

# Washington State Register

July 7, 2004

OLYMPIA, WASHINGTON

ISSUE 04-13



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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

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## 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

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## STATE MAXIMUM INTEREST RATE (Computed and filed by the State Treasurer under RCW 19.52.025)

The interest rate required by RCW 4.56.110(3) and 4.56.115 for the month of July 2004 is 3.430%.

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# WASHINGTON STATE REGISTER

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## **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 ((~~fined 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 <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>	Expedited Adoption <sup>4</sup>
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS <sup>2</sup> or 10 p. max.			
For Inclusion in -	File no later than 12:00 noon -			Count 20 days from -	For hearing on or after	First Agency Adoption Date
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
03 - 19	Aug 20, 03	Sep 3, 03	Sep 17, 03	Oct 1, 03	Oct 21, 03	Nov 18, 03
03 - 20	Sep 3, 03	Sep 17, 03	Oct 1, 03	Oct 15, 03	Nov 4, 03	Dec 2, 03
03 - 21	Sep 24, 03	Oct 8, 03	Oct 22, 03	Nov 5, 03	Nov 25, 03	Dec 23, 03
03 - 22	Oct 8, 03	Oct 22, 03	Nov 5, 03	Nov 19, 03	Dec 9, 03	Jan 6, 04
03 - 23	Oct 22, 03	Nov 5, 03	Nov 19, 03	Dec 3, 03	Dec 23, 03	Jan 20, 04
03 - 24	Nov 5, 03	Nov 19, 03	Dec 3, 03	Dec 17, 03	Jan 6, 04	Feb 3, 04
04 - 01	Nov 26, 03	Dec 10, 03	Dec 24, 03	Jan 7, 04	Jan 27, 04	Feb 24, 04
04 - 02	Dec 10, 03	Dec 24, 03	Jan 7, 04	Jan 21, 04	Feb 10, 04	Mar 9, 04
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
04 - 09	Mar 24, 04	Apr 7, 04	Apr 21, 04	May 5, 04	May 25, 04	Jun 22, 04
04 - 10	Apr 7, 04	Apr 21, 04	May 5, 04	May 19, 04	Jun 8, 04	Jul 6, 04
04 - 11	Apr 21, 04	May 5, 04	May 19, 04	Jun 2, 04	Jun 22, 04	Jul 20, 04
04 - 12	May 5, 04	May 19, 04	Jun 2, 04	Jun 16, 04	Jul 6, 04	Aug 3, 04
04 - 13	May 26, 04	Jun 9, 04	Jun 23, 04	Jul 7, 04	Jul 27, 04	Aug 24, 04
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04 - 15	Jun 23, 04	Jul 7, 04	Jul 21, 04	Aug 4, 04	Aug 24, 04	Sep 21, 04
04 - 16	Jul 7, 04	Jul 21, 04	Aug 4, 04	Aug 18, 04	Sep 7, 04	Oct 5, 04
04 - 17	Jul 21, 04	Aug 4, 04	Aug 18, 04	Sep 1, 04	Sep 21, 04	Oct 19, 04
04 - 18	Aug 4, 04	Aug 18, 04	Sep 1, 04	Sep 15, 04	Oct 5, 04	Nov 2, 04
04 - 19	Aug 25, 04	Sep 8, 04	Sep 22, 04	Oct 6, 04	Oct 26, 04	Nov 23, 04
04 - 20	Sep 8, 04	Sep 22, 04	Oct 6, 04	Oct 20, 04	Nov 9, 04	Dec 7, 04
04 - 21	Sep 22, 04	Oct 6, 04	Oct 20, 04	Nov 3, 04	Nov 23, 04	Dec 21, 04
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

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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;

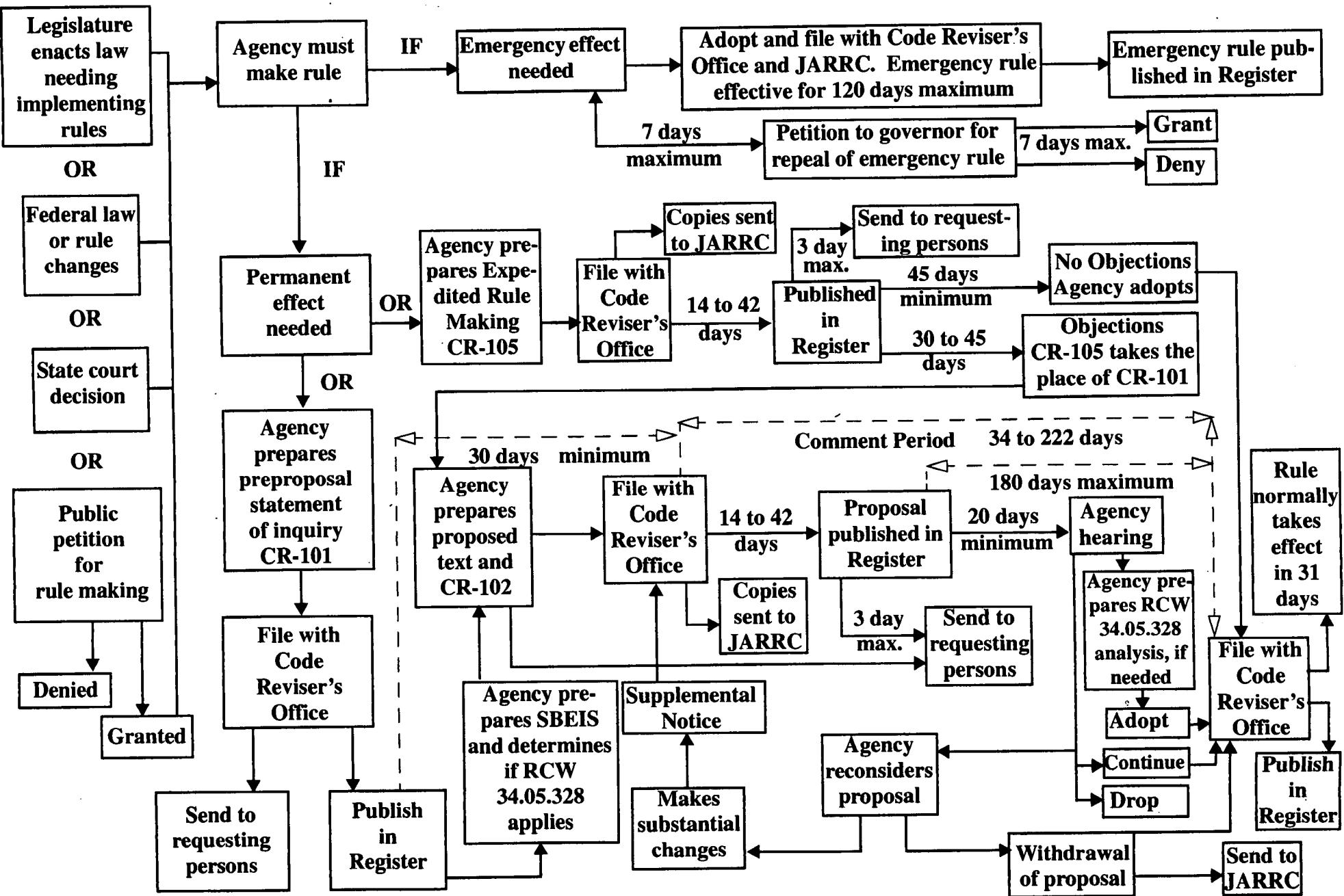
There is less than minor economic impact on business;

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.

# RULE-MAKING PROCESS



**WSR 04-13-009**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
[Filed June 3, 2004, 2:40 p.m.]

**Subject of Possible Rule Making:** Disability benefits for members in Plan 2 of the law enforcement officers' and fire fighters' (LEOFF) retirement system.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 41.50.050(5), 41.26.470.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** These rules will implement RCW 41.26.470, which provides benefits for LEOFF Plan 2 members with a disability. The department previously filed a CR-101 and an emergency rule for members with duty-related disabilities. This CR-101 is to notify the public that the department is also planning to adopt rules for LEOFF Plan 2 members who incur disabilities that are not duty-related.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The Department of Retirement Systems (DRS) will work with the Internal Revenue Service and the Washington State Department of Labor and Industries as needed in developing any WAC.

**Process for Developing New Rule:** DRS will develop the draft rule(s) with the assistance of the Attorney General's Office. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication: DRS encourages your active participation in the rule-making process. After the rule(s) is drafted, DRS will file a copy with the Office of the Code Reviser with a notice of proposed rule making. The notice will include the time and date of a public rules hearing. DRS will send a copy of the notice and the proposed rule(s) to everyone currently on the mailing list and anyone else who requests a copy. To request a copy or for more information on how to participate, please contact Leslie Saeger, Rules and Contracts Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, fax (360) 753-3166, e-mail [leslies@drs.wa.gov](mailto:leslies@drs.wa.gov).

June 2, 2004  
Leslie Saeger  
Rules and Contracts Coordinator

**WSR 04-13-015**

**PREPROPOSAL STATEMENT OF INQUIRY**  
**NOXIOUS WEED CONTROL BOARD**  
[Filed June 4, 2004, 1:19 p.m.]

**Subject of Possible Rule Making:** Chapter 16-750 WAC, State noxious weed list and schedule of monetary penalties.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 17.10.080, 17.10.070, and 17.10.010(5).

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The state Noxious Weed Control Board is charged with updating the state noxious weed list on an annual basis to ensure it accurately reflects the noxious weed control priorities and noxious weed distribution.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** No other state agencies regulate this subject. Federal agencies are subject to federal noxious weed laws that require them to coordinate with state regulations. Federal agencies in Washington are invited to participate in all stages of noxious weed rule making.

**Process for Developing New Rule:** The state Noxious Weed Control Board annually solicits suggestions from county programs, weed districts, state and federal agencies, interest groups and the general public. The Noxious Weed Committee of the board, which includes representation from the public, the Washington Native Plant Society, county weed boards, the nursery industry, and several scientific advisors, meets at least twice to review and research the suggestions. These draft suggestions are sent out again for public comment before the Noxious Weed Committee drafts its final recommendations to the board. Public comment is welcome at all committee and board meetings. A press release and information mailing is prepared on the recommended changes and a public hearing is scheduled. The board makes its final decision after considering public input received at the hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can submit suggestions for changes to the noxious weed list, and can attend meetings of the Noxious Weed Committee and meetings of the state Noxious Weed Board. Interested parties can also testify at the hearing.

Information on participating in the decision process can be obtained from Steve McGonigal, Washington State Noxious Weed Control Board, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2053, fax (360) 902-2094, e-mail [smcgonigal@agr.wa.gov](mailto:smcgonigal@agr.wa.gov).

June 4, 2004  
Steve McGonigal  
Executive Secretary

**WSR 04-13-037**

**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF REVENUE**  
[Filed June 10, 2004, 10:00 a.m.]

**Subject of Possible Rule Making:** WAC 458-20-255 Carbonated beverage and syrup tax.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 82.32.300 and 82.01.060(2).

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The department is considering a revision to this rule to remove all references to the repealed carbonated beverage tax. While the current rule rec-

ognizes that the carbonated beverage tax was repealed, there is no longer any need for the information to remain in the rule.

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

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, e-mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary discussion draft of the revised rule is available upon request. Written comments on and/or requests for copies of the draft may be directed to Gayle Carlson, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6126, e-mail [GayleC@dor.wa.gov](mailto:GayleC@dor.wa.gov), fax (360) 664-0693.

Date and Location of Public Meeting: Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on July 27, 2004, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the meeting date, TTY 1-800-451-7985 or (360) 725-7499.

June 10, 2004

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Lind, Program Manager, Division of Child Care and Early Learning, P.O. Box 45480, Olympia, WA 98504-5480, phone (360) 413-3032, fax (360) 413-3482, e-mail [lindlm@dshs.wa.gov](mailto:lindlm@dshs.wa.gov), street address 1009 College S.E., Lacey, WA 98503. The rules will also be posted on the ESA policy proposal comment internet site at <http://www1.shs.wa.gov/esa/extpolicy/>.

June 8, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

#### WSR 04-13-050

##### PREPROPOSAL STATEMENT OF INQUIRY

##### DEPARTMENT OF HEALTH

(Hearing and Speech)

[Filed June 11, 2004, 9:27 a.m.]

Subject of Possible Rule Making: WAC 246-828-500, 246-828-510, 246-828-530 and 246-828-550, continuing education requirement for licensed hearing instrument fitter/dispensers, audiologists, and speech-language pathologists.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.35.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Participants in the rule review process identified the need for continuing education (CE) rules to be updated. Current mandatory CE rules name only licensed hearing instrument fitter/dispensers, because audiologists and speech-language pathologists were certified rather than licensed at the time the rule was written. In 2002, legislation changed audiologists and speech-language pathologists from certification to licensure. The rules should be updated to include all licensed professions in the WAC chapter. There were concerns that ethics and infection control should specifically be included in the CE rule. Housekeeping changes to combine several related rules into one section will also be discussed during the process.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tracy Hansen, Program Manager, Department of Health, Hearing and Speech Programs, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 236-4940, fax (360) 236-2406, [Tracy.Hansen@doh.wa.gov](mailto:Tracy.Hansen@doh.wa.gov).

June 8, 2004

M. C. Selecky  
Secretary

#### WSR 04-13-046

##### PREPROPOSAL STATEMENT OF INQUIRY

##### DEPARTMENT OF

##### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 10, 2004, 4:39 p.m.]

Subject of Possible Rule Making: Working connections child care, WAC 388-290-0020, 388-290-0025, 388-290-0030, 388-290-0032, 388-290-0040, 388-290-0045, 388-290-0060, 388-290-0085, 388-290-0090, 388-290-0105, 388-290-0108, 388-290-0110, 388-290-0130, 388-290-0140, 388-290-0155, 388-290-0165, 388-290-0270, and other sections as appropriate. The Division of Child Care and Early Learning is amending the WAC to add clarity and correct typographical errors and other inadvertent errors made during previous revisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.13.085, 74.12.340.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To edit and clarify existing rules.

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

Process for Developing New Rule: All interested parties are invited to review and provide input on draft rule language. Obtain draft material by contacting the identified representative below.

**WSR 04-13-051**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
[Filed June 11, 2004, 9:28 a.m.]

**Subject of Possible Rule Making:** Revision of water works operator certification, chapter 246-292 WAC, to clarify and update revocation and suspension authorities. Other changes may be made to make the rule easier to use and understand.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Chapter 70.119 RCW.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Revisions to the rule will allow the department to clarify and increase its authority to suspend and revoke a certification subsequent to gross negligence and/or fraudulent operations.

**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 will inform interested parties to help in revising the rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Stakeholders will be involved through the Water Works Operator Certification Advisory Committee. In addition, the draft rule will be available for comment upon request and made available through the Office of Drinking Water's newsletter "The Water Tap" explaining the proposal. For more information contact Theresa Phillips, Program Development Section, Office of Drinking Water, P.O. Box 47822, Olympia, WA 98504-7822, (360) 236-3147.

June 8, 2004  
M. C. Selecky  
Secretary

**WSR 04-13-057**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**  
[Filed June 11, 2004, 1:43 p.m.]

**Subject of Possible Rule Making:** The department is considering amending two rule sections related to the use of pesticides in Benton County. Specifically, the department is considering expanding the northern most boundaries of WAC 16-230-860 (Area 6) to include eight additional sections of land, which are currently within the boundaries of Area 1 (WAC 16-230-835). Expansion of the Area 6 boundaries would allow the use of aerial application in areas where they are currently prohibited except by written permit.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 17.21.030 (1)(b), 15.58.040 (2)(h) and chapter 34.05 RCW.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Since the adoption date of the current rule, there has been an expansion of irrigated agriculture into Area 1 as defined in WAC 16-230-835. Aerial application in the newly expanded irrigated area is currently prohibited except by written permit. Aerial applications

would prevent crop damage and may also limit erosion associated with having to drive a ground apparatus over the crop. Also, aerial applications would allow for quicker responses to critical pest problems.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** There are not other state or federal agencies that regulate this subject.

**Process for Developing New Rule:** The Washington State Department of Agriculture (WSDA) will develop an advisory committee from key stakeholders. WSDA will work with these stakeholders via public meetings to discuss in more detail the pros and cons associated with the possible expansion of the Area 6 boundaries. At the conclusion of the stakeholder meetings, WSDA will make a final decision whether to proceed or not to proceed further in the rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cliff Weed, Program Manager, Pesticide Management Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2036, fax (360) 902-2093, e-mail cweed@agr.wa.gov.

June 11, 2004  
Bob Arrington  
Assistant Director

**WSR 04-13-073**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BUILDING CODE COUNCIL**  
[Filed June 16, 2004, 1:41 p.m.]

**Subject of Possible Rule Making:** 2003 Washington State Energy Code, chapter 51-11 WAC.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 19.27A.045, 19.27A.025, 19.27.074.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The state Building Code Council regularly reviews the Washington State Building Code, as outlined in chapter 51-04 WAC and chapters 19.27 and 19.27A RCW, to review revisions made to the codes by the national code committees, and to review and consider proposals for statewide code amendments.

**Process for Developing New Rule:** Technical Advisory Group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, (360) 753-5927, fax (360) 586-5880, e-mail sbcc@cted.wa.gov, www.sbcc.wa.gov.

June 11, 2004  
Stan Price  
Council Chair

**WSR 04-13-074****PREPROPOSAL STATEMENT OF INQUIRY  
BUILDING CODE COUNCIL**

[Filed June 16, 2004, 1:42 p.m.]

**Subject of Possible Rule Making:** Chapter 51-54 WAC, adoption and amendment of the 2003 International Fire Code, Chapters 3, 4, 8, 15 and 46.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 19.27.074.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The state Building Code Council regularly reviews the Washington State Building Code, as outlined in chapter 51-04 WAC and RCW 19.27.-074, to review revisions made to the codes by the national code committees, and to review and consider proposals for statewide code amendments.

**Process for Developing New Rule:** Technical Advisory Group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, (360) 753-5927, fax (360) 586-5880, e-mail sbcc@cted.wa.gov, www.sbcc.wa.gov.

June 11, 2004

Stan Price

Council Chair

**WSR 04-13-076****PREPROPOSAL STATEMENT OF INQUIRY  
BUILDING CODE COUNCIL**

[Filed June 16, 2004, 1:44 p.m.]

**Subject of Possible Rule Making:** Chapter 51-50 WAC, adoption and amendment of the 2003 International Building Code, Chapters 4, 11, 12, 14, 16, 17, 21 and 29.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 19.27.074.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The state Building Code Council regularly reviews the Washington State Building Code, as outlined in chapter 51-04 WAC and RCW 19.27.-074, to review revisions made to the codes by the national code committees, and to review and consider proposals for statewide code amendments.

**Process for Developing New Rule:** Technical Advisory Group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, (360) 753-5927, fax (360) 586-5880, e-mail sbcc@cted.wa.gov, www.sbcc.wa.gov.

June 11, 2004

Stan Price

Council Chair

**WSR 04-13-075****PREPROPOSAL STATEMENT OF INQUIRY  
BUILDING CODE COUNCIL**

[Filed June 16, 2004, 1:43 p.m.]

