468-510-010	AMD-P	03-16-106
468-95-037	REP-E	03-03-028	468-95-220	NEW	03-06-053	468-510-010	AMD	03-20-083
468-95-037	REP-P	03-03-029	468-95-230	NEW-E	03-03-028	478-04	PREP	03-09-040
468-95-037	REP	03-06-053	468-95-230	NEW-P	03-03-029	478-04-020	AMD-P	03-19-101
468-95-040	REP-E	03-03-028	468-95-230	NEW	03-06-053	478-04-030	AMD-P	03-19-101
468-95-040	REP-P	03-03-029	468-95-240	NEW-E	03-03-028	478-04-040	NEW-P	03-19-101
468-95-040	REP	03-06-053	468-95-240	NEW-P	03-03-029	478-116	PREP	03-21-085
468-95-050	REP-E	03-03-028	468-95-240	NEW	03-06-053	478-132-030	AMD	03-08-040
468-95-050	REP-P	03-03-029	468-95-250	NEW-E	03-03-028	478-136	PREP	03-15-099
468-95-050	REP	03-06-053	468-95-250	NEW-P	03-03-029	478-136-030	AMD-E	03-16-024
468-95-055	REP-E	03-03-028	468-95-250	NEW	03-06-053	478-136-030	AMD-P	03-19-102
468-95-055	REP-P	03-03-029	468-95-260	NEW-E	03-03-028	478-136-060	AMD-E	03-16-024
468-95-055	REP	03-06-053	468-95-260	NEW-P	03-03-029	478-136-060	AMD-P	03-19-102
468-95-060	REP-E	03-03-028	468-95-260	NEW	03-06-053	478-138-060	AMD-X	03-05-019
468-95-060	REP-P	03-03-029	468-95-270	NEW-E	03-03-028	478-138-060	AMD	03-12-007
468-95-060	REP	03-06-053	468-95-270	NEW-P	03-03-029	478-140-018	AMD-X	03-05-019
468-95-070	REP-E	03-03-028	468-95-270	NEW	03-06-053	478-140-018	AMD	03-12-007
468-95-070	REP-P	03-03-029	468-95-280	NEW-E	03-03-028	478-160-085	AMD-X	03-05-019
468-95-070	REP	03-06-053	468-95-280	NEW-P	03-03-029	478-160-085	AMD	03-12-007
468-95-080	REP-E	03-03-028	468-95-280	NEW	03-06-053	478-168-170	AMD-X	03-05-019
468-95-080	REP-P	03-03-029	468-95-290	NEW-E	03-03-028	478-168-170	AMD	03-12-007
468-95-080	REP	03-06-053	468-95-290	NEW-P	03-03-029	478-276-140	AMD-X	03-05-019
468-95-090	REP-E	03-03-028	468-95-290	NEW	03-06-053	478-276-140	AMD	03-12-007
468-95-090	REP-P	03-03-029	468-95-300	NEW-E	03-03-028	478-324-020	AMD-X	03-05-019

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478-324-020	AMD	03-12-007	480-07-350	NEW-P	03-17-100	480-07-930	NEW-P	03-17-100
478-324-045	AMD-X	03-05-019	480-07-355	NEW-P	03-17-100	480-07-940	NEW-P	03-17-100
478-324-045	AMD	03-12-007	480-07-360	NEW-P	03-17-100	480-07-950	NEW-P	03-17-100
478-324-140	AMD-X	03-05-019	480-07-370	NEW-P	03-17-100	480-09-005	REP-P	03-17-100
478-324-140	AMD	03-12-007	480-07-375	NEW-P	03-17-100	480-09-010	REP-P	03-17-100
478-324-145	NEW-X	03-05-019	480-07-380	NEW-P	03-17-100	480-09-012	REP-P	03-17-100
478-324-145	NEW	03-12-007	480-07-385	NEW-P	03-17-100	480-09-015	REP-P	03-17-100
478-324-180	AMD-X	03-05-019	480-07-390	NEW-P	03-17-100	480-09-100	REP-P	03-17-100
478-324-180	AMD	03-12-007	480-07-395	NEW-P	03-17-100	480-09-101	REP-P	03-17-100
479-01-010	AMD-P	03-12-009	480-07-400	NEW-P	03-17-100	480-09-110	REP-P	03-17-100