**Subject of Possible Rule Making:** Chapter 51-52 WAC, state adoption and amendment of the 2003 International Mechanical Code, Sections 401.5.2, 403.3 and 501.5.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 19.27.074.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The state Building Code Council regularly reviews the Washington State Building Code, as outlined in chapter 51-04 WAC and RCW 19.27.-074, to review revisions made to the codes by the national code committees, and to review and consider proposals for statewide code amendments.

**Process for Developing New Rule:** Technical Advisory Group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, (360) 753-5927, fax (360) 586-5880, e-mail sbcc@cted.wa.gov, www.sbcc.wa.gov.

June 11, 2004

Stan Price

Council Chair

**WSR 04-13-078****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed June 16, 2004, 2:22 p.m.]

**Subject of Possible Rule Making:** Chapter 308-96A WAC, Vehicle licenses, to include but not limited to a new rule to create a mechanism to assign a limited number of special license plates to sponsoring organizations (under the special license plate program).

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 46.01.110.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Rule making may be required to create a mechanism for the initial issuance of a limited number, up to the first twenty-five sequential special license plates to sponsoring organizations. The rule would specify the process the department would use to assign plates, and specify the information a sponsoring organization must provide.

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

**Process for Developing New Rule:** Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Katherine Iyall Vasquez, Rules Manager, Policy and Projects Office, Mailstop 48001, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-

3718, fax (360) 902-3827, TTY (360) 664-8885, e-mail Kvasquez@dol.wa.gov.

June 16, 2004

Katherine I. Vasquez  
for Steve Boruchowitz, Manager  
Policy and Projects Office

### WSR 04-13-092

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed June 18, 2004, 10:06 a.m.]

**Subject of Possible Rule Making:** WAC 458-20-168 Hospitals, medical care facilities, and adult family homes.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 82.32.300 and 82.01.060(2).

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** WAC 458-20-168 (Rule 168) provides tax-reporting information to persons operating hospitals, medical care facilities, nursing homes, adult family homes, licensed boarding homes, and similar health-care facilities. Rule 168 needs to be revised to reflect legislative changes.

The department anticipates removing the references to hearing aids and ostomic items from Rule 168. Specific references to these items were removed from the sales and use tax exemptions provided by RCW 82.08.0283 and 82.12.0277 effective July 1, 2004, as a result of legislation to implement provisions of the national streamlined sales and use tax agreement (chapter 168, Laws of 2003). These items, however, will continue to be exempt under the definition of "prosthetic device" in RCW 82.08.0283 and 82.12.0277, which is also effective July 1, 2004. Rule 168 will direct readers to WAC 458-20-18801, which provides information regarding the sales and use tax exemptions provided by RCW 82.08.0283 and 82.12.0277.

Rule 168 currently does not specifically mention licensed boarding homes. We anticipate addressing the taxability of licensed boarding homes in this rule. Recent legislation provides licensed boarding homes with a preferential business and occupation (B&O) tax rate and a B&O tax deduction for amounts received as compensation for providing adult residential care, enhanced adult residential care, or assisted living services under contract with the Department of Social and Health Services. (See chapter 174, Laws of 2004).

Beginning July 1, 2003, RCW 82.71.020 imposes a quality maintenance fee on every nursing home in this state not exempt from the fee under RCW 74.46.091 (see chapter 16, Laws of 2003 1st sp.s.). This rule should be updated to provide information about this quality maintenance fee.

The department also anticipates amending Rule 168 to:

- Provide additional guidance for public and nonprofit hospitals in determining what income is subject to the public and nonprofit hospitals B&O tax classification and what income is subject to the service and other activities B&O tax classification;

- Explain that nursing homes and licensed boarding homes are not entitled to exempt any income from B&O tax as the rental of real estate;
- Explain the tax consequences when a hospital contracts with an independent contractor to provide medical services at the hospital;
- Provide additional information about B&O tax deductions and exemptions available to persons operating medical or other health care facilities; and
- Provide information about the taxability of meals furnished by hospitals, nursing homes, boarding homes, and similar health care facilities.

The result of these changes would be a more comprehensive and up-to-date rule that would be of greater use to taxpayers and agency staff.

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

**Process for Developing New Rule:** Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Mark Mullin, Tax Policy Specialist, Legislation and Policy Division, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6112, fax (360) 664-0693, e-mail MarkM@dor.wa.gov.

**Location and Date of Public Meeting:** The public meeting will take place at 1:30 p.m. on Wednesday, July 28, 2004, Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA.

**Assistance for Persons with Disabilities:** Contact Sandy Davis no later than ten days before the meeting date at (360) 725-7499 or at TDD 1-800-451-7985.

June 18, 2004

Alan R. Lynn

Rules Coordinator

### WSR 04-13-099

#### WITHDRAWAL OF

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 21, 2004, 1:32 p.m.]

The DSHS Economic Services Administration is requesting the withdrawal of a CR-101 preproposal statement of inquiry filed as WSR 04-10-094 filed on May 4, 2004 (WAC 388-450-0005).

Brian Lindgren, Manager  
Rules and Policies Assistance Unit

**WSR 04-13-100**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed June 21, 2004, 1:32 p.m.]

**Subject of Possible Rule Making:** The Division of Employment and Assistance Programs will amend WAC 388-412-0005 General information about your cash benefits.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.-090.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The amendment is to clarify the rule regarding receiving duplicate assistance in two assistance units or two states in the same month.

**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 proposed 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, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3084, fax (360) 493-3493, e-mail clarkpj@dshs.wa.gov.

June 14, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**WSR 04-13-101**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed June 21, 2004, 1:33 p.m.]

**Subject of Possible Rule Making:** Chapter 388-538 WAC, Managed care.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.08.090 and 2003-2005 Revised Omnibus Operating Budget - 2004 Supplement (ESHB 2459, chapter 246, Laws of 2004).

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The 2004 legislature authorized the Department of Social and Health Services (DSHS) to "develop an integrated health care program designed to slow the progression of illness and disability and better manage Medicaid expenditures for the aged and disabled population." The legislation allows MAA to contract with health plans for new populations and services not included in Healthy Options contracts.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The Federal Centers for Medicare and Medicaid Services (CMS) regulates Medicaid managed care programs. DSHS staff work closely with CMS staff via document review to ensure our rule is in compliance with federal regulation.

**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 Wendy L. Boedigheimer, Rules Program Manager, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail boediwl@dshs.wa.gov.

June 18, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**WSR 04-13-102**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed June 21, 2004, 1:33 p.m.]

**Subject of Possible Rule Making:** WAC 388-416-0020 Certification periods for noninstitutionalized medically needy (MN) program, 388-519-0100 Eligibility for the medically needy program, and 388-519-0110 Spenddown of excess income for the medically needy.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.-050.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Changing some of the wording to make the meaning of the rule - who is eligible and when eligibility starts - clearer and easier to understand.

**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 provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary Beth Ingram, Program Manager, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1327, fax (360) 664-0910, TTY 1-800-848-5429, e-mail ingramb@dshs.wa.gov.

June 18, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**WSR 04-13-103**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AD HEALTH SERVICES**  
 (Medical Assistance Administration)  
 [Filed June 21, 2004, 1:34 p.m.]

**Subject of Possible Rule Making:** Amending WAC 388-550-1050 Hospital services definitions, 388-550-1700 Hospital services—Prior approval, 388 550-2900 Payment limits—Inpatient hospital services, 388-531-0050 Physician-related services definitions, possible other sections in chapter 388-550 WAC; and repealing WAC 388-550-1750 Services requiring approval and 388-550-5900 Prior authorization—Outpatient services.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.08.090, 74.09.500.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The department is no longer using the twenty-four-hours-or-less criteria in the definition for "outpatient short stay." The definition and related references are being replaced with alternative language. The amended rules also update and clarify current prior approval policy for inpatient and outpatient hospital services.

**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 provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, Rules Program Manager, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

June 18, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**WSR 04-13-104**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)  
 [Filed June 21, 2004, 1:34 p.m.]

**Subject of Possible Rule Making:** WAC 388-550-6000 Payment—Outpatient hospital services.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.08.090, 74.09.500.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The department is updating policy for reimbursement for outpatient hospital services to be consistent with the development of a rule to implement a new Medicaid payment method for outpatient hospital services provided to Medicaid clients (outpatient prospective

payment system (OPPS)). Also, the department is no longer using the twenty-four-hours-or-less criteria in the definition for "outpatient short stay" and is replacing related language in WAC 388-550-6000 with alternative language.

**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 provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, Program Manager, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

June 18, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**WSR 04-13-105**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)  
 [Filed June 21, 2004, 1:35 p.m.]

**Subject of Possible Rule Making:** WAC 388-550-3800 Rebasing and recalibration.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.08.090, 74.09.500.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Rules will allow Medical Assistance Administration (MAA) to recalibrate the relative weights used in its diagnostic-related group (DRG) reimbursement system. Recalibrating is a necessary element of the process of upgrading the DRG grouper software, which is used in determining some hospital payments. This rule change allows MAA to recalibrate the relative weights without rebasing the entire payment system, and still maintain budget neutrality. Rules will ensure that total DRG payments to hospitals do not exceed total DRG payments that would have been made to hospitals without recalibrating the relative weights.

**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 provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, Rules Program Manager, P.O. Box 45533, Olympia, WA 98504-5533, phone (360)

725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

June 18, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.500, and 74.04.510.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Current WAC does not include income exclusion for payments specified by a court order or other legally binding agreement to go directly to a third party rather than the household.

**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 of Social and Health Services (DSHS) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person indicated below. At a later date, DSHS will file proposed rules with the Office of the Code Reviser with notice of proposed rule making, and send the proposal to everyone currently 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 Rebecca Henrie, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3074, fax (360) 413-3493, e-mail henrira@dshs.wa.gov.

June 18, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**WSR 04-13-106**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Disability Services Administration)

[Filed June 21, 2004, 1:35 p.m.]

**Subject of Possible Rule Making:** Amending chapter 388-820 WAC, Community residential services and support and other related sections.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 71A.12.030 and 71A.12.080.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The purpose of amending these rules is to reflect the correct administrative names as well as correct language changes due to the new HCBS (home and community based services) waiver. In addition, the proposed rules will clarify procedures and 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 Department of Social and Health Services (DSHS) welcomes the public to take part in developing the rules. Anyone interested in participating should contact the staff person indicated below. At a later date, DSHS will file proposed rules with the Office of the Code Reviser with notice of proposed rule making, and send the proposal to everyone currently on the mailing list and anyone else 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 Jill Young, Program Manager, 640 Woodland Square Loop S.E., Lacey, WA 98504-5600, phone (360) 725-3210, fax (360) 725-3208, TTY 1-800-737-7931, e-mail Youngjk@dshs.wa.gov.

June 18, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**WSR 04-13-107**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed June 21, 2004, 1:36 p.m.]

**Subject of Possible Rule Making:** The Division of Employment and Assistance Programs will amend WAC 388-450-0015 What types of income are not used when figuring out my benefits?

**WSR 04-13-124**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**  
[Order 04-06—Filed June 22, 2004, 11:30 a.m.]

**Subject of Possible Rule Making:** Chapter 173-322 WAC, Remedial action grants and loans.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Chapter 34.05 RCW authorizes ecology to adopt and enforce rules, in general, which RCW 70.105D.70 [70.105D.070] authorizes ecology to adopt rules to issue and enforce grants and loans for actions authorized under chapter 70.105D RCW.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The primary reason for this rule amendment is to address statutory changes that have occurred since the rule was last amended. Statutory amendments expanded activities potentially eligible for grants or loans (derelict ships, methamphetamine lab assessment and cleanup, voluntary cleanup program, and area wide groundwater). Additionally, some general housekeeping is necessary along with incorporation of JLARC (Joint Legislative Audit Review Committee) recommendations.

**Process for Developing New Rule:** Interpretive rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Diane Singer, P.O. Box 47600, Olympia, WA 98509-7600, (360) 407-6062, fax (360) 407-7157;

or Michelle Payne, P.O. Box 47600, Olympia, WA 98509-7600, (360) 407-6129.

A web page and a FOCUS sheet along with a minimum of two public meetings before the formal rule adoption process would be held. During the rule adoption there would be public hearings along with a comment period for citizens and stakeholders to provide input on the proposed rule changes.

June 22, 2004

Cullen D. Stephenson  
Program Manager  
Solid Waste and  
Financial Assistance Program

listed below or accessing the ecology website <http://www.ecy.wa.gov/laws-rules/index.html>.

June 21, 2004

Stuart A. Clark  
for Mary Burg  
Air Program Manager

### **WSR 04-13-125**

#### **PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY**

[Order 04-10—Filed June 22, 2004, 11:31 a.m.]

**Subject of Possible Rule Making:** This rule-making effort focuses on reviewing and updating the current rule on agricultural burning, chapter 173-430 WAC.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 70.94.650, 70.94.743, and 70.94.745.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Ecology is initiating rule making at this time in order to comply with a 9th Circuit Court of Appeals Settlement Agreement. Ecology is also fulfilling the mandatory regulatory review described in the Washington State Administrative Procedure Act, chapter 34.05 RCW. The primary accomplishment of this review and update is to address legislative changes, technological changes, and settlement agreement items.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** There are no other federal or state agencies regulating agricultural burning in Washington state. However, local air authorities, counties, and conservation districts have the statutory authority to issue agricultural burning permits. Ecology will coordinate with these groups either through the advisory committee process or through one-on-one meetings. In addition, statute mandates the Agricultural Burning Practices and Research Task Force with specific permit program responsibilities. Ecology will consult with this group by scheduling time on the agenda for this purpose. Currently, the Agricultural Burning Practices and Research Task Force meets quarterly.

**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 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. Interested parties can access more information on this rule making by contacting the ecology staff member

### **WSR 04-13-130**

#### **PREPROPOSAL STATEMENT OF INQUIRY**

#### **DEPARTMENT OF LABOR AND INDUSTRIES**

[Filed June 22, 2004, 12:14 p.m.]

**Subject of Possible Rule Making:** 2005 Industrial insurance premium rates, chapter 296-17 WAC, General reporting rules, classifications, audit and record keeping, rates and rating system for Washington workers' compensation insurance.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 51.16.035, 51.04.020(1), and 51.18.010.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Labor and industries is required by law to establish and maintain a workers' compensation classification plan and set premium rates that maintain actuarial solvency of the accident and medical aid funds. By law, the plan must be consistent with recognized principles of insurance and rates adjusted annually or as needed to ensure solvency of the insurance trust funds. Labor and industries is also required by law to offer retrospective rating plans to employers as a further incentive to encourage workplace safety and accident prevention.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** No other state, local, or federal agency regulates this subject.

**Process for Developing New Rule:** Parties interested in participating in the development of these rules may contact the person listed below. The public may also participate by providing written comments during the comment period or giving oral testimony at public hearings. Premium rates for each classification are developed in part from the past loss experience of employers subject to the classification, changes in benefit levels mandated by law or court decisions, medical inflation, economic and business trends and financial markets. Labor and industries will work with the Workers' Compensation Advisory Committee and Retrospective Rating Advisory Committee as changes are developed. The public can participate in these discussions by attending the retrospective advisory committee meetings. Schedules of these meetings are available on the insurance services section of the labor and industries internet site. This site can be accessed at <http://www.lni.wa.gov/ClaimsInsurance/RatePremium/Reduce/Retro/AboutRetro/default.asp>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tammy Turner, Classification Services Section, P.O. Box 44148, Olympia, WA 98504-4148, phone

(360) 902-4777, fax (360) 602-4729, e-mail ture235@LNI.wa.gov.

June 22, 2004  
Paul Trause  
Director

**WSR 04-13-131**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed June 22, 2004, 12:14 p.m.]

**Subject of Possible Rule Making:** Advanced registered nurse practitioners and physicians' assistants, amending WAC 296-14-400, 296-20-01002, 296-20-01501, 296-20-06101 and 296-23-240; and new sections WAC 296-20-01502 and 296-23-241.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** SHB 1691 (chapter 65, Laws of 2004) and SB 6356 (chapter 163, Laws of 2004).

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** In response to SHB 1691 (chapter 65, Laws of 2004) this rule making will lay out the expanded duties that an advanced registered nurse practitioner (ARNP) can now perform under Title 51 RCW. In response to SB 6356 (chapter 163, Laws of 2004) this rule making will also define what a "simple industrial injury" is in order to explain when a physicians' assistant (PA) may have sole signature on the report of accident or physician's initial report.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** Washington workers' compensation benefits as well as the benefits paid to victims of crimes are both governed by Title 51 RCW, Washington's Industrial Insurance Act. There are no other state or federal agencies responsible for interpreting and enforcing the provisions of this act.

**Process for Developing New Rule:** Parties interested in participating in the development of these rules may contact the person listed below. The public may also participate by providing written comments during the comment period or giving oral testimony at public hearings. The rule will be developed in consultation with major stakeholders and following interested parties: Workers' Compensation Advisory Committee, ARNP United, Washington State Medical Association (who represents the Physicians' Assistants).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jami Lifka, Department of Labor and Industries, Office of the Medical Director, P.O. Box 44321, Olympia, WA 98504-4321, phone (360) 902-4941, or fax (360) 902-6315.

June 22, 2004  
Paul Trause  
Director

**WSR 04-13-132**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed June 22, 2004, 12:14 p.m.]

**Subject of Possible Rule Making:** Factory assembled structures' rules (chapters 296-150C, 296-150F, 296-150M, 296-150P, 296-150R, 296-150T, and 296-150V WAC).

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Chapter 43.22 RCW and chapter 291, Laws of 2003 (SHB 1734).

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The purpose of this rule making is to:

- Adopt the most recent international building codes (based on 2003 legislative changes) and other nationally recognized codes and standards as adopted by the State Building Code Council.
- Make clarifying and housekeeping changes.
- Review the rules for possible substantive changes.

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

**Process for Developing New Rule:** These rules will be drafted with the assistance of the Factory Assembled Structures' Advisory Board. In addition, the public may participate by commenting after the rule amendments are proposed by providing written comments or giving verbal 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 Christine Swanson, Department of Labor and Industries, Specialty Compliance Services, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail copc235@lni.wa.gov.

June 22, 2004  
Paul Trause  
Director

**WSR 04-13-133**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE PATROL**  
[Filed June 22, 2004, 1:37 p.m.]

**Subject of Possible Rule Making:** Amendment to WAC 446-20-600 Fees.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 10.97.100, 43.43.742.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Increase the fees charged to the general public and private entities conducting criminal history background checks. The last fee study for background checks was conducted in 1993. Since then, the costs associated with conducting background checks have increased. The ways to obtain criminal history have expanded from mailed inquiries to include walk-in customers and Internet access.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of Financial Management.

**Process for Developing New Rule:** The identification and criminal history section reviewed this WAC to ensure the language was current and standard. Contact was made with WSP budget and fiscal services.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mr. Benjamin Carruth, Washington State Patrol, P.O. Box 42633, Olympia, WA 98504-2633, phone (360) 570-5230, fax (360) 570-5274.

June 18, 2004  
Lowell Porter  
Chief

**WSR 04-13-145**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed June 23, 2004, 8:51 a.m.]

**Subject of Possible Rule Making:** Chapter 16-354 WAC, Hop rootstocks—Certification, the department is reviewing its fees for hop rootstock certification services performed by the plant services program and may propose to change them. In addition, the department may amend the existing language to increase its clarity and readability and update the language to conform to current industry and regulatory standards.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Chapters 15.14 and 34.05 RCW.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Changes in hop industry practices and production methods may have made the existing fee structure and other provisions an inefficient use of resources. In particular, the existing fee schedule was adopted at a time when acreage for production of certified hop rootstock was significantly larger than it is today.

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

**Process for Developing New Rule:** Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail [mtoohey@agr.wa.gov](mailto:mtoohey@agr.wa.gov), or Tom Wessels, Plant Services Program Manager, Plant Protection Division, Washington State Department of Agriculture, 1111 Washington Street S.E., P.O. Box 42560, Olym-

pia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, e-mail [twessels@agr.wa.gov](mailto:twessels@agr.wa.gov).

June 23, 2004

Mary A. Martin Toohey  
Assistant Director

**WSR 04-13-152**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Filed June 23, 2004, 8:57 a.m.]

**Subject of Possible Rule Making:** Establishing a market assistance plan for liability insurance, Insurance Commissioner Matter No. R 2004-02.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 48.02.060 and 48.22.050.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The commissioner is concerned about the availability, adequacy, and the cost of liability insurance. Consumers seeking to buy a variety of liability insurance products have contacted the commissioner about problems finding insurers to provide coverage, the adequacy of the coverage being offered, and the price of liability insurance. Following a legislative directive, the Office of Insurance Commissioner is researching the nature and scope of problems in the liability insurance market. This research may demonstrate the need for a number of alternative solutions to this problem, including creation of a market assistance plan.

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 sending written comments by August 9, 2004, to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail [Kacys@oic.wa.gov](mailto:Kacys@oic.wa.gov), fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail [Kacys@oic.wa.gov](mailto:Kacys@oic.wa.gov), fax (360) 586-3109.

June 23, 2004

Mike Kreidler  
Insurance Commissioner

**WSR 04-13-153**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Filed June 23, 2004, 8:57 a.m.]

**Subject of Possible Rule Making:** Corporate-owned life insurance, Insurance Commissioner Matter No. R 2004-03.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 48.02.060 and 48.30.010.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Clarification of insurable interest requirements in the context of corporate-owned life insurance in Washington state.

**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 sending written comments by August 9, 2004, to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail [Kacys@oic.wa.gov](mailto:Kacys@oic.wa.gov), fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail [Kacys@oic.wa.gov](mailto:Kacys@oic.wa.gov), fax (360) 586-3109.

June 23, 2004

Mike Kreidler

Insurance Commissioner

of Health, P.O. Box 47840, Olympia, WA 98504-7840, phone (360) 236-3427, fax (360) 236-3400, e-mail [john.pepert@doh.wa.gov](mailto:john.pepert@doh.wa.gov).

June 14, 2004

M. C. Selecky

Secretary

### WSR 04-13-158

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF HEALTH

[Filed June 23, 2004, 9:46 a.m.]

**Subject of Possible Rule Making:** WAC 246-930-010 Definitions, 246-930-060 Professional experience required for affiliate prior to examination, and 246-930-320 Standards for special sex offender sentencing alternative (SSOSA) and special sex offender disposition alternative (SSODA) assessment and evaluation reports.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Chapter 38, Laws of 2004.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** In 1991, the department created in rule, the affiliate sex offender treatment provider (SOTP) credential using its general statutory authority. Agency request legislation, SHB 2849, eliminating credentialing barriers for sex offender treatment providers (SOTP) passed through the legislature this year, and was signed March 2004. Passage of the legislation creates statutory authority for the certification of the affiliate SOTP by adding references in the statute. SHB 2849 creates the statutory authority for the affiliate SOTP, but places restrictions on the affiliate provider's ability to treat and evaluate high risk sex offenders. Rules defining educational requirements, professional experience and standards for treatment will need to be updated and clarified to reflect the requirements in SHB 2849 and current standards recognized by the profession.

**Process for Developing New Rule:** Collaborative rule making, public meetings and mailings to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kitty Slater, Program Manager, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 236-4925, fax (360) 236-4918, e-mail [Kitty.Slater@doh.wa.gov](mailto:Kitty.Slater@doh.wa.gov). Interested persons can participate through meetings and by submitting written comments.

June 21, 2004

M. C. Selecky

Secretary

### WSR 04-13-159

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF HEALTH

[Filed June 23, 2004, 9:46 a.m.]

**Subject of Possible Rule Making:** WAC 246-930-050 Education required prior to examination (affiliate), 246-930-

**040 Professional experience required prior to examination (full certification), 246-930-330 Standards for treatment, and 246-930-075 Description of supervision of affiliate.**

**Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 38, Laws of 2004.**

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** In 1991, the department created in rule, the affiliate sex offender treatment provider (SOTP) credential using its general statutory authority. Agency request legislation, SHB 2849, eliminating credentialing barriers for sex offender treatment providers (SOTP) passed through the legislature this year, and was signed March 2004. Passage of the legislation creates statutory authority for the certification of the affiliate SOTP by adding references in the statute. SHB 2849 creates the statutory authority for the affiliate SOTP, but places restrictions on the affiliate provider's ability to treat and evaluate high risk sex offenders. Rules defining educational requirements, professional experience and standards for treatment will need to be updated and clarified to reflect the requirements in SHB 2849 and current standards recognized by the profession.

**Process for Developing New Rule:** Collaborative rule making, public meetings and mailings to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kitty Slater, Program Manager, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 236-4925, fax (360) 236-4918, e-mail [Kitty.Slater@doh.wa.gov](mailto:Kitty.Slater@doh.wa.gov). Interested persons can participate through meetings and by submitting written comments.

June 21, 2004  
M. C. Selecky  
Secretary

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

June 22, 2004

R. M. Leichner  
Executive Secretary

#### WSR 04-13-174

#### PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed June 23, 2004, 10:54 a.m.]

**Subject of Possible Rule Making:** Requiring participants to follow the instructions of racing officials and members of an association's security team.

**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:** Currently the commission has promulgated a number of rules governing the conduct of horse racing in Washington. The commission has also named a number of individuals as racing officials to carry out the rules of the commission. Currently no rule exists requiring participants from following the instructions of either racing officials or members of the association's security team.

**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.

June 22, 2004

R. M. Leichner  
Executive Secretary

#### WSR 04-13-173

#### PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed June 23, 2004, 10:53 a.m.]

**Subject of Possible Rule Making:** Prohibiting the manipulation or attempted manipulation of the outcome of any race.

**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 public relies on the commission to ensure the integrity of horse racing in Washington. Currently no rule exists prohibiting any person from manipulating or attempting to manipulate the outcome of 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



**WSR 04-12-103**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)  
 [Filed June 2, 2004, 11:15 a.m.]

**PROPOSED****Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-02-060.

Title of Rule: Chapter 388-546 WAC, Transportation services.

Purpose: To improve readability, clarify policy regarding emergency transportation services, and streamline program administration by making policies more consistent with Medicare's policy where practicable.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.057, 74.09.510.

Statute Being Implemented: RCW 74.08.090, 74.04-057.

Summary: The proposed changes will:

- Update and clarify existing policy regarding emergency transportation services, including aligning with Medicare's policy where practicable;
- Clarify client eligibility and scope of coverage for ambulance services;
- Clarify payment limitations and incorporate policy changes related to cost savings; and
- Add new sections relating to ambulance coverage during inpatient hospital stays, coverage for ambulance services out-of-country; ambulance coverage for nonemergency air ambulance transportation, coverage for ambulance services to out-of-state treatment facilities when client has other insurance, transporting qualified trauma cases - trauma care fund (TCF), and coverage for transportation services under the Involuntary Treatment Act (ITA).

Name of Agency Personnel Responsible for Drafting: Wendy Boedigheimer, MAA, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1306; Implementation and Enforcement: Ayuni Hautea-Wimpee, MAA, P.O. Box 45510, Olympia, WA 98504-5510, (360) 725-1835.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Medical Assistance Administration (MAA) has analyzed the proposed rule and concludes that the rule change does not impose additional costs or administrative burdens on ground and air ambulance providers and will not place a more than minor impact on small businesses.

RCW 34.05.328 applies to this rule adoption. The proposed rule change meets the definition of a significant legis-

lative rule. A determination of the probable costs and benefits is available from the persons listed above.

Hearing Location: Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA, on July 27, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by July 23, 2004, 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., July 27, 2004.

Date of Intended Adoption: Not sooner than August 1, 2004.

May 28, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

**WAC 388-546-0001 Definitions.** The following definitions and abbreviations, and those found in WAC 388-500-0005, apply to ((sections WAC 388-546-0150 through 388-546-4000. Defined words and phrases are bolded the first time they are used in the text)) this chapter unless otherwise specified.

"Advanced life support (ALS)" means that level of care that calls for invasive emergency medical services requiring advanced medical treatment skills.

"Advanced life support (ALS) assessment" means an assessment performed by an ALS crew as part of an emergency response that was necessary because the client's reported condition at the time of dispatch was such that only an ALS crew was qualified to perform the assessment. An ALS assessment does not necessarily result in a determination that the client requires an ALS level of service.

"Advanced life support (ALS) intervention" means a procedure that is beyond the scope of care of an emergency medical technician (EMT).

"Aid vehicle" means a vehicle used to carry aid equipment and individuals trained in first aid or emergency medical ((procedure)) procedures.

"Air ambulance" means a ((rotary blade-()helicopter-()) or ((fixed wing aircraft-())airplane-())) designed and used to provide transportation for the ill and injured, and to provide personnel, facilities, and equipment to treat ((patients)) clients before and during transportation. Air ambulance is considered an ALS service.

"Ambulance" means a ground or air vehicle designed((, licensed per RCW 18.73.140)) and used to provide transportation to the ill and injured; and to provide personnel, facilities, and equipment to treat ((patients)) clients before and during transportation; and licensed per RCW 18.73.140.

"Base rate" means the medical assistance administration's (MAA) minimum ((reimbursement)) payment amount per covered trip, which includes allowances for emergency

**PROPOSED**

medical personnel and their services, the costs of standing orders, reusable supplies and equipment, hardware, stretchers, ~~((some)) oxygen and oxygen administration, intravenous supplies and IV administration, disposable supplies, normal waiting time, and the normal overhead costs of doing business. The base rate excludes mileage ((and MAA specified disposable supplies that can be billed separately)).~~

**"Basic life support (BLS)"** means that level of care that justifies ambulance transportation but requires only basic medical treatment skills. It does not include the need for or delivery of invasive medical procedures/services.

**"Bed-confined"** means the client is unable to perform all of the following actions:

- (1) Get up from bed without assistance;
- (2) Ambulate; and
- (3) Sit in a chair or wheelchair.

**"Bordering area hospital"** means a licensed hospital in a designated bordering city (see WAC 388-501-0175).

**"Broker"** (see "transportation broker").

**"Brokered transportation"** means ~~((nonemergent)) nonemergency~~ transportation arranged by a broker, under contract with MAA, to or from covered medical services for an eligible client (also, see "transportation broker").

~~(("Border area hospitals" (see WAC 388-501-0175)))~~

**"By report"** means a method of payment in which MAA determines the amount it will pay for a service that is covered but does not have an established maximum allowable fee. Providers must submit a report describing the nature, extent, time, effort, and/or equipment necessary to deliver the service.

**"Emergency medical service"** means medical treatment and care that may be rendered at the scene of any medical emergency or while transporting any ~~((patient))~~ client in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.

**"Emergency medical transportation"** means ambulance transportation during which a client receives needed emergency medical services en route to an appropriate medical facility.

~~(("Fixed wing aircraft" means an airplane.))~~

**"Ground ambulance"** means a ground vehicle ~~((including a water ambulance))~~ designed and ~~((primarily))~~ used to provide transportation to the ill and injured and to provide personnel, facilities, and equipment to treat ~~((patients))~~ clients before and during transportation.

**"Invasive procedure"** means a medical intervention that intrudes on the client's person or breaks the skin barrier.

**"Lift-off fee"** means either of the two base rates MAA pays to air ambulance providers for transporting a client. MAA establishes ~~((one liftoff fee for rotary aircraft and one liftoff fee for fixed wing aircraft))~~ separate lift-off fees for helicopters and airplanes.

**"Loaded mileage"** means the number of miles the client is transported in the ambulance vehicle.

**"Medical control"** means the medical authority upon whom an ambulance provider relies to coordinate prehospital emergency services, triage and trauma center assignment/destination for the person being transported. The medical control is designated in the trauma care plan by the

approved medical program director of the region in which the service is provided.

**"(Nonemergent) Nonemergency ambulance transportation"** means the use of a ground ambulance to carry a client who may be confined to a stretcher but typically does not require the provision of emergency medical services en route, ~~or the use of an air ambulance when prior authorized by MAA.~~ ~~((Nonemergent)) Nonemergency~~ ambulance transportation is usually scheduled or prearranged. See also "prone or supine transportation," and "scheduled transportation."

**"Point of destination"** means a facility generally equipped to provide the needed medical or nursing care for the injury, illness, symptoms, or complaint involved.

**"Point of pick-up"** means the location of the client at the time he or she is placed on board the ambulance or transport vehicle.

**"Prone or supine transportation"** means transporting a client confined to a stretcher ~~or gurney~~, with or without emergency medical services being provided en route.

~~(("Rotary blade aircraft" means a helicopter.))~~

**"Scheduled transportation"** means prearranged transportation for an eligible client, typically in a vehicle other than an ambulance, with no emergency medical services being required or provided en route to ~~((and))~~ or from a covered medical service.

**"Specialty care transport (SCT)"** means interfacility transportation of a critically injured or ill client by a ground ambulance vehicle, including medically necessary supplies and services, at a level of service beyond the scope of the paramedic.

**"Standing order"** means an order remaining in effect indefinitely until canceled or modified by an approved medical program director (regional trauma system) or the ambulance provider's medical control.

**"Transportation broker"** means a person or organization contracted by MAA to arrange, coordinate and manage the provision of necessary but ~~((nonemergent)) nonemergency~~ transportation services for eligible clients to and from covered medical services.

**"Trip"** means transportation one-way from the point of pick-up to the point of destination by an authorized transportation provider.

#### **AMENDATORY SECTION** (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

**WAC 388-546-0100 The MAA ambulance transportation program.** (1) The provisions of this chapter take precedence with respect to ambulance coverage in cases of ambiguity in, or conflict with, other rules governing eligibility for medical services.

(2) The medical assistance administration (MAA) covers medically necessary ambulance transportation to and from the provider of MAA covered services that is closest and most appropriate to meet the client's medical need. See WAC 388-546-0150 through ~~((388-546-1000))~~ 388-546-4000 for ambulance transportation and WAC 388-546-5000 through 388-546-5600 for brokered/nonemergency transportation. ~~((See WAC 388-546-0150 for client eligibility for ambulance~~

~~transporation. See WAC 388-546-5100 for client eligibility for brokered/nonemergency transportation.)~~

**AMENDATORY SECTION** (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

**WAC 388-546-0150 Client eligibility for ((ground and air)) ambulance transportation.** (1) ((MAA covers medically necessary ambulance transportation to MAA covered services for medical assistance clients, including clients enrolled in MAA's managed care program(s) (e.g., Healthy Options). The exception is that MAA does not cover ambulance services for clients eligible for "family planning only."))

((2) MAA does not cover out-of-state ambulance services for clients who are eligible for:

(a) The medically indigent program; or

(b) The general assistance-unemployable program))

Except for clients in the Family Planning Only program, MAA fee-for-service clients are eligible for ambulance transportation to MAA covered services with the following limitations:

(a) Clients in the following programs are eligible for ambulance services within Washington state or bordering cities only, as designated in WAC 388-501-0175:

(i) General assistance-unemployable (GA-U);

(ii) General assistance-expedited medical (GA-X);

(iii) General assistance-pregnancy (GA-S);

(iv) Alcoholism and Drug Addiction Treatment and Support Act (ADATSA);

(v) Emergency medical programs, including alien emergency medical (AEM);

(vi) LCP-MNP emergency medical only; and

(vii) State Children's Health Insurance Program (CHIP) when the client is not enrolled in a managed care plan.

(b) Clients in the categorically needy/qualified Medicare beneficiary (CN/QMB) and medically needy/qualified Medicare beneficiary (MN/QMB) programs are covered by Medicare and Medicaid, with the payment limitations described in WAC 388-546-0400(5).

(2) Clients enrolled in an MAA managed care plan receive all ambulance services through their designated plan, subject to the plan's coverages and limitations.

(3) Clients enrolled in MAA's primary care case management (PCCM) program are eligible for ambulance services that are emergency medical services or that are approved by the PCCM in accordance with MAA requirements. MAA pays for covered services for these clients according to MAA's published billing instructions.

(4) Clients under the Involuntary Treatment Act (ITA) are not eligible for ambulance transportation coverage outside the state of Washington. This exclusion from coverage applies to individuals who are being detained involuntarily for mental health treatment and being transported to or from bordering cities. See also WAC 388-546-4000.

(5) See WAC 388-546-0800 and 388-546-2500 for additional limitations on out-of-state coverage and coverage for clients with other insurance.

(6) Jail inmates and persons living in a correctional facility are not eligible for MAA ambulance coverage. See WAC 388-503-0505(5).

**AMENDATORY SECTION** (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

**WAC 388-546-0200 Scope of coverage for ((ground and air)) ambulance transportation.** (1) ((AH)) The ambulance program is a medical transportation service. The medical assistance administration (MAA) pays for ambulance transportation to and from covered medical services ((covered under the client's medical assistance program must be)) when the transportation is:

(a) Within the scope of an eligible client's medical care program (see chapter 388-529 WAC, Scope of medical services);

(b) Medically necessary as defined in WAC 388-500-0005 based on the client's condition at the time of the ambulance trip and as documented in the client's record;

((b)) (c) Appropriate to the client's actual medical need;

((e)) Documented in the provider's client record as to medical necessity;)) and

(d) To one of the following destinations:

(i) The ((closest)) nearest appropriate MAA-contracted medical provider of MAA-covered services; or

(ii) The designated trauma facility as identified in the emergency medical services and trauma regional patient care procedures manual.

(2) MAA limits coverage to ((that)) medically necessary ambulance transportation that is required because the client cannot be safely or legally transported any other way. If a client can safely travel by car, van, taxi, or other means, the ambulance trip is not medically necessary and the ambulance service is not covered by MAA. See WAC 388-546-0250 (1) and (2) for ((MAA's process for determining medical necessity)) noncovered ambulance services.

(3) If Medicare or another third party is the client's primary health insurer and that primary ((party)) insurer denies coverage of an ambulance trip due to a lack of medical necessity, MAA requires the provider ((to report)) when billing MAA for that trip to:

(a) ((That)) Report the third party determination on the ((billing to MAA)) claim; and

(b) ((A justification for the trip)) Submit documentation showing that the trip meets the medical necessity criteria of MAA. See WAC 388-546-1000 and 388-546-1500 for requirements for nonemergency ambulance coverage.