479-01-010	AMD	03-16-077	480-07-405	NEW-P	03-17-100	480-09-115	REP-P	03-17-100
479-01-050	AMD-P	03-12-009	480-07-410	NEW-P	03-17-100	480-09-120	REP-P	03-17-100
479-01-050	AMD	03-16-077	480-07-415	NEW-P	03-17-100	480-09-125	REP-P	03-17-100
479-05-010	AMD-P	03-12-009	480-07-420	NEW-P	03-17-100	480-09-130	REP-P	03-17-100
479-05-010	AMD	03-16-077	480-07-423	NEW-P	03-17-100	480-09-135	REP-P	03-17-100
479-05-050	AMD-P	03-12-009	480-07-425	NEW-P	03-17-100	480-09-140	REP-P	03-17-100
479-05-050	AMD	03-16-077	480-07-430	NEW-P	03-17-100	480-09-150	REP-P	03-17-100
479-05-240	AMD-P	03-12-009	480-07-440	NEW-P	03-17-100	480-09-200	REP-P	03-17-100
479-05-240	AMD	03-16-077	480-07-450	NEW-P	03-17-100	480-09-210	REP-P	03-17-100
479-12-260	REP-P	03-12-009	480-07-460	NEW-P	03-17-100	480-09-220	REP-P	03-17-100
479-12-260	REP	03-16-077	480-07-470	NEW-P	03-17-100	480-09-230	REP-P	03-17-100
479-12-430	AMD-P	03-12-009	480-07-480	NEW-P	03-17-100	480-09-300	REP-P	03-17-100
479-12-430	AMD	03-16-077	480-07-490	NEW-P	03-17-100	480-09-310	REP-P	03-17-100
480-04-020	AMD-P	03-17-100	480-07-495	NEW-P	03-17-100	480-09-320	REP-P	03-17-100
480-04-030	AMD-P	03-17-100	480-07-498	NEW-P	03-17-100	480-09-330	REP-P	03-17-100
480-04-035	NEW-P	03-17-100	480-07-500	NEW-P	03-17-100	480-09-335	REP-P	03-17-100
480-04-050	AMD-P	03-17-100	480-07-505	NEW-P	03-17-100	480-09-337	REP-P	03-17-100
480-04-060	AMD-P	03-17-100	480-07-510	NEW-P	03-17-100	480-09-340	REP-P	03-17-100
480-04-065	AMD-P	03-17-100	480-07-520	NEW-P	03-17-100	480-09-390	REP-P	03-17-100
480-04-070	REP-P	03-17-100	480-07-530	NEW-P	03-17-100	480-09-400	REP-P	03-17-100
480-04-090	AMD-P	03-17-100	480-07-540	NEW-P	03-17-100	480-09-410	REP-P	03-17-100
480-04-095	AMD-P	03-17-100	480-07-550	NEW-P	03-17-100	480-09-420	REP-P	03-17-100
480-04-100	AMD-P	03-17-100	480-07-600	NEW-P	03-17-100	480-09-425	REP-P	03-17-100
480-04-110	REP-P	03-17-100	480-07-610	NEW-P	03-17-100	480-09-426	REP-P	03-17-100
480-04-120	AMD-P	03-17-100	480-07-620	NEW-P	03-17-100	480-09-430	REP-P	03-17-100
480-04-130	AMD-P	03-17-100	480-07-630	NEW-P	03-17-100	480-09-440	REP-P	03-17-100
480-07-010	NEW-P	03-17-100	480-07-640	NEW-P	03-17-100	480-09-450	REP-P	03-17-100
480-07-100	NEW-P	03-17-100	480-07-650	NEW-P	03-17-100	480-09-460	REP-P	03-17-100
480-07-110	NEW-P	03-17-100	480-07-660	NEW-P	03-17-100	480-09-465	REP-P	03-17-100
480-07-120	NEW-P	03-17-100	480-07-700	NEW-P	03-17-100	480-09-466	REP-P	03-17-100
480-07-125	NEW-P	03-17-100	480-07-710	NEW-P	03-17-100	480-09-467	REP-P	03-17-100
480-07-130	NEW-P	03-17-100	480-07-720	NEW-P	03-17-100	480-09-470	REP-P	03-17-100
480-07-140	NEW-P	03-17-100	480-07-730	NEW-P	03-17-100	480-09-475	REP-P	03-17-100
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