(4) MAA covers the following ambulance transportation ((for its eligible clients)):

(a) ((Emergency medical transportation by air ambulance when justified under the conditions of this chapter; and

(b) Medical transportation by)) Ground ambulance when the eligible client:

(i) Has an emergency medical need for the transportation;

(ii) Needs medical attention to be available during the trip; or

(iii) Must be transported by stretcher or gurney.

(b) Air ambulance when justified under the conditions of this chapter or when MAA determines that air ambulance is less costly than ground ambulance in a particular case. In the latter case, the air ambulance transportation must be prior

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authorized by MAA. See WAC 388-546-1500 for nonemergency air ambulance coverage.

((5) MAA covers (through the healthy options managed care plan) medically necessary ambulance transportation for clients enrolled in the plan. This coverage is included in the prepaid plan premium (see WAC 388-546-0400(2)).

(6) MAA covers medically necessary ambulance transportation for clients enrolled in MAA's primary care case management (PCCM) program. Ambulance services that are emergency medical services or that are approved by the PCCM in accordance with MAA requirements are reimbursed by MAA according to MAA's published billing instructions.

(7) MAA covers ambulance trips transporting patients from one hospital to another when the transferring or discharging hospital has inadequate facilities to provide the necessary medical services required. MAA covers air ambulance transportation for hospital transfers only if transportation by ground ambulance would endanger the client's life or health.))

**AMENDATORY SECTION** (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

**WAC 388-546-0250 Ambulance services that MAA does not cover.** (1) ((MAA evaluates a request for any service that is listed as noncovered in this section under the provisions of WAC 388-501-0165.

(2) For ambulance services that are otherwise covered under this chapter but are subject to one or more limitations or other restrictions, MAA evaluates, on a case-by-case basis, requests to exceed the specified limits or restrictions. MAA approves such requests when medically necessary, in accordance with WAC 388-501-0165.

(3)) The medical assistance administration (MAA) does not cover ambulance services when the transportation is:

(a) Not medically necessary based on the client's condition at the time of service (see exception at WAC 388-546-1000);

(b) Refused by the client (see exception for ITA clients in WAC 388-546-4000(2));

(c) For a client who is deceased at the time the ambulance arrives ((on-)) at the scene;

(d) For a client who dies after the ambulance arrives ((on-)) at the scene but prior to transport and the ambulance crew ((did not provide significant)) provided minimal to no medical ((services on-)) interventions/supplies at the scene (see WAC 388-546-0500(2));

(e) Requested for the convenience of the client or the client's family;

(f) More expensive than ((arranging to bring)) bringing the necessary medical ((service)) service(s) to the client's location in nonemergency situations;

(g) To transfer a client from a medical facility to the client's ((home (see exception at WAC 388-546-1000))) residence (except when the residence is a nursing facility);

(h) Requested solely because a client has no other means of transportation;

(i) Provided by other than licensed ambulance providers (e.g., wheelchair vans, cabulance, stretcher cars); or

(j) Not to the nearest appropriate medical facility ((e.g., the client's destination is an urgent care clinic or freestanding outpatient facility rather than a hospital emergency room) (see exception at WAC 388-546-1000).

(4) MAA does not cover ambulance services for hospital to hospital transportation if the transportation is requested:

(a) To accommodate a physician's or other health care provider preference for facilities;

(b) To move the client closer to family or home (e.g., for personal convenience); or

(c) To meet insurance requirements or hospital/insurance agreements)).

(2) If transport does not occur, MAA does not cover the ambulance service, except as provided in WAC 388-546-0500(2).

(3) MAA evaluates requests for services that are listed as noncovered in this chapter under the provisions of WAC 388-501-0160.

(4) For ambulance services that are otherwise covered under this chapter but are subject to one or more limitations or other restrictions, MAA evaluates, on a case-by-case basis, requests to exceed the specified limits or restrictions. MAA approves such requests when medically necessary, in accordance with WAC 388-501-0165.

(5) An ambulance provider may bill a client for noncovered services as described in this section, if the requirements of WAC 388-502-0160 are met.

**AMENDATORY SECTION** (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

**WAC 388-546-0300 General requirements for ((air and ground)) ambulance providers.** (1) ((Air and ground)) Ambulances must be licensed, operated, and equipped according to federal, state, and local statutes, ordinances and regulations.

(2) ((Air and ground)) Ambulances must be staffed and operated by appropriately trained and certified personnel. Personnel who provide any invasive procedure/emergency medical services for a client during an ambulance trip must be properly authorized and trained per RCW 18.73.150 and 18.73.170.

(3) The medical assistance administration (MAA) requires providers of ambulance services to ((show)) document medical justification ((on-billing-documents)) for transportation and related services((/supplies)) billed to MAA. Documentation in the provider's client record must include adequate descriptions of the severity and complexity of the client's condition (including the circumstances that made the conditions acute and emergent) at the time of the transportation. MAA may review the client record to ensure MAA's criteria ((are)) were met.

**AMENDATORY SECTION** (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

**WAC 388-546-0400 General limitations ((to)) on payment for ((ground and air)) ambulance services.** (1) ((MAA reimburses providers of covered ambulance transportation services on the basis of)) In accordance with WAC 388-502-0100(8), the medical assistance administration

(MAA) pays providers the lesser of the provider's usual and customary charges or the ((rates)) maximum allowable rate established by MAA((, whichever is lower)). MAA's fee schedule payment for ambulance services includes a base rate or lift-off fee plus mileage.

(2) MAA does not ((reimburse)) pay providers ((directly)) under fee-for-service for ambulance services provided to a client who is enrolled in an MAA ((Healthy Options)) managed care plan. Payment in such cases is the responsibility of the prepaid managed care plan.

(3) MAA ((includes certain covered ambulance services in its payments to inpatient hospitals. MAA does not reimburse ambulance providers for ambulance transportation services if the client remains as an inpatient in a hospital and the transportation is for temporary transfer to another facility for diagnostic or treatment services (e.g., MRI scanning, kidney dialysis). Transportation of an inpatient for such services is included in MAA's payment to the hospital. It is the responsibility of the hospital where the client is an inpatient to reimburse ambulance providers for these transports.

(4) MAA reimburses for the actual mileage incurred for covered trips by paying from the client's point of origin to the point of destination. MAA does not reimburse mileage for any distances traveled to the pick-up point or any other distances traveled when the client is not on board the ambulance.

((S))) does not pay providers for mileage incurred traveling to the point of pick-up or any other distances traveled when the client is not on board the ambulance. MAA pays for loaded mileage only as follows:

(a) MAA pays ground ambulance providers for the actual mileage incurred for covered trips by paying from the client's point of pick-up to the point of destination.

(b) MAA pays air ambulance providers for the statute miles incurred for covered trips by paying from the client's point of pick-up to the point of destination.

(4) MAA does not ((reimburse)) pay for ambulance services if:

(a) The client is not transported ((to an appropriate treatment facility)); ((or))

(b) The client is transported but not to an appropriate treatment facility; or

(c) The client dies before the ambulance trip begins (see the single exception for ground ambulance providers at WAC 388-546-0500(2)).

(5) For clients in the categorically needy/qualified Medicare beneficiary (CN/QMB) and medically needy/qualified Medicare beneficiary (MN/QMB) programs MAA's payment is as follows:

(a) If Medicare covers the service, MAA will pay the lesser of:

(i) The full coinsurance and deductible amounts due, based upon Medicaid's allowed amount; or

(ii) MAA's maximum allowable for that service minus the amount paid by Medicare.

(b) If Medicare does not cover or denies ambulance services that MAA covers according to this chapter, MAA pays at MAA's maximum allowable; except MAA does not pay for clients on the qualified Medicare beneficiaries (QMB) only program.

## NEW SECTION

**WAC 388-546-0425 Ambulance coverage during inpatient hospital stays.** (1) The medical assistance administration (MAA) does not cover ambulance transportation services under fee-for-service when a client remains as an inpatient client in a hospital and the transportation to and/or from another facility is for diagnostic or treatment services (e.g., MRI scanning, kidney dialysis). Transportation of an inpatient client for such services is the responsibility of the hospital, whether MAA pays the hospital under the diagnosis-related group (DRG) or ratio of costs-to-charges (RCC) method.

(2) Except as provided in subsections (3) and (5) of this section, MAA does not cover hospital to hospital transfers of clients under fee-for-service when ambulance transportation is requested solely to:

(a) Accommodate a physician's or other health care provider's preference for facilities;

(b) Move the client closer to family or home (i.e., for personal convenience); or

(c) Meet insurance requirements or hospital/insurance agreements.

(3) MAA covers under fee-for-service ambulance transportation for a client being transferred from one hospital to another when the transferring or discharging hospital has inadequate facilities to provide the necessary medical services required by the client. MAA covers air ambulance transportation for hospital transfers only if transportation by ground ambulance would endanger the client's life or health. The reason for transferring a client from one hospital to another, as well as the need for air ambulance transport, if applicable, must be clearly documented in the client's hospital chart and in the ambulance trip report.

(4) MAA does not cover under fee-for-service ambulance transportation for a client being transferred from a hospital providing a higher level of care to a hospital providing a lower level of care, except as allowed under subsection (5) of this section.

(5) MAA considers requests for fee-for-service ambulance coverage under the provisions of WAC 388-501-0160 (exception to rule) for transportation of a client from an intervening hospital to the discharging hospital. MAA evaluates such requests based on clinical considerations and cost-effectiveness. MAA's decision under the provisions of WAC 388-501-0160 is final. The reason for transferring a client from a hospital to another medical facility must be clearly documented in the client's hospital chart and in the ambulance trip record.

(6) Specialty care transport (SCT) is hospital-to-hospital transportation by ground ambulance of a critically injured or ill client, at a level of service beyond the scope of a paramedic. MAA pays an ambulance provider the advanced life support (ALS) rate for an SCT-level transport, provided:

(a) The criteria for covered hospital transfers under fee-for-service are met; and

(b) There is a written reimbursement agreement between the ambulance provider and SCT personnel. If there is no written reimbursement agreement between the ambulance provider and SCT personnel, MAA pays the provider at the basic life support (BLS) rate.

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**AMENDATORY SECTION** (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

**WAC 388-546-0450 Payment for ground ambulance ((levels of service and other reimbursement)) services.** (1) ((MAA reimburses at)) The medical assistance administration (MAA) pays for two levels of service for ground ambulance ((emergency)) transportation: Basic life support (BLS) and advanced life support (ALS):

(a) A BLS ((emergency)) ambulance trip is one in which the client requires and receives basic medical services ((en-)) at the scene and/or en route from the scene of the acute and emergent illness or injury to a hospital or other appropriate treatment facility. Examples of basic medical services are: Controlling bleeding, splinting fracture(s), treating for shock, and performing cardiopulmonary resuscitation (CPR).

(b) An ALS trip is one in which the client requires and receives more complex services ((en-)) at the scene and/or en route from the scene of the acute and emergent illness or injury to a hospital. To qualify for payment at the ALS level, certified paramedics or other ALS-qualified personnel on-board must provide the advanced medical services in a properly equipped vehicle as defined by chapter 18.83 RCW. Examples of ((more)) complex medical services or ALS procedures are: ((the initiation of intravenous therapy, airway intubation, or heart defibrillation. To qualify for reimbursement at the ALS level, certified paramedics or other ALS-qualified personnel on-board must provide the advanced medical services in a properly equipped vehicle.))

(i) Administration of medication by intravenous push/bolus or by continuous infusion;

- (ii) Airway intubation;
- (iii) Cardiac pacing;
- (iv) Chemical restraint;
- (v) Chest decompression;
- (vi) Creation of surgical airway;
- (vii) Initiation of intravenous therapy;
- (viii) Manual defibrillation/cardioversion;
- (ix) Placement of central venous line; and
- (x) Placement of intraosseous line.

(2) MAA ((reimburses)) pays for ambulance services (BLS or ALS) based on the client's actual medical condition and the level of medical services needed and provided during the trip.

(a) Local ordinances or standing orders that require all ambulance ((trips)) vehicles be ALS-equipped do not qualify a trip for MAA ((reimbursement)) payment at the ALS level of service unless ALS services were provided.

(b) A ground ambulance trip is classified and paid at a BLS level, even if certified paramedics or ALS-qualified personnel are on board the ambulance, if no ALS-type interventions were provided en route.

(c) An ALS assessment does not qualify as an ALS transport if no ALS-type interventions were provided to the client en route to the treatment facility.

(3) ((MAA reimburses separately for:)) MAA's base rate includes: Necessary personnel and services; oxygen and oxygen administration; ((and/or)) intravenous supplies and IV administration((. All other)) reusable supplies, disposable supplies, required equipment ((and up to thirty minutes of waiting time are included in MAA's base rate. MAA includes

in the base rate equipment and/or supplies that are not specifically listed as separately payable in the medical transportation billing instructions)), and waiting time. MAA does not ((reimburse for)) pay separately for chargeable items/services that are provided to the client based on standing orders.

(4) ((The provider must document each trip to reflect the level of care needed by the patient, the training and qualifications of the personnel on board and the types of medical interventions provided by the personnel on board. A ground ambulance trip is classified and paid at a BLS level, even if certified paramedics or ALS qualified personnel are on board the ambulance, if no ALS type interventions are needed and provided en route.

((5))) MAA ((reimburses)) pays ground ambulance providers ((one)) the same mileage ((reimbursement)) rate, regardless of the level of service. Ground ambulance mileage is ((reimbursed)) paid when the client is transported to and from medical services within the local community only, unless necessary medical care is not available locally. The provider must fully document in the client's record the circumstances that make medical care outside of the client's local community necessary.

((5)) MAA pays for extra mileage when sufficient justification is documented in the client's record and the ambulance trip report. Acceptable reasons for allowable extra mileage include, but are not limited to:

- (a) A hospital was on "divert" status and not accepting patients; or
- (b) A construction site caused a detour, or had to be avoided to save time.

(6) When multiple ambulance providers respond to an emergency call, MAA pays only the ambulance provider that actually furnishes the transportation.

(7) MAA ((reimburses)) pays for an extra attendant, when the ground ambulance provider ((submits)) documents in the client's file the justification ((to MAA for an)) for the extra attendant ((along with the claim for trip reimbursement)), and that the extra attendant is on-board for the trip because of one or more of the following:

- (a) The client weighs three hundred pounds or more;
- (b) The client is violent or difficult to ((control)) move safely;
- (c) The client is being transported for Involuntary Treatment Act (ITA) purposes and the client must be restrained during the trip; or

(d) More than one client is being transported, and each requires medical attention and/or close monitoring.

((7)) The first thirty minutes of waiting time is included in MAA's base rate. MAA reimburses ground ambulance providers for additional waiting time if the time:

- (a) Is extensive;
- (b) Constitutes unusual circumstances; and
- (c) Is documented in the provider's records and on the billing form. Documentation must include the reason for the wait, the total length of time spent waiting and the amount of waiting time being billed to MAA.

((8)) MAA does not reimburse providers for waiting time if:

- (a) The waiting time is to provide a return trip pickup; or

(b) The waiting time is to provide a second trip for the same client for the same date of service.

(9)) (8) MAA ((reimburses)) pays ambulance providers "by report" for ferry and bridge tolls incurred when transporting MAA clients. ((The ferry toll(s) must be thoroughly documented on the claim form. MAA reimburses:

(a) One standard reimbursement rate for all Puget Sound ferry trips (each way); and

(b) Actual cost, based on invoice, for all San Juan Island ferry trips.

(10) MAA reimburses ambulance providers for bridge tolls based on actual cost. To be reimbursed, the provider must submit the receipt(s) for the bridge toll(s) incurred during the trip)) To be paid, providers must document the toll(s) by attaching the receipt(s) for the toll(s) to the claim.

**AMENDATORY SECTION** (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

**WAC 388-546-0500 ((Special circumstances and)) Payment ((limits)) for ground ambulance services in special circumstances.** (1) When more than one client is transported in the same ground ambulance at the same time, the provider must bill the medical assistance administration (MAA):

- (a) At a reduced base rate for the additional client, and
- (b) No mileage charge for the additional client.

(2) MAA ((reimburses-a)) pays an ambulance provider at the appropriate base rate (((no mileage and no separate supplies if there is)) (BLS or ALS) if no transportation ((provided)) takes place because the client died ((on scene. MAA allows reimbursement only if)) at the scene of the illness or injury but the ambulance crew ((provides necessary and substantial)) provided medical ((care)) interventions/supplies to the client ((on-)) at the scene ((and)) prior to the client's death. See WAC 388-546-0450(1) for examples of medical interventions associated with each base rate. The intervention(s)/supplies provided must be documented in the client's record. No mileage charge is allowed with the base rate when the client dies at the scene of the illness or injury after medical interventions/supplies are provided but before transport takes place.

(3) In situations where a BLS entity provides the transport of the client and an ALS entity provides a service that meets MAA's fee schedule definition of an ALS intervention, the BLS provider may bill MAA the ALS rate for the transport, provided a written reimbursement agreement between the BLS and ALS entities exists. The provider must give MAA a copy of the agreement upon request. If there is no written agreement between the BLS and ALS entities, MAA will pay only for the BLS level of service.

(4) In areas that distinguish between residents and non-residents, MAA must be billed the same rate for ambulance services provided to a client in a particular jurisdiction as would be billed by that provider to the general public in the same jurisdiction.

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 01-03-084, filed 1/16/01, effective 2/16/01)

**WAC 388-546-0600 Procedure code modifiers.** ((Ground)) Ambulance providers must use procedure code modifiers published by MAA when billing MAA for ((ground)) ambulance trips. The ((same)) appropriate modifiers ((that describe the ambulance trip's place of origin and the client's destination)) must be used for all services related to the same trip for the same client.

**AMENDATORY SECTION** (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

**WAC 388-546-0700 ((Specific)) Payment limitations for air ambulance services.** (1) MAA ((reimburses)) pays for air ambulance services only when all of the following apply:

(a) The necessary medical treatment is not available locally or the client's ((pick up)) point of pick up is not accessible by ground ambulance;

(b) The vehicle and crew meet the provider requirements in WAC 388-546-0300 and 388-546-0800;

(c) The client's destination is an acute care hospital; and

(d) The client's physical/medical condition requires immediate and rapid ambulance transportation that cannot be provided by ground ambulance; or

(e) The client's physical or medical condition is such that traveling on a commercial flight is not safe.

(2) MAA ((reimburses)) pays providers for one lift-off fee per client, per trip.

(3) ((MAA reimburses mileage for air ambulance services based on air miles and not on highway mileage charts)) Air mileage is based on loaded miles flown, as expressed in statute miles.

(4) Except as provided in WAC 388-546-0800(6), MAA pays for extra air mileage with sufficient justification. The reason for the added mileage must be documented in the client's record and the ambulance trip report. Acceptable reasons include, but are not limited to:

(a) Having to avoid a "no fly zone"; or

(b) Being forced to land at an alternate destination due to severe weather.

(5) MAA ((reimburses)) pays a lift-off fee for each client when two or more clients are transported on a single air ambulance trip. In such a case, the provider must divide equally the total air mileage by the number of clients transported and bill MAA for the mileage portion attributable to each eligible client.

((S)) (6) If a client's transportation requires use of more than one ambulance to complete the trip to the hospital or other approved facility, MAA limits its ((reimbursement)) payment as follows:

(a) If ((more than one)) air ambulance is used and the trip involves more than one lift-off, MAA ((reimburses)) pays only one lift-off fee per client and the total of air miles. If an air ambulance transport for the same client involves both rotary and fixed wing aircraft, the lift-off fee and mileage ((reimbursement)) payment will be based on the mode of air transport used for the greater distance traveled.

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(b) If both air and ground ambulances ((must be)) are used, MAA ((reimburses)) pays one lift-off fee and total air miles to the air ambulance provider, and the applicable base rate and ground mileage to each ground ambulance provider involved in the trip((. The one exception to this rule is when the), except when ground ambulance ((fee(s) is)) fees are included in the negotiated trip payment as provided in WAC 388-546-0800 ((4)(b)) (6).

((6)) (7) MAA does not ((reimburse)) pay separately for individual services or an extra attendant for air ambulance transportation. MAA's lift-off fee and mileage ((reimbursement)) payment includes all personnel, services, supplies, and equipment related to the ((trip)) transport.

((7)) (8) MAA does not ((reimburse)) pay private organizations for volunteer medical air ambulance transportation services, unless the organization has MAA's prior authorization for the transportation services and fees ((are prior authorized by MAA)). If authorized, MAA's ((reimbursement)) payment is based on the actual cost to provide the service or at MAA's established rates, whichever is lower. MAA does not ((reimburse)) pay separately for items or services that MAA includes in the established rate(s).

((8)) (9) If MAA determines, upon review, that an air ambulance trip was not:

(a) Medically necessary, MAA may deny or recoup its payment and/or limit ((reimbursement)) payment based on MAA's established rate for a ground ambulance trip ((if that would result in a lower cost to MAA)) provided ground ambulance transportation was medically necessary; or

(b) To the nearest available and appropriate hospital, MAA may deny or recoup its payment ((and impose a maximum reimbursement)) and/or limit its maximum payment for the trip based on the ((nearer)) nearest available and appropriate facility.

((9)) (10) Providers must have prior authorization from MAA for any nonemergency air transportation, whether by air ambulance or other mode of air transportation. Nonemergency air transportation includes scheduled transports to or from out-of-state treatment facilities.

((10)) (11) MAA uses commercial airline companies (i.e., ((limits)) MAA does not authorize air ambulance ((services)) transports) whenever the client's medical condition permits the client to be transported by nonmedical and/or scheduled carriers.

((11)) (12) MAA does not ((reimburse)) pay for air ambulance services if ((there is)) no transportation is provided.

#### AMENDATORY SECTION (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

**WAC 388-546-0800 Payment for ((ground and air)) ambulance services outside the state of Washington.** ((MAA reimburses)) (1) The medical assistance administration (MAA) pays for emergency transportation provided to MAA's eligible fee-for-service clients who are out-of-state at the time of service (see WAC 388-546-0150 ((2)) for exceptions).

((1)) MAA requires ((any)) out-of-state ((ground or air)) ambulance ((provider who provides)) providers who

provide covered medical services to ((an)) eligible MAA ((client)) clients to:

(a) Meet the licensing requirements of the ambulance provider's home state (United States of America and its territories only); and

(b) Complete and sign an MAA core provider agreement.

(2) MAA does not ((reimburse for an interstate trip if the client is eligible for in-state services, only)) pay for an out-of-state ambulance transport for a fee-for-service client when:

(a) The client's medical eligibility program covers medical services within Washington state and/or designated bordering cities only. See WAC 388-546-0150 and 388-546-0200(5);

(b) The ambulance transport is taking the client to an out-of-state treatment facility for a medical service, treatment or procedure that is available from a facility within Washington state or in a designated bordering city; or

(c) The transport was nonemergent and was not prior authorized by MAA.

(3) Except as provided in subsection (6) of this section, MAA ((reimburses)) pays out-of-state medical transportation ambulance providers at the lower of:

(a) The provider's billed amount; or

(b) The rate established by MAA.

(4) MAA requires any out-of-state ground ambulance provider who is transporting MAA clients within the state of Washington to comply with RCW 18.73.180 regarding stretcher transportation.

(5) ((Air)) Ambulance providers who provide ((emergency)) medical transportation that takes a client out-of-state or that brings a client in state from an out-of-state location must obtain MAA's prior authorization. Under no circumstances are such transports covered for clients under the Involuntary Treatment Act (ITA).

(6) MAA ((reimburses air)) pays ambulance providers the agreed upon ((rate)) amount for each medically necessary interstate ((air)) ambulance trip that has MAA's prior authorization. The provider is responsible for ensuring that all necessary services associated with the transport are available and provided to the client. In transports involving negotiated rates, the provider is responsible for the costs of all services included in the contractual amount. The contractual amount for an air ambulance transport may include ground ambulance fees at the point of pick-up and the point of destination.

#### NEW SECTION

**WAC 388-546-0900 Ambulance coverage in Canada, Mexico, and other countries.** The medical assistance administration (MAA) covers ambulance transportation for eligible fee-for-service clients traveling outside of the United States and U.S. territories, subject to the provisions and limitations of this chapter.

#### AMENDATORY SECTION (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

**WAC 388-546-1000 Coverage for nonemergency ground ambulance transportation.** (1) ((MAA reimburses)) The medical assistance administration (MAA) pays

for nonemergency ground ambulance transportation at the BLS ambulance level of service under the following conditions:

(a) ((The client needs to have basic ambulance level medical attention available during transportation; or

(b))) The client is bed-confined and must be transported by stretcher or gurney (in the prone or supine position) for medical or safety reasons. Justification for stretcher or gurney must be documented in the client's record; or

(b) The client's medical condition requires that he or she have basic ambulance level medical attention available during transportation, regardless of bed confinement.

(2) MAA requires ambulance providers to thoroughly document the circumstances requiring nonemergency ground ambulance transportation((-)) as follows:

(a) For nonemergency, scheduled ambulance services that are repetitive in nature, the ambulance provider must obtain a written physician certification statement (PCS) from the client's attending physician certifying that the ambulance services are medically necessary. The PCS must specify the expected duration of treatment or span of dates during which the client requires repetitive nonemergency ambulance services. The PCS must be dated no earlier than sixty days before the first date of service. A PCS for repetitive, non-emergency ambulance services is valid for sixty days as long as the client's medical condition does not improve. Kidney dialysis clients may receive nonemergency ground ambulance transportation to and from outpatient kidney dialysis services for up to three months per authorization span.

(b) For nonemergency ambulance services that are either unscheduled or scheduled on a nonrepetitive basis, the ambulance provider must obtain from the client's attending physician a signed PCS within forty-eight hours after the transport. The PCS must certify that the ambulance services are medically necessary.

(c) If the ambulance provider is not able to obtain a signed PCS from the attending physician, a signed certificate of medical necessity form must be obtained from a qualified provider who is employed by the client's attending physician or by the hospital or facility where the client is being treated and who has personal knowledge of the client's medical condition at the time the ambulance service was furnished. In lieu of the attending physician, one of the following may sign the certification form: a physician assistant, a nurse practitioner, a registered nurse, a clinical nurse specialist, or a hospital discharge planner. The signed certificate must be obtained from the alternate provider no later than twenty-one calendar days from the date of service.

(d) If, after twenty-one days, the ambulance provider is unable to obtain the signed PCS from the attending physician or alternate provider for nonemergency ambulance services that are either unscheduled or scheduled on a nonrepetitive basis, the ambulance provider may submit a claim to MAA, as long as the provider is able to show acceptable documentation of the attempts to obtain the PCS.

(e) In addition to the signed certification statement of medical necessity, all other program criteria must be met in order for MAA to pay for the service.

(3) Ground ambulance providers may choose to enter into contracts with MAA's transportation brokers to provide

nonemergency transportation at a negotiated payment rate. Any such subcontracted rate may not exceed the costs MAA would incur under subsection (1) of this section.

## NEW SECTION

**WAC 388-546-1500 Coverage for nonemergency air ambulance transportation.** (1) The medical assistance administration (MAA) pays for a nonemergency air ambulance transport only when the transport is prior authorized by MAA.

(2) MAA authorizes a nonemergency air ambulance transport only when the following conditions are met:

(a) The client's destination is an acute care hospital or approved rehabilitation facility; and

(b) The client's physical or medical condition is such that travel by any other means endangers the client's health; or

(c) Air ambulance is less costly than ground ambulance under the circumstances.

(3) MAA requires providers to thoroughly document the circumstances requiring a nonemergency air ambulance transport. The medical justification must be submitted to MAA prior to transport and must be documented in the client's medical record and ambulance trip report. Documentation must include adequate descriptions of the severity and complexity of the client's condition at the time of transportation.

## NEW SECTION

**WAC 388-546-2500 Transportation to out-of-state treatment facilities—Coordination of benefits.** (1) The medical assistance administration (MAA) does not pay for a client's transportation to an out-of-state treatment facility when the medical service, treatment, or procedure sought by the client is available from an in-state facility or in a designated bordering city, whether or not the client has other insurance coverage.

(2) For clients who are otherwise eligible for out-of-state coverage under WAC 388-546-0150, but have other third-party insurance, MAA does not pay for transportation to out-of-state treatment facilities when the client's primary insurance:

(a) Denies the client's request for medical services out-of-state for lack of medical necessity; or

(b) Denies the client's request for transportation for lack of medical necessity.

(3) For clients who are otherwise eligible for out-of-state coverage under WAC 388-546-0150, but have other third-party insurance, MAA does not consider requests for transportation to out-of-state treatment facilities unless the client has tried all of the following:

(a) Requested coverage of the benefit from his/her primary insurer and been denied;

(b) Appealed the denial of coverage by the primary insurer; and

(c) Exhausted his/her administrative remedies through the primary insurer.

(4) If MAA authorizes transportation to an out-of-state treatment facility for a client with other third-party insurance, MAA's liability is limited to the cost of the least costly means

of transportation that does not jeopardize the client's health, as determined by MAA in consultation with the client's referring physician.

(5) For clients eligible for out-of-state coverage but have other third-party insurance, MAA considers requests for transportation to out-of-state treatment facilities under the provisions of WAC 388-501-0165.

#### NEW SECTION

**WAC 388-546-3000 Transporting qualified trauma cases.** (1) The medical assistance administration (MAA) does not pay ambulance providers an additional amount for transports involving qualified trauma cases described in WAC 388-550-5450.

(2) Ambulance providers may apply to the department of health (DOH) for possible grants related to transports of qualified trauma cases.

#### NEW SECTION

**WAC 388-546-4000 Transportation coverage under the Involuntary Treatment Act (ITA).** (1) For purposes of this section, the following definitions apply:

(a) "Nearest and most appropriate destination" means the nearest facility able and willing to accept the involuntarily detained individual for treatment, not the closest facility based solely on driving distance.

(b) "County-designated mental health professional (CD-MHP)" means a person who, under the guidelines specified by the Involuntary Treatment Act (ITA):

(i) Assesses a client's level of need for transportation according to procedures established by the county in which the client being assessed resides; and

(ii) Decides, following the assessment, how a client should be transported to an inpatient psychiatric treatment facility.

(c) "Involuntary Treatment Act" means, for adults, chapter 71.05 RCW; for juveniles, chapter 71.34 RCW. See also chapter 388-865 WAC.

(d) "Regional support network (RSN)" means a county authority or group of county authorities recognized by the secretary of the department of social and health services (DSS) and which contracts with DSS to implement a locally managed community mental health program.

(2) The medical assistance administration (MAA) covers transportation under ITA for an individual who is being involuntarily detained for mental health treatment, after that individual has been assessed by a CD-MHP and found to be:

- (a) A danger to self;
- (b) A danger to others; or
- (c) Gravely disabled.

(3) Transportation under ITA may be provided to an eligible individual by an organization designated as an ITA provider by the local community mental health center and/or RSN. Designated ITA providers must comply with the department's requirements for drivers, driver training, vehicle and equipment standards and maintenance.

(4) Transportation under the ITA for an individual described in subsection (2) is covered from:

- (a) The site of the initial detention;

(b) An evaluation and treatment facility designated by the department; or

- (c) A court hearing.

(5) Transportation under the ITA for an individual described in subsection (2) is covered when provided to:

- (a) An evaluation and treatment facility;

(b) A less restrictive alternative setting, except when ambulance transport to a client's home is not covered; or

- (c) A court hearing.

(6) The CD-MHP authorizes the level of transportation provided under ITA to and from covered facilities based on the individual's need. A copy of the authorization by the CD-MHP must be kept in the individual's file.

(7) MAA pays for ITA transports to the nearest and most appropriate destination. The reason for the diversion to a more distant facility must be clearly documented in the individual's file.

(8) The department's mental health division (MHD) establishes payment for ITA transports. Providers must clearly identify ITA transports on the claim form when submitting claims to MAA.

#### **WSR 04-13-005**

#### **PROPOSED RULES**

#### **DEPARTMENT OF**

#### **FISH AND WILDLIFE**

[Filed June 3, 2004, 10:32 a.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 04-07-036.

Title of Rule and Other Identifying Information: Closing of selected recreational and commercial fisheries in Hood Canal.

Hearing Location(s): Embassy Suites Hotel, 20610 44th Avenue West, Lynnwood, WA 98036, on August 6-7, 2004, begins at 8:00 a.m. on August 6.

Date of Intended Adoption: August 6, 2004.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by August 2, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 26, 2004, TDD (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To reduce fishing mortalities on species of fish and shell fish in Hood Canal which have become more vulnerable due to the stress and behavioral changes created by the low dissolved oxygen content in those waters.

Summary: Closes fishing activities on certain species of fish and shellfish in Hood Canal to provide additional protection from the mortalities and stress created by the extended low dissolved oxygen occurrence.

Explanation of Rule, its Purpose, and Anticipated Effects: The rules will close recreational and commercial fisheries for marine fish and certain shell fish species to provide additional long-term protection from the continuing

effects of low dissolved oxygen in the waters of Hood Canal. This action will buffer the effects of the stress and mortality from these low dissolved oxygen occurrences by removing the additional source of mortality from fishing which can impact the survivability of these species in the area.

**Proposal Changes the Following Existing Rules:** Changes open periods for recreational and commercial fishing activity to closed for fishing for some marine fish and certain species of invertebrates.

**Reasons Supporting Proposal:** The low dissolved oxygen is changing the behavior of fish and making them more vulnerable to exploitation. In addition, the stress of low oxygen levels has killed thousands of fish and invertebrate species and weakened others which can reduce spawning success and long term survivability.

**Statutory Authority for Adoption:** RCW 77.12.047.

**Statute Being Implemented:** RCW 77.12.047.

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

**Name of Proponent:** Washington Department of Fish and Wildlife, governmental.

**Name of Agency Personnel Responsible for Drafting:** Morris Barker, 1111 Washington Street, Olympia, WA, (360) 902-2826; **Implementation:** Lew Atkins, 1111 Washington Street, Olympia, WA, (360) 902-2651; and **Enforcement:** Bruce Bjork, 1111 Washington Street, Olympia, WA, (360) 902-2373.

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:** Fisheries for marine fish and certain invertebrates will be closed to commercial harvest.

**2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements:** None required.

**3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs:** None anticipated.

**4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue?** Yes. The annual average (1999-2001) landing value per vessel (fourteen total) across all affected fisheries is \$710. Fishers will be displaced to other areas that may not have the same level of opportunities available to them therefore reducing their landing revenues and possibly not recapturing all of the \$710.

**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 fourteen vessels in question equate to approximately 1% of the commercial fishing industry.

**6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So:** The agency has taken very few steps to reduce

costs to the small businesses affected, other than sharing information on the status of the Hood Canal environment and the need for protection that affect their activities. The reason for the closure is due to an environmental change in the waters of Hood Canal and mitigation measures will require a time frame that far exceeds the emergency rule duration of one hundred twenty days. Members of the affected industries have been closed for some time under emergency rules and the proposals move these actions to a permanent status until such time as the environmental conditions improve to support the health populations of affected species.

**7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule:** This agency and other agencies have provided many briefing documents on the status of Hood Canal and the need and reasons for action. These have been published in many area newspapers and broad coalitions of public and governmental groups have organized to develop plans and solutions of the underlying causes of the environmental status. In addition, the rules will be considered under the auspices of the Fish and Wildlife Commission public rule-making process.

**8. A List of Industries That Will Be Required to Comply with the Rule:** Sea cucumber fishers, dog fish set net fishers, set line fishers, drag seine fishers, herring, anchovy and smelt fishers will all be required to comply with the rules.

A copy of the statement may be obtained by contacting in writing Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

A cost-benefit analysis is not required under RCW 34.05.328.

June 3, 2004

Evan Jacoby

Rules Coordinator

#### AMENDATORY SECTION (Amending Order 03-27, filed 2/18/03, effective 3/21/03)

**WAC 220-48-029 Set net—Dogfish—Seasons.** (1) It is unlawful to take, fish for and possess dogfish and other species of bottomfish taken with dogfish set net gear for commercial purposes in the following Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas except during the seasons designated below:

- (a) Areas 20A and 20B - November 1 through June 15.
- (b) Area 21A - March 1 through June 15.
- (c) Areas 21B, 22A, 22B, 23A, and 23B - Closed all year.
- (d) Areas 23C and 23D - September 16 through June 15.
- (e) Areas 24A, 24B, and 24D - September 16 through June 15.
- (f) Area 24C - September 16 through June 15, except those waters south of a line projected due east of East Point on Whidbey Island are closed all year.
- (g) Areas 25A, 25B and that portion of Area 25C west of a line from Twin Spits to the Port Gamble Millstack - September 16 through June 15.
- (h) Area 25D and that portion of 25C east of line from Twin Spits to the Port Gamble Millstack - Closed all year.
- (i) Area 25E - Closed all year.

(j) Area 26A - September 16 through June 15, except those waters southerly and westerly of a line between the ferry dock at Mukilteo and the ferry dock at Clinton are closed all year.

(k) Area 26B - September 16 through June 15, except those waters provided for in WAC 220-20-020(4) (Shilshole Bay) are closed at all times and those waters west of a line from Point Jefferson to Point Monroe are closed from January 1 to April 15. Those waters west of a line projected 178 degrees true from the end of the Indianola dock to the landfall on the south shore of Port Madison are closed at all times.

(l) Area 26C - Open April 16 through June 15 and September 16 through December 31, except those waters north of a line projected true east of Point Bolin and those waters west of a line projected 178 degrees true from the end of the Indianola dock to the landfall on the south shore of Port Madison are closed at all times.

(m) Area 26D - September 16 through June 15, except Quartermaster Harbor and those waters south of lines projected from Dash Point to Point Piner on Maury Island and from Point Dalco true west to the Kitsap Peninsula are closed all year.

(n) Areas 27A, 27B, and 27C - ((September 16 through June 15)) Closed all year.

(o) Area 28A - September 16 through June 15, except those waters north of a line projected true east of Fox Point on Fox Island, and east of a line projected due north from the northwest tip of Fox Island are closed all year.

(p) Areas 28B, 28C, and 28D - September 16 through June 15, except those waters provided for in WAC 220-20-010(6) (upper Carr Inlet).

(q) Area 29 - September 16 through June 15.

(2) Incidental catch: It is unlawful to retain any shellfish or fish other than bottomfish.

**AMENDATORY SECTION** (Amending Order 03-27, filed 2/18/03, effective 3/21/03)

**WAC 220-48-032 Set line—Seasons.** (1) Set line fishing for dogfish and other bottomfish is open in all Puget Sound Marine Fish - Shellfish Management and Catch Reporting Areas year-round except as provided in this section.

(2) It is unlawful to take, fish for, and possess dogfish and other bottomfish taken with set lines in:

(a) All Marine Fish-Shellfish Management and Catch Reporting Areas June 16 through September 15.

(b) That portion of Area 26C north of a line projected due east from Point Bolin to Bainbridge Island is closed all year.

(c) That portion of Area 26D south of lines projected due west of Point Dalco on Vashon Island, and from Dash Point to Point Piner on Maury Island, is closed all year.

(d) That portion of Area 28A east of a line projected due north from the northwest tip of Fox Island, and north of a line projected due east from Fox Point on Fox Island is closed all year.

(e) Those waters provided for in WAC 220-20-010(6) and 220-20-020(4).

**(f) Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B, and 27C.**

(3) Incidental catch: It is unlawful to retain any shellfish and any fish other than bottomfish, and the cumulative weight of rockfish and lingcod shall not exceed 30 pounds for any vessel trip in all open Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

**AMENDATORY SECTION** (Amending Order 89-48, filed 6/22/89)

**WAC 220-48-062 Drag seines—Seasons.** It is unlawful to take, fish for, and possess bottomfish with drag seine gear for commercial purposes except in the following Marine Fish-Shellfish Management and Catch Reporting Areas during the seasons designated below:

(1) Areas 28A, 28B, 28C, and 28D - Open January 1 through April 30.

(2) All other areas - Open September 1 through April 30, except Areas 27A, 27B, and 27C are closed year-round.

**AMENDATORY SECTION** (Amending Order 00-263, filed 12/29/00, effective 1/29/01)

**WAC 220-49-020 Herring and anchovy—Seasons—Lawful gear—Purposes.** It shall be unlawful to take, fish for or possess for commercial purposes herring or anchovy in Puget Sound except during lawful seasons, with lawful gear and for such purposes as provided for hereinafter in each respective fishing area:

(1) Area 20A.

(a) Closed September 1 through May 31 to all commercial fishing gear except for the spawn on kelp fishery as provided for in WAC 220-49-063.

(b) Closed June 1 through August 31 to all commercial fishing.

(2) It is unlawful to use purse seine gear in any Puget Sound area except 23A, 23B, 23C, 23D, and 29. Areas 23A, 23B, 23C, 23D and 29 are open to purse seine gear only during seasons set by emergency rule.

(3) All other Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas - Open entire year with drag seine, lampara, and dip bag net for human consumption or bait only except for closures set out in subsections (4), (5) and (6) of this section.

(4) The following areas are closed the entire year to all gear:

Areas 20B, 21A, 21B, 22A, 22B, 25A, and 25E.

(5) The following areas are closed from January 16 through April 15, except to dip bag net gear:

(a) Area 24A except for a year-round closure in Swinomish Channel in those waters between the bridge spanning the channel south of La Conner and a line perpendicular to the channel at the northeast end of the La Conner boat basin, 24B, and 24D.

(b) Waters of Area 25C south of a line from Tala Point to Foulweather Bluff.

(c) Area 25D.

(d) Waters of Area 26B west of a line from Point Monroe to Point Jefferson.

(e) Area 26C.

(f) Waters of Area 26D north of a line from Neill Point to Piner Point.

(g) ((~~Waters of~~) Areas 27A ((~~north of a line from South Point to Lefall and contiguous waters of 27A south of a line projected true east from Hazel Point including all waters of Dabob and Quilecne Bays~~)), 27B and 27 C are closed year-round.

(h) ((~~Waters of Area 27B north of a line from Triton Head to Tekiu Point~~).

(i) ~~Waters of Area 27C east of a line from Ayers Point to Union.~~

((h))) Waters of Area 28A west of a line projected true north-south through Treble Point on Anderson Island, including Henderson Inlet.

((h))) (i) Waters of Area 28B west of a line projected true north from Penrose Point, including Mayo Cove and Von Geldern Cove.

((h))) (j) All contiguous waters of Area 28D north and east of a line projected from Dofflemeyer Point through Cooper Point to landfall on the west shore of Eld Inlet, including Totten Inlet, Hammersley Inlet and Oakland Bay.

#### AMENDATORY SECTION (Amending Order 02-66, filed 3/27/02, effective 4/27/02)

**WAC 220-49-056 Smelt fishing—Seasons.** It shall be unlawful to take, fish for or possess smelt for commercial purposes in Puget Sound except during the following seasons:

(1) Areas 20A and 21A - July 1 to April 15.

(2) Area 22B - November 1 to April 15.

(3) Areas 24A, 24B, 24C, and 24D - July 1 to April 15.

(4) Areas 25A and 25E - November 1 to April 15.

(5) Areas 26B, 26C, 26D, ((27B, 27C,)) 28B, and 28C - October 1 to April 15 except those waters within 200 feet of shore adjacent to department property at Ross Point in Area 26C are closed to commercial smelt harvest at all times, and those waters of Sinclair Inlet west of a line due south from the ferry dock in Bremerton are open only 8:01 a.m. Wednesday through 7:59 a.m. Friday of each week during the open period.

(6) Areas 27A, 27B and 27C - Closed year-round.

(7) Areas 28A and 28D - September 1 to April 15.

((7))) (8) All other areas open the entire year.

#### AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

**WAC 220-56-128 Food fish fishing—Closed areas.** It is unlawful to fish for or possess food fish taken from the following areas during the times indicated.

(1) It is unlawful at all times to fish for or possess food fish taken for personal use in waters lying within 400 feet below any fish rack, fishway, dam or other artificial or natural obstruction, either temporary or permanent, unless otherwise provided.

(2) Waters of Budd Inlet at Olympia south of the Fourth Avenue Bridge are closed at all times, and all contiguous waters lying between the Fourth Avenue Bridge and a line from the northwesterly corner of the Thriftway Market Building to a point 100 yards north of the railroad bridge located on

the western side of the inlet opposite the Thriftway Market Building are closed during the period July 16 through October 31.

(3) The waters of Percival Cove are closed at all times.

(4) Those waters of Hood Canal inshore from yellow marker buoys to the mouth of Finch Creek and waters within the channel created when tidelands are exposed are closed the entire year.

(5) Waters within a radius of 100 yards from the Enetai Hatchery Outfall Creek where it enters saltwater are closed at all times.

(6) Those waters of Sinclair Inlet inside a line fifty yards from the pierhead line of the Puget Sound Naval Shipyard at Bremerton are closed at all times.

(7) Those waters of Hood Canal within 100 feet of the Seabeck Highway Bridge over Big Beef Creek are closed August 1 through November 30.

(8) In Shilshole Bay waters east of a line 175 feet west of the Burlington Northern Railroad Bridge are closed to fishing.

(9) Those waters of the Chinook River upstream from tide gate at the Highway 101 Bridge are closed at all times.

(10) Those waters of the Columbia River between the Vernita Bridge and the Hanford power line crossing (wooden towers at S24, T13N, R27E) are closed October 23 through June 15.

(11) Those waters of the Columbia River between the upstream line of Bonneville Dam to a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse are closed at all times.

(12) Waters of the Lake Washington Ship Canal west of a north-south line 400 feet east of the eastern end of the north wing wall of Chittenden Locks to the mouth of the Lake Washington Ship Canal are closed to food fish angling at all times.

(13) Waters of Catch Record Card Area 10 west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point are closed to food fish angling from January 1 through March 31.

(14) 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 downstream of Chief Joseph Dam to the Corps of Engineers Safety Zone Marker.

(15) Wells Dam - waters between the upstream line of Wells Dam to boundary markers 400 feet below the spawning channel discharge on the Chelan County side and the fish ladder on the Douglas County side.

(16) Rocky Reach, Rock Island and Wanapum Dams - waters between the upstream lines of these dams and boundary markers 400 feet downstream of the fish ladders at Rocky Reach and Rock Island Dams and boundary markers at Wanapum Dam 750 feet below the east fish ladder and 500 feet below the west fish ladder.

(17) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and boundary markers 650 feet below the fish ladders.

(18) Jackson (Moran) Creek - all waters of the Priest Rapids hatchery system including Columbia River waters out

to midstream between markers located 100 feet upstream and 400 feet downstream of the mouth of the hatchery outlet.

(19) McNary Dam - waters between the upstream line of McNary Dam and a line across the river from the red and white marker on the Oregon shore to the downstream end of the wingwall of the boat lock near the Washington shore.

(20) John Day Dam - waters between the upstream line of John Day Dam and markers approximately 3,000 feet downstream, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(21) The Dalles Dam - waters between the upstream line of the Dalles Dam and the upstream side of the Interstate 197 Bridge, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(22) Spring Creek - waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.

(23) The waters of Catch Area 12 are closed at all times to the taking of food fish other than salmon.

#### AMENDATORY SECTION (Amending Order 04-39, filed 3/4/04, effective 5/1/04)

**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. Release all canary and 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

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

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	1 fish May 1 through September 30
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 11 and 13 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish in Area 9 May 1 through September 30 and in Areas 8-1, 8-2, 10, 11 and 13 when lingcod or salmon seasons are open. Rockfish closed in Area 12	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) Catch Area 12: Closed.

(e) It is unlawful to possess lingcod taken by angling less than 26 inches in length or greater than 40 inches in length.

((f)) (f) 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.

((g)) (g) It is unlawful to retain cabezon taken from Catch Record Card Areas 5 through 11 and 13 from December 1 through April 30.

((h)) (h) It is unlawful to retain six-gill shark taken from Catch Record Card Areas 5 through 13.

((i)) (i) It is unlawful to retain canary or yelloweye rockfish taken from Catch Record Card Areas 5 through 13.

((j)) (j) It is unlawful to take rockfish by spear fishing in Catch Record Card Areas 5 through 13.

((k)) (k) In Catch Record Areas 5 through 11 and 13, the daily limit for rockfish is the first legal rockfish caught, except in Area 5 west of Slip Point the daily limit for rockfish is the first three legal rockfish caught, provided that no more than one of the three may be other than black rockfish. After the daily limit of rockfish is caught, all subsequent rockfish must be released.

**AMENDATORY SECTION** (Amending Order 99-13, filed 3/30/99, effective 5/1/99)

**WAC 220-56-267 Herring—Areas and seasons.** Herring fishing is open in all state waters year around except:

(1) Those waters of Catch Record Card Area 6 south of a line from Ediz Hook to Partridge Point are closed January 16 through April 15.

(2) Those waters of Catch Record Card Area 7 north of a line from Sandy Point through Patos Island to the United States-Canada boundary are closed year (~~around~~)-round.

(3) Catch Record Card Area 12 is closed year-round.

**AMENDATORY SECTION** (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

**WAC 220-56-270 Smelt—Areas and seasons.** (1) Smelt fishing is permitted the entire year on Pacific Ocean beaches and in all rivers concurrent with a salmon or game-fish opening, except closed in the Columbia River and tributaries.

(2) Smelt fishing is open in Puget Sound and the Strait of Juan de Fuca the entire year except closed weekly from 8:00 a.m. Wednesday to 8:00 a.m. Friday for all types of gear except forage fish jigger gear and closed year-round in Catch Record Card Area 12.

**AMENDATORY SECTION** (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

**WAC 220-56-390 Squid, octopus.** (1) It is lawful to take, fish for or possess squid and octopus the entire year except closed year-round in Catch Record Card Area 12.

(2) It is unlawful to take, fish for or possess squid taken for personal use with more than one line. A maximum of four squid lures may be used. If gear utilizes conventional hooks, it shall not exceed a total of nine points. Herring rakes and hand dip net gear may be used to take squid. In the field each person taking squid must use a separate container to hold their catch.

(3) Octopus may be taken by hand or by any instrument which will not penetrate or mutilate the body except that it is lawful to retain octopus taken while angling with hook and line gear.

**AMENDATORY SECTION** (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-56-410 Sea cucumbers.** (1) It is lawful to fish for sea cucumbers for personal use the entire year except closed year-round in Catch Record Card Area 12.

(2) It shall be lawful to take, fish for and possess sea cucumbers for personal use with any hand-operated instrument which does not penetrate the animal.

**WSR 04-13-012**

**PROPOSED RULES**

**DEPARTMENT OF TRANSPORTATION**

[Filed June 3, 2004, 3:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-09-067.

Title of Rule and Other Identifying Information: Tow trucks—Permitting for oversize/overweight.

The rule has also been written in a question and answer format to facilitate communications with users.

Hearing Location(s): Transportation Building, Commission Board Room, 1D2, 310 Maple Park Avenue S.E., Olympia, WA 98504, on July 28, 2004, at 8:30 a.m.

Date of Intended Adoption: July 28, 2004.

Submit Written Comments to: Barry Diseth, Commercial Vehicle Services, P.O. Box 47367, Olympia, WA 98504-7367, fax (360) 705-6836, by July 23, 2004.

Assistance for Persons with Disabilities: Contact Angie Collins by July 23, 2004, TDD (360) 705-7796 or fax (360) 705-6808.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To amend rule in order to implement HB 1589 (chapter 109, Laws of 2004), an act related to tow truck permit fees.

Summary: The amended WAC identifies the classes of tow trucks, permit eligibility for each class of tow truck, and weight and dimension limitations for each class of tow truck relative to the unit itself and the vehicle being towed.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule identifies permit eligibility by class of tow truck and explains size and weight limitations for each permit based on the tow truck class. The rule is necessary to implement a change in law that will allow tow trucks to receive annual permits to move oversize/overweight vehicles on state highways.

This rule is also prepared in a question and answer format to enhance communication.

Proposal Changes the Following Existing Rules: The existing rule provides for emergency permitting on a case-by-case basis for the movement of oversize/overweight vehicles. The amended rule provides annual permits for the same activity, allowing for great efficiency and economy to both the department and the tow truck industry.

Reasons Supporting Proposal: Necessary for implementation of law.

Statutory Authority for Adoption: RCW 46.44.090 and 46.44.0941.

Statute Being Implemented: RCW 46.44.0941.

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

Name of Proponent: Washington State Department of Transportation, governmental; and Washington State Tow Truck Association, private.

Name of Agency Personnel Responsible for Drafting: Barry Diseth, 921 Lakeridge Way, Olympia, (360) 705-7805; Implementation: Tim Erickson, 921 Lakeridge Way, Olympia, (360) 705-7343; and Enforcement: Captain Coral Estes, 210 11th Street, Olympia, (360) 753-0350.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This is a rule change necessitated by a change in state statute.

RCW 34.05.328 applies to this rule adoption. The rule is subject to violation by a nongovernmental agency.

June 3, 2004

John F. Conrad

Assistant Secretary

Engineering and Operations

**AMENDATORY SECTION** (Amending WSR 03-19-026, filed 9/8/03, effective 10/9/03)

**WAC 468-38-265 ((Emergency operation of) Tow trucks—Permitting for oversize/overweight. ((The permitting of overweight tow trucks that respond to emergencies shall be governed by the following procedures:**

(1) An emergent tow is defined as the movement of a disabled vehicle(s) from any public roadway, including ramps and shoulder, and due to the necessity for an immediate response (referred to as the "initial tow truck service" in RCW 46.44.015), the appropriate overweight permit cannot be determined until the operator arrives at the disabled vehicle.

(2) When a tow truck operator/dispatcher has been called to respond to an emergent situation, the operator/dispatcher will telephone the nearest traffic management center (TMC) and be logged in to clear the obstacle. The TMC employee on duty shall consult the map "Washington State Highways Tow Truck Restrictions: For Emergency Use Only (as last revised)." Bridges that may be crossed by tandem axle loadings estimated by the tow truck operator may be approved for the emergency move.

(3) To log in with the TMC, the tow truck operator/dispatcher shall provide the following: Name of company, name of individual making request, telephone number, tow vehicle license, excess weight needed, the origin and destination, the state route numbers to be used during the tow and description of vehicle being towed. The TMC employee on duty, after verifying the requested route with the map, will issue an identification or clearance number for the tow. This approval is for state routes only and gives no authorization for movement on county roads or city streets.

(4) If the map showing tow truck restrictions does not indicate that the routes can safely tolerate the weight being requested, the tow truck operator is limited to moving the vehicle off the road to the nearest place of safety. When the weight is too heavy to be moved on some bridges or highways, a request during regular working hours for a permit and a bridge analysis will be required before the load may be transported.

(5) The tow truck operator/dispatcher shall apply for and acquire the appropriate permit on the next business day from the department's motor carrier services office.

(6) Permits for routine movements other than emergency tow truck moves shall be requested through available DOT permits offices, agents or facsimile services.)) (1) **What classes of tow trucks are eligible for special permits?**

Special permits may be issued to Class B and Class C tow trucks, including Class E tow trucks with either a Class B or Class C rating.

**(2) What is the duration of a special permit issued to tow trucks?**

The special permit issued specifically to tow trucks is an annual permit from date of purchase.

**(3) Are there size and weight limitations and/or requirements to the special permit for tow trucks?**

Permit limits and/or requirements are categorized as follows:

**(a) Weight of tow truck:** Maximum weights for tow trucks are as follows:

(i) All classes of tow trucks must conform to RCW 46.44.041 when towing a disabled unit by draw bar or tow chain method.

(ii) When any portion of the weight of the disabled unit rests upon a Class B, C or E (with B or C rating) tow truck, the weight must not exceed:

(A) Six hundred pounds per inch width of tire up to twenty-two thousand pounds per single axle; or

(B) Forty-three thousand pounds per tandem axle set; or

(C) The weight allowed for axle groups per formula in RCW 46.44.091(1).

(iii) The tow truck steer axle must carry sufficient weight to maintain safe operation.

(iv) A Class B tow truck steer axle must carry a minimum of three thousand pounds at all times.

(v) A Class C tow vehicle steer axle must carry a minimum of three thousand five hundred pounds at all times.

(vi) A Class E tow truck with B or C rating must meet the requirement for minimum steer axle load for the rating.

(vii) The special permit does not allow a tow truck to exceed legal weight limits when not in tow or haul status.

**(b) Weight of disabled unit:** Maximum weight for disabled units towed under an annual special permit are as follows:

(i) When being towed by a Class B, C or E (with B or C rating) tow truck, using a draw bar or tow chain method, the weight of the disabled unit must conform with weight limits in RCW 46.44.041, or to the limits of any special permit issued to the disabled unit.

(ii) When a Class B, C or E (with B or C rating) tow truck carries a portion of the weight of the disabled unit, the first load bearing axle(s) of the disabled unit must not exceed:

(A) Six hundred pounds per inch width of tire;

(B) Twenty-two thousand pounds per single axle;

(C) Forty-three thousand pounds per tandem axle set; and

(D) Weight limits for axle groups per formula in RCW 46.44.091.

(iii) A load recovery vehicle configured as a truck-tractor/semi-trailer, or solo vehicle may carry either a divisible or nondivisible load. The recovery vehicle is limited to weight limits in RCW 46.44.041 when carrying divisible loads, or to the weight limits in (a)(ii) of this subsection when carrying nondivisible loads. The recovery vehicle must be rated as either a Class B or Class C tow truck in order to be issued the annual special permit.

**(c) Height and width:** No disabled unit, including load, shall exceed fourteen feet in height or eight feet six inches in width, except:

(i) When the disabled unit is authorized under a special permit allowing a greater height or width. The allowances granted under the special permit shall apply only to the route identified on the special permit; or

(ii) Where an accident or collision has caused a disfigurement of the disabled unit resulting in a width greater than eight feet six inches, but not exceeding ten feet in width. In this event, during daylight hours the disabled unit must be flagged per WAC 468-38-155, and during the hours of darkness the extreme width must have clearance lights that comply with the requirements of *Code of Federal Regulation*, 49 CFR 393.11.

(iii) Rear view mirrors may exceed the width authorized in the special permit to a point that allows the driver a view to the rear along both sides of the vehicle(s) in conformance with *Federal National Safety Standard III* (49 CFR 571.111).

(d) Length: All classes of single unit tow vehicles may not exceed forty feet in length. The length of the disabled unit shall not exceed the length for such vehicle established in statute or as allowed by a special permit issued to the disabled unit. The towing of a vehicle combination (i.e., tractor/trailer or truck/trailer) is not authorized, except during an emergent situation when directed by the state patrol or the department to remove the disabled combination to the nearest safe location off the highway.

(e) Restrictions and postings: An annual special permit must not be used to exceed published road and bridge restrictions, or posted bridges. Restrictions and postings should be reviewed on-line daily for changes, each permit will contain this instruction. It is the operator's responsibility to remain current with bridge restriction and posting information.

(f) Exceptions: Exceptions to the rules provided in this section will be handled on an individual basis by separate special permit, after the disabled unit has been moved to the nearest safe location.

**(4) Is there ever a time when a Class A or D tow truck is authorized to exceed legal weight?**

Class A and D tow trucks are not eligible for special permits. In an emergent situation, when no other class of truck is available, either class truck may make or assist in making short moves, at the direction of the state patrol or the department, to the nearest safe location off the highway.

**(5) What constitutes an emergent situation?**

An emergent situation, for purposes of this section, is defined as a disabled vehicle on any public highway, including shoulders and access ramps.

**WSR 04-13-016  
PROPOSED RULES  
SECRETARY OF STATE**

[Filed June 4, 2004, 1:46 p.m.]

Original Notice.  
Preproposal statement of inquiry was filed as WSR 03-09-141.

Title of Rule and Other Identifying Information: To implement an administrative complaint procedure as authorized by section 401, chapter 267, Laws of 2004, and required by the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002).

Hearing Location(s): Office of the Secretary of State, 520 Union Avenue, Olympia, WA 98504, on July 27, 2004, at 1:00 p.m.

Date of Intended Adoption: July 27, 2004.

Submit Written Comments to: Shawn Merchant, Office of the Secretary of State, P.O. Box 40229, Olympia, WA 98504, e-mail Shmerchant@secstate.wa.gov, fax (360) 902-4154, by July 23, 2004.

Assistance for Persons with Disabilities: Contact Shawn Merchant by July 23, 2004, TTY (800) 422-8683 or (360) 902-4154.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules will implement an administrative complaint procedure is required by the Help America Vote Act of 2002. The rules will allow voters who feel that the provisions of Title III of the Help America Vote Act were not enforced when they tried to vote an avenue to make a complaint and have the situation remedied for the next election. The anticipated effect of the rule is to make sure that elections are run according to the requirements of federal law and that no one is disenfranchised through an act by an election official.

Reasons Supporting Proposal: The federal government has appropriated funds for the implementation of the Help America Vote Act and created several requirements that states must meet in order to receive their allocated share of the money. One requirement is the adoption of an administrative complaint procedure. The emergency adoption of these rules will make the state eligible to receive Washington's share of the money. The agency proposes adopting the rules immediately to allow the state to receive funds that were made available sooner than expected. The agency intends to follow the normal procedure to adopt these rules as permanent, but needs the rules in place immediately to receive funds.

Statutory Authority for Adoption: RCW 29.04.080.

Statute Being Implemented: Section 204, chapter 267, Laws of 2004.

Rule is necessary because of federal law, Public Law 107-252, 116 Stat. 1666 (2002).

Name of Proponent: Office of the Secretary of State, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Shawn Merchant, 520 Union Avenue, Olympia, WA 98504, (360) 902-4154; and Enforcement: Nick Handy, 520 Union Avenue, Olympia, WA 98504, (360) 902-4154.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not affect small business.

A cost-benefit analysis is not required under RCW 34.05.328. These rules are not subject to RCW 34.05.328.

June 5 [4], 2004

Steven Excell

Assistant Secretary of State

**Chapter 434-263 WAC****ADMINISTRATIVE COMPLAINT PROCEDURE****PROPOSED****NEW SECTION**

**WAC 434-263-005 Purpose.** The purpose of these rules is to adopt an administrative complaint procedure mandated by 42 U.S.C. § 15512(a), relating only to state implementation of Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), for both state and federal elections. This process may not be used for the purpose of contesting the results of any primary or election. Election contests are governed by chapter 29A.68 RCW.

**NEW SECTION**

**WAC 434-263-010 Definitions.** For purposes of this chapter, the following terms shall have the following meanings:

(1) "Complainant" means the person who files a complaint under this chapter.

(2) "Election" means a special, primary or general election.

(3) "Respondent" means any state or local election official whose actions are asserted, in a complaint under this chapter, to be in violation of Title III.

(4) "Secretary" means the secretary of state or his or her designee.

(5) "State or local election official" means the secretary of state, any county auditor, or any person employed by either the secretary or an auditor whose responsibilities include or directly relate to the administration of any election.

(6) "Title III" means Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), codified at 42 United States Code §§ 15481-15485. Violations include, but are not limited to, voting system standards, provisional voting, accessibility for individuals with disabilities, and voter registration.

**NEW SECTION**

**WAC 434-263-020 Complaints.** Any person who believes that there is a violation of any provision of Title III, including a violation which has occurred, is occurring, or is about to occur, by any state or local election official may file a complaint with the secretary under this chapter. All complaints must:

(1) Be in writing, sworn under oath, signed and notarized. A form is optional if it contains all the required elements;

(2) Include the complainant's name, telephone number and mailing address;

(3) Include a clear and concise description of the alleged violation of Title III that is detailed enough to let both the respondent and the secretary know what the complaint is about;

(4) Be filed with the secretary, with proof of mailing or delivery of a copy to each respondent, no later than thirty days after the certification of the election at issue.

(5) If a form is provided by the office of the secretary of state, the form shall be available in all languages required by the department of justice.

**NEW SECTION**

**WAC 434-263-030 Adoption of brief adjudicative proceedings.** All complaints filed pursuant to this chapter shall be treated as brief adjudicative proceedings, and the secretary adopts RCW 34.05.482 through 34.05.494 to govern such proceedings. The secretary has determined that the interests involved in such complaints do not warrant the procedures of RCW 34.05.413 through 34.05.479. If a complaint is written in a language as provided in the Voting Rights Act of 1965, the office of the secretary of state shall obtain a translator to facilitate processing the complaint.

**NEW SECTION**

**WAC 434-263-040 Processing of complaint.** (1) The secretary may process the complaint in any of the following ways:

(a) The secretary may dismiss the complaint, and issue a final determination, if it does not comply with WAC 434-263-020 or if it does not, on its face, allege a violation of Title III with regard to an election;

(b) The secretary may, with the agreement of the parties, resolve the matter informally, and issue a determination without formal proceedings; or

(c) The secretary may schedule the matter for a brief adjudicative proceeding. The secretary shall do so if the complaint is not dismissed pursuant to (a) of this subsection and a party so requests.

(2) The secretary may consolidate complaints if they relate to the same actions or events, or if they raise common questions of law or fact.

**NEW SECTION**

**WAC 434-263-050 Brief adjudicative proceeding.** (1) The secretary shall designate one or more people to act as presiding officer(s) of a brief adjudicative hearing. A presiding officer may be:

(a) The assistant or deputy secretary;

(b) The director of elections;

(c) The deputy director of the elections division;

(d) Any county auditor; or

(e) An administrative law judge.

The designee shall not be from an office named in the complaint.

(2) Before issuing a determination on the complaint, the presiding officer shall give each party an opportunity to explain the party's view of the matter, including an opportunity to be informed of the secretary's view of the matter if applicable. A determination may be based upon written submissions and documents, unless a party or the presiding officer requests a hearing on the record within ten days after the filing of the complaint.

(3) The presiding officer may schedule a hearing on the record:

(a) In person at a convenient location;

- (b) By conference telephone call; or  
 (c) By such other method that permits the parties to hear and participate in the proceeding simultaneously.

Witnesses at a hearing shall be sworn upon oath. A party who requests a hearing but fails to make himself or herself available for hearing within the time available for initial determination shall be deemed to have waived the hearing.

(4) The presiding officer may permit or solicit the submission of written materials or oral presentations by persons who are not parties if the presiding officer determines that such submissions would be helpful in evaluating the complaint.

(5) The secretary shall establish and maintain the record of the proceedings as required by RCW 34.05.494. If a hearing on the record is conducted, the record shall include a transcript or audio recording of the hearing.

#### NEW SECTION

**WAC 434-263-060 Initial determination and remedies.** (1) The presiding officer shall render a written initial decision within forty-five days after the complaint is filed, unless the complainant consents to a longer period. The determination shall include a statement as to whether, based upon a preponderance of the evidence, a violation of Title III has been established with regard to an election. If the presiding officer determines that a violation has occurred, the determination shall specify the appropriate remedy, if one exists. If the presiding officer determines that no violation has been established, the complaint shall be dismissed.

(2) The remedy awarded under this section shall be directed to the improvement of processes or procedures governed by Title III and must be consistent with state law. Remedies may include written findings that a violation of Title III has occurred and strategies for insuring that the violation does not occur again, as well as any other remedy available to the secretary under law. The remedy may not include any award of monetary damages, costs, penalties or attorney fees, and may not include the invalidation of any vote, ballot, primary or election. Remedies addressing the validity of any primary or election or of any ballot or vote may be obtained only as otherwise provided by law.

(3) The initial determination shall include a summary of the process for obtaining an administrative review and shall include notice that judicial review may be available.

#### NEW SECTION

**WAC 434-263-070 Administrative review.** (1) Any aggrieved party may request an administrative review of the initial determination. If the secretary does not receive a request, in writing, for an administrative review within twenty-one days of service of the initial determination then the initial determination automatically becomes a final determination. If the parties have not requested an administrative review, the secretary may review the presiding officer's adjudication on his or her own motion as provided by RCW 34.05.491.

(2) The reviewing officer may be the secretary, the assistant or deputy secretary, or the director of elections, except that the same person may not serve as both the presiding

officer and reviewing officer. The reviewing officer shall give each party an opportunity to explain the party's view of the matter, but must render a final determination within ninety days after the original filing of the complaint unless the complainant consents to a longer period. The determination of the reviewing officer is final and no further administrative review is available. The final determination shall include notice that judicial review may be available.

#### NEW SECTION

**WAC 434-263-080 Alternative dispute resolution.** (1) If a final determination is not rendered within forty-five days after the filing of the complaint, or within such additional time to which the complainant may consent, then the complaint shall be transferred to a board of arbitration, which must resolve the complaint within sixty additional days, which may not be extended. The board of arbitration shall be composed of three members, designated by the secretary, at least two of whom must be county auditors or election managers. No two members of the panel may be employed by the same office, agency or other employer.

(2) The arbitrators shall review the record compiled in proceedings prior to the transfer, including the tape or transcript of any hearing, but may not conduct any further hearing or receive any additional testimony, evidence, or other submissions. The arbitrators shall determine the appropriate resolution of the complaint by majority vote. No further administrative review is available, but the arbitrator's final determination shall include notice that judicial review may be available.

#### NEW SECTION

**WAC 434-263-090 Publication.** All final determinations shall be posted on the secretary's website, lodged with the state library or state archives, and distributed to others upon request and upon payment of copying costs. Copies shall be provided to the parties at no cost.

#### NEW SECTION

**WAC 434-263-100 No necessity to exhaust administrative remedies.** It is not necessary to exhaust any administrative remedies available under this chapter in order to pursue any other legal action provided by law.

**WSR 04-13-021**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Disability Services Administration)  
 [Filed June 7, 2004, 12:37 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-02-078.

Title of Rule and Other Identifying Information: Chapter 388-110 WAC, Contracted residential care services. As a

result of this proposal, there are several requirements that may be repealed or deleted from chapter 388-110 WAC. However, many of these will remain as operating requirements for boarding homes because they will be found in chapter 388-78A WAC, Boarding home licensing rules as proposed in WSR 04-11-116 filed on May 19, 2004, with an effective date of September 1, 2004. Therefore, the amendments to chapter 388-110 WAC found in this proposal should be read and considered in concert with the proposed amendments to chapter 388-78A WAC filed on May 19, 2004.

**Hearing Location(s):** Blake Office Park (behind Good-year Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, by July 27, 2004, at 10:00 a.m.

**Date of Intended Adoption:** Not later than July 30, 2004.

**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., July 27, 2004.

**Assistance for Persons with Disabilities:** Contact Fred Swenson, DSHS Rules Consultant, by July 23, 2004, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensFH@dshs.wa.gov.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The purpose of chapter 388-110 WAC being amended is to:

- Incorporate into administrative rules the dementia care pilot project standards for contracting with boarding homes to provide specialized dementia care to department clients;
- Make revisions necessary to be consistent with, and not duplicate, amendments to chapter 388-78A WAC, Boarding home licensing rules; and
- Review and update the rules under Executive Order 97-02.

**Summary:** Chapter 388-110 WAC, Contracted residential care services, describes the requirements for boarding homes to enter into contracts with the department to provide long-term care residential services to eligible department clients. These amendments address who is qualified to enter into a contract and the process for applying for a contract, the general service standards, requirements for the boarding home to hold a bed for a client who is hospitalized, and the program standards for assisted living services, enhanced adult residential care services including specialized dementia care, and adult residential care services. These amendments also delete a number of requirements that duplicate boarding home licensing requirements.

#### Proposal Changes the Following Existing Rules:

- WAC 388-110-005 is amended to cite the correct statutory authority for the rule;
- WAC 388-110-010 is amended to specify the rule also applies to the "enhanced adult residential care-specialized dementia care services" contract;
- WAC 388-110-020 is amended to delete definitions of terms no longer used in the chapter, to add a definition for "enhanced adult residential care-specialized dementia care services;" and to update other definitions;
- WAC 388-110-030 is amended to require contract applications to be submitted ninety days prior to the effective

date of the contract, and to delete the requirements for the department to act within sixty days of receipt of a contract application and to conduct an on-site inspection prior to issuing a contract;

- WAC 388-110-040 is amended to list special qualifications for "enhanced adult residential care-specialized dementia care services" contractors and to eliminate disqualifying characteristics that are included in the boarding home licensing WAC;

- WAC 388-110-050 is amended to specify a change in contractor is required when a change in licensee occurs, requires licensees/contractors to give ninety days notice when a change in contractor occurs, and deletes conditions necessitating a change in contractors that are addressed in the boarding home licensing WAC as a change in licensees;

- WAC 388-110-060 is repealed because residents' rights are spelled out in the boarding home licensing WAC;

- WAC 388-110-070 is amended to eliminate duplication with the boarding home licensing WAC and clarify general service standards;

- WAC 388-110-080 is repealed because requirements for activities are spelled out in the boarding home licensing WAC;

- WAC 388-110-090 is amended to delete requirements that are duplicated in the boarding home licensing WAC, and to delete the limitations on contracted beds being located in units with restricted egress;

- WAC 388-110-100 is amended to clarify discharge and social leave requirements, and to make bed hold requirements consistent with SSB 6225 as passed by the 2004 legislature;

- WAC 388-110-120 is amended for clarity;

- WAC 388-110-140 is amended to clarify the construction requirements for individual assisted living apartments, to specify the dimensions of required roll-in showers in new construction, to allow the department to give exemptions to building requirements for certain limited modifications, to specify currently contracted assisted living providers meet contract construction requirements, and to specify married couples may share an assisted living apartment;

- WAC 388-110-150 deletes assisted living service requirements that are duplicated in the boarding home licensing WAC;

- WAC 388-110-170 is repealed because requirements for caregiver education and training are spelled out in chapter 388-112 WAC;

- WAC 388-110-180 is repealed because requirements for nurse delegation are spelled out in chapter 246-840 WAC;

- WAC 388-110-190 is repealed because requirements for nurse delegation are spelled out in chapter 246-840 WAC;

- WAC 388-110-200 is repealed because sanctions for non-compliance with nurse delegation standards are not necessary since WAC 388-110-170 through 388-110-190 are being repealed;

- WAC 388-110-220 is amended to add program requirements for "enhanced adult residential care-specialized dementia care services;"

- WAC 388-110-240 is amended to delete duplicate requirements found in the boarding home licensing WAC;

- WAC 388-110-260 is amended to include "enhanced adult residential care-specialized dementia care services" contractors as being subject to enforcement actions;
- WAC 388-110-270 is amended for clarity; and
- WAC 388-110-280 is amended for clarity.

**Reasons Supporting Proposal:** Chapter 388-110 WAC contains the requirements licensed boarding homes must meet in order to enter into a contract with the department to provide long-term residential care services to department clients. The department is amending this rule to include in these contract requirements, a program for providing specialized care to eligible persons with dementia, and to make the contracting requirements consistent with, and without duplicating the revised licensing requirements for boarding homes. The anticipated effects of this amendment are it will expand the resources available to department clients with dementia, and will make the contracting requirements simpler and easier to understand.

**Statutory Authority for Adoption:** RCW 74.39A.010, 74.39A.020, 74.39A.060, and 74.39A.070.

**Statute Being Implemented:** Chapter 74.39A RCW.

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

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** DSHS intends to adopt proposed rules as permanent by July 30, 2004, and to make them effective as of September 1, 2004, to coincide with the effective date of amended chapter 388-78A WAC, Boarding home licensing rules.

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

**Name of Agency Personnel Responsible for Drafting:** Denny McKee, Residential Care Services, ADSA, 640 Woodland Square Loop S.E., Lacey, WA 98503-1045, (360) 725-2590; **Implementation and Enforcement:** Pat Lashway, Director, Residential Care Services, ADSA, 640 Woodland Square Loop S.E., Lacey, WA 98503-1045, (360) 725-2401.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Residential care services, Aging and Disability Services Administration, has analyzed these proposed rule amendments and concluded a small business economic impact statement is not required because the rules do not impose more than minor costs on contracted boarding homes.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Denny McKee, Residential Care Services, ADSA, P.O. Box 45600, Olympia, WA 98504-5600, e-mail mckeedd@dshs.wa.gov, phone (360) 725-2590, fax (360) 438-7903.

June 4, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

## Chapter 388-110 WAC

### ~~CONTRACTED RESIDENTIAL CARE SERVICES(( ASSISTED LIVING SERVICES, ENHANCED ADULT RESIDENTIAL CARE, AND ADULT RESIDENTIAL CARE))~~

#### AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

**WAC 388-110-005 Authority.** The following rules are adopted under RCW 74.39A.010, 74.39A.020, 74.39A.060, and 74.39A.070((, 74.39A.080, 74.39A.170, and 18.88A.210 through 18.88A.240)).

#### AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

**WAC 388-110-010 Scope and applicability.** (1) These rules apply only to boarding homes licensed under chapter 18.20 RCW, or boarding homes located within the boundaries of a federally recognized Indian reservation and licensed by a tribe, that contract with the department to provide assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care.

(2) Only services provided to or on behalf of the assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care resident, and paid for fully or partially by the department shall be subject to these rules.

#### AMENDATORY SECTION (Amending WSR 02-21-098, filed 10/21/02, effective 11/21/02)

**WAC 388-110-020 Definitions.** "Adult residential care" is a package of services((, including)) provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.-020 to provide personal care services((, that the department contracts with a licensed boarding home to provide)) in accordance with Parts I and IV of this chapter.

((("Aging in place" means being in a care environment that can accommodate a resident's progressive disability or changing needs without relocating. For aging in place to occur, needed services are adjusted to meet the changing needs of the resident.))

"Applicant" means the individual, partnership, corporation or other entity which has applied for a contract with the department to provide assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care to state funded residents in a licensed boarding home.

"Assisted living services" is a package of services((, including)) provided by a boarding home that has a contract with the department under RCW 74.39A.010 to provide personal care ((and limited))services, intermittent nursing services, and medication administration services ((that the department contracts with a licensed boarding home to provide)) in accordance with Parts I and II of this chapter.

PROPOSED

Assisted living services include housing for the resident in a private apartment-like unit.

**"Boarding home"** means the same as the definition found in RCW 18.20.020(((2))), or a boarding home located within the boundaries of a federally recognized Indian reservation and licensed by the tribe.

((**"Caregiver"** means any person responsible for providing direct personal care services to a resident and may include but is not limited to the contractor, employee, volunteer, or student.))

**"Case manager"** means the department staff person or designee assigned to negotiate, monitor, and facilitate a service plan for residents receiving services fully or partially paid for by the department.

**"Contractor"** means the individual, partnership, corporation, or other entity which is licensed by the department or tribe to operate the boarding home and contracts with the department to provide assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care to state funded residents in a licensed boarding home.

**"Department"** means the Washington state department of social and health services (DSHS).

**"Dignity"** means the quality or condition of being esteemed and respected in such a way as to validate the self-worth of the resident.

**"Enhanced adult residential care"** is a package of services((, including)) provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department to provide personal care ((and limited)) services, intermittent nursing services, and medication administration services ((that the department contracts with a licensed boarding home to provide)) in accordance with Parts I and III of this chapter.

((**"Frail elder or vulnerable adult"** means the same as the definition found in RCW 74.34.020 or 43.43.830.))

**"Enhanced adult residential care-specialized dementia care services"** is a package of service, including specialized dementia care assessment and care planning, personal care services, intermittent nursing services, medication administration services, specialized environmental features and accommodations, and activity programming. Enhanced adult residential care-specialized dementia care services are delivered only within:

(1) Contracted boarding homes that are dedicated solely to the care of individuals with dementia, including Alzheimer's disease, and that meet the requirements of parts I and III of this chapter; or

(2) Designated, separate units located within contracted boarding homes that are dedicated solely to the care of individuals with dementia, including Alzheimer's disease, and that meet the requirements of parts I and III of this chapter.

**"Homelike"** means an environment having the qualities of a home, including privacy, comfortable surroundings, and the opportunity to ((modify)) decorate one's living area and arrange furnishings to suit one's individual preferences. A homelike environment provides residents with an opportunity for self-expression, and encourages interaction with the community, family and friends.

**"Independence"** means free from the control of others and being able to assert one's own will, personality and preferences.

**"Individuality"** means the quality of being unique; the aggregate of qualities and characteristics that distinguishes one from others. Individuality is supported by modifying services to suit the needs or wishes of a specific individual.

((**"Limited nursing services"** means the same as the definition found in WAC 246-316-265.))

**"Medication administration"** means the direct application of a prescribed medication, whether by injection, inhalation, ingestion, or any other means, to the body of a resident by a person legally authorized to do so.

**"Personal care services"** means ((both physical assistance and/or prompting and supervising the performance of direct personal care tasks as determined by the resident's needs as defined in WAC 388-71-202.)) the same as "personal care services" described in WAC 388-72A-0035. Personal care services do not include assistance with tasks that must be performed by a licensed health professional.

**"Resident"** means a person residing in a boarding home for whom services are paid for, in whole or in part, by the department under a contract for assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care. "Resident" includes former residents when examining complaints about admissions, re-admissions, transfers or discharges. For decision-making purposes, the term "resident" includes the resident's surrogate decision maker in accordance with state law or at the resident's request.

#### AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

**WAC 388-110-030 Contract application.** (1) In order to apply for a contract with the department to provide assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care, an applicant ((shall)) must:

(a) Have a valid boarding home license ((for the facility)) issued by the department or tribe, or have applied for a boarding home license for the boarding home at which the contracted services will be provided;

(b) Complete and submit a contract application on department provided forms at least ((sixty)) ninety days before the requested effective date for the contract; and

(c) Provide information regarding any licensed care facilities ((the applicant, and any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has)) with which any of the following have been affiliated ((with in)) within the last ten years((.))

(2) Within sixty days of the receipt of the application the department shall approve a contract, refuse to enter into a contract, or request additional information the department deems relevant from the applicant. The department may extend the sixty days to allow the applicant to supply or clarify information requested by the department. The department shall conduct an on-site review of the contracting facility before issuing a contract));

(i) The applicant;

(ii) Any partner, or owner of five percent or more of the applicant; and

(iii) Any officer, director, or managerial employee of the applicant.

(2) The department must confirm that the applicant has a valid boarding home license issued by the department or tribe and meets the requirements of this chapter before issuing a contract.

**AMENDATORY SECTION** (Amending WSR 96-21-050, filed 10/11/96, effective 11/11/96)

**WAC 388-110-040 Contract qualifications.** (1) The department ((shall)) must consider separately and jointly as applicants each person and entity named in the application for a contract for assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care. If the department finds any person or entity unqualified, the department ((shall)) must deny the contract.

(2) In making a determination whether to grant a contract, the department ((shall)) must review and consider:

(a) The information in the application; ((and))

(b) Other documents and information the department deems relevant, including inspection and complaint investigation findings for each licensed care facility with which ((the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant has been affiliated)) any of the following have been affiliated within the last ten years:

(i) The applicant;

(ii) Any partner, or owner of five percent or more of the applicant; or

(iii) Any officer, director, or managerial employee of the applicant.

(c) The history and quality of services provided by the applicant; and

(d) Funding from the legislature available to the department to purchase residential care.

(3) The applicant and the ((facility)) boarding home for which a contract is sought ((shall)) must comply with all requirements established by chapter 74.39A RCW, chapter 388-78A WAC and this chapter. ((The department may deny a contract for noncompliance with any such requirements.))

(4) The department shall review the qualifications of applicants for enhanced adult residential care-specialized dementia care services contracts and may select a limited number with which to enter into contracts, based on:

(a) Which applicants are best qualified to provide specialized dementia care services, as determined by the department;

(b) The need for services in the area of the state in which the applicant is located; and

(c) Other qualifications specified in this section.

(5) The department ((shall)) must deny, suspend, revoke or refuse to renew a contract if an applicant or contractor or any partner, officer, director, managerial employee, or owner of five percent or more of the ((entity)) contractor or applicant ((applying for a contract)) has a history of significant noncompliance with federal or state regulations, rules or laws

in providing care or services to frail elders, vulnerable adults or children. The department ((shall)) must consider((, at a minimum, the following as a history of significant noncompliance requiring denial of a contract:

(a) Revocation or suspension of a license for the care of children, frail elders or vulnerable adults;

(b) Enjoined from operating a facility for the care of children, frail elders or vulnerable adults; or

(c) Termination, cancellation, suspension, or nonrenewal of a Medicaid or Medicare provider agreement, or any other agreement with a public agency for the care or treatment of children, frail elders or vulnerable adults.

(5) The department shall deny, terminate, or refuse to renew a contract if an applicant or any partner, officer, director, managerial employee, an owner of fifty percent or more of the entity applicant, or an owner who exercises control over daily operations has been:

(a) Convicted of a crime against a person as defined under RCW 43.43.830 or 43.43.842;

(b) Convicted of a crime related to financial exploitation as defined under RCW 43.43.830 or 43.43.842;

(c) Found by a court in a protection proceeding or in a civil damages lawsuit under chapter 74.34 RCW to have abused, neglected, abandoned or exploited a vulnerable adult;

(d) Found in any final decision issued by a disciplinary board to have sexually or physically abused, neglected, or exploited any minor or vulnerable adult;

(e) Found in any dependency action under chapter 13.34 RCW to have sexually assaulted, neglected, exploited, or physically abused any minor; or

(f) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused, exploited, or physically abused any minor.

(6) The department may deny, terminate, or refuse to renew a contract if an applicant or any partner, officer, director, managerial employee, an owner of fifty percent or more of the entity applicant, or an owner who exercises control over daily operations has:

(a) Obtained or attempted to obtain a license or contract by fraudulent means or misrepresentation;

(b) Been convicted of a felony or a crime against a person if the conviction reasonably relates to the competency of the person to contract with the department;

(c) Had sanction, corrective or remedial action taken by federal, state, county, or municipal health or safety officials related to the care or treatment of children, frail elders or vulnerable adults;

(d) A poor credit history;

(e) Engaged in the illegal use of drugs or the excessive use of alcohol;

(f) Operated a facility for the care of children or adults without a license;

(g) Failed to meet financial obligations as the obligations fell due in the normal course of business;

(h) Misappropriated property of residents;

(i) Filed for bankruptcy, reorganization, or receivership;

(j) Been denied a license or license renewal to operate a facility that was licensed for the care of children, frail elders or vulnerable adults;

(k) Relinquished or returned a license in connection with the operation of any facility for the care of children, frail elders or vulnerable adults, or did not seek the renewal of such license, following written notification of the licensing agency's initiation of denial, suspension, cancellation or revocation of the license; or

(l) Had resident trust funds or assets of an entity providing care to children, frail elders or vulnerable adults seized by the IRS or a state entity for failure to pay income or payroll taxes) evidence of noncompliance on a case-by-case basis.

#### AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

**WAC 388-110-050 Change of contractor.** (1) A change of contractor ((occurs)) must occur when there is a ((substitution of the individual contractor or contracting entity ultimately responsible for the daily operational decisions of the assisted living service, enhanced adult residential care, or adult residential care, or a substitution of control of such contracting entity).

(a) Events which constitute a change of contractor include but are not limited to the following:

(i) The form of legal organization of the contractor is changed (e.g., a sole proprietor forms a partnership or corporation);

(ii) Assisted living services, enhanced adult residential care, or adult residential care contract rights and responsibilities are transferred by the initial contractor to another party regardless of whether ownership of some or all of the real property and/or personal property assets of the facility are also transferred;

(iii) If the contractor is a partnership, any event occurs which dissolves the partnership;

(iv) If the contractor is a corporation, and the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation;

(v) If the contractor is a corporation and, whether by a single transaction or multiple transactions within any continuous twenty-four month period, fifty percent or more of the stock is transferred to one or more:

(A) New or former stockholders; or

(B) Present stockholders each having held less than five percent of the stock before the initial transaction; or

(vi) Any other event or combination of events which results in a substitution or substitution of control of the individual contractor or the contracting entity.

(b) The contractor does not change when the following, without more, occur:

(i) A party contracts with the contractor to manage the assisted living, enhanced adult residential care, or adult residential care facility as the contractor's agent, i.e., subject to the contractor's general approval of daily operating and management decisions; or

(ii) The real property or personal property assets of the facility contractor change ownership or are leased, or a lease of the real property or personal property assets is terminated, without a substitution of individual operator or operating entity and without a substitution of control of the operating

entity)) change in the boarding home licensee per WAC 388-78A-2770.

(2) When a change of licensee and contractor is contemplated, the current contractor ((shall)) must notify the department and all residents at least ((sixty)) ninety days prior to the proposed date of ((transfer)) change. The notice ((shall)) must be in writing and ((shall)) must contain the following information:

(a) Name of the present contractor and prospective contractor;

(b) Name and address of the ((facility being transferred)) boarding home being changed; and

(c) Date of proposed ((transfer)) change.

(3) The operation ((or ownership)) of an assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care contract ((shall)) must not be ((transferred)) changed until the new operator has entered into a contract with the department. The new contractor ((shall)) must comply with contract application requirements in WAC 388-110-030.

#### AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

**WAC 388-110-070 General service standards.** The contractor ((shall)) must:

(1) ((Ensure residents have control over their time, space and lifestyle to the extent that the health, safety and well-being of other residents is not disturbed;))

(2) Promote the resident's right to exercise decision making and self determination to the fullest extent possible;

(3) Follow the informed consent process as required in chapter 7.70 RCW, when applicable, in the development of the negotiated service agreement;

(4) Provide services for residents in a manner and in an environment that encourages maintenance or enhancement of each resident's quality of life, and promotes the resident's privacy, dignity, choice, independence, individuality, and decision making ability; and

(5) Provide a safe, clean and comfortable homelike environment, allowing residents to use their personal belongings to the extent possible)) Provide the services agreed upon in the resident's negotiated service agreement and approved by the department case manager consistent with WAC 388-78A-2150, including any reasonable accommodations required by chapter 70.129 RCW, Long-term care residents rights; and

(2) Provide the resident and case manager with a copy of the negotiated service agreement developed according to chapter 388-78A WAC.

#### AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

**WAC 388-110-090 Administration.** The contractor ((shall)) must:

(1) Maintain substantial compliance with all requirements of ((the chapter)) chapters 18.20 RCW, ((Law for)) Boarding homes, and 70.129 RCW, Long-term care resident rights, and chapters ((246-316)) 388-78A WAC, Boarding ((homes)) home licensing rules, and 388-105 WAC Medicaid

rates for contracted home and community residential care services;

(2) ((Ensure all facility staff are knowledgeable about chapter 70.129 RCW, Long-term care resident rights;

(3) Provide residents, prior to move in, a copy of the facility's admission agreement which clearly specifies the range of services the facility is able to provide to residents;

(4) Not require a resident to sign any admission contract or agreement that purports to waive any rights of the resident;

(5) Develop and implement a grievance procedure and process which is responsive to resident's complaints;

(6) Post in a place and manner clearly visible to residents and visitors the department's toll-free complaint telephone number;

(7) Comply with all federal and state statutory and regulatory requirements regarding nondiscrimination in all aspects of the facility's operation;

(8) Ensure resident rooms or resident units are not located in a separate unit within a facility that has exiting doors that restrict egress from the unit, such as, but not limited to automatic locking and unlocking exiting doors, unless the contractor is already providing services to residents in such a unit under a contract with the department for assisted living services, adult residential care, or enhanced adult residential care on the effective date of this chapter;

(9) Encourage residents and the resident council, if there is one, to provide input to the facility about residents' preferences for food choices, taking into account the cultural and religious needs of residents;

(10) Ensure all instances of suspected abuse, neglect, exploitation, or abandonment are reported to the department, as required in chapter 74.34 RCW, and to the local law enforcement agency;

(11) Not have any sexual contact with any resident and shall ensure that facility staff and students not have sexual contact with any resident;

(12) Notify the department within five business days when there is a change in the facility administrator; and

(13)) Permit department representatives to enter the ((facility)) boarding home without prior notification ((in order to)) and cooperate with department representatives as they monitor the contract requirements under this chapter and ((to)) conduct complaint investigations, including but not limited to observing and privately interviewing residents, and accessing resident records.

**AMENDATORY SECTION** (Amending Order 3979, filed 5/8/96, effective 6/8/96)

**WAC 388-110-100 ((Transfer and)) Discharge, social leave, and bed hold.** The contractor ((shall)) is not required to discharge (move out) and readmit a resident for absences of less than twenty-one consecutive days. The contractor must:

(1) ((Comply with chapter 70.129 RCW and chapter 246-316 WAC pertaining to transfer and discharge (move out);

(2) Include the department's case manager in the development of a relocation or discharge (move out) plan, and have the case manager approve the plan before any notice

required under subsection (1) of this section is issued to the resident, except in an emergency;

((3))) Note an absence in a resident's record when a resident ((will be)) is absent from the ((facility)) boarding home for more than seventy-two consecutive hours;

((4)) Not be required to discharge (move out) and readmit a resident for absences less than thirty-one consecutive days;

((5))) (2) Obtain department approval for payment for social leave in excess of fifteen consecutive days; ((and))

(3) Notify the department within one working day whenever the resident:

(a) Is hospitalized;

(b) Is discharged to another boarding home, nursing home or other health care facility;

(c) Dies; or

(d) Is missing from the boarding home and his or her whereabouts are unknown.

(4) Include the department's case manager in the development of a discharge (move out) plan, and have the case manager approve the plan before any required notice of discharge is issued to the resident, except in an emergency;

(5) Notify the resident of the boarding home's policies regarding bed-holds, consistent with subsection (7) of this section as soon as possible before, or as soon as practicable following hospitalization or discharge to a nursing home. The notification must include information concerning:

(a) Options for bed-hold payments, and

(b) Rights to return to the boarding home.

(6) Retain a bed or unit for a resident who is hospitalized or temporarily placed in a nursing home for up to ((thirty)) twenty days when the resident is likely to return((, but if as part of the negotiated service agreement it is determined)) to the boarding home and the department makes payment to the boarding home for holding the bed or unit consistent with WAC 388-105-0045. If, prior to the end of the ((thirty days)) that the resident will not return to the facility, the facility may discharge (move out) the resident in accordance with subsections (1) and (2) above and release the bed or unit)) twenty days, the department determines, or the contractor determines and the department concurs, that the resident will likely not return to the boarding home:

(a) The department must terminate the bed-hold payment; and (b) The contractor may rent that bed or unit to another resident.

(7) Not seek third-party payment for the first twenty days of retaining the bed for a resident who is hospitalized or discharged to a nursing home.

(a) The contractor may seek third-party payment consistent with RCW 18.20.290 and chapter 388-105 WAC to hold a bed or unit for the time following the first twenty days of a resident's absence for hospitalization or nursing home care.

(b) If third-party payment is not available, the contractor must readmit the resident to the first available and appropriate bed or unit if the resident:

(i) Continues to meet the boarding home's admission criteria; and

(ii) Chooses to return to the boarding home.

**AMENDATORY SECTION** (Amending Order 3979, filed 5/8/96, effective 6/8/96)

**WAC 388-110-120 Resident personal funds.** (1) Upon the death of a resident, the ((facility shall)) contractor must promptly convey the resident's personal funds held by the ((facility)) boarding home with a final accounting of such funds to the department or to the individual or probate jurisdiction administering the resident's estate no later than forty-five calendar days after the date of the resident's death:

(a) When the personal funds of the deceased resident ((shall)) must be paid to the state of Washington, those funds and the final accounting shall be made payable to the secretary, department of social and health services, and sent to the Office of Financial Recovery, Estate Recovery Unit, P.O. Box 9501, Olympia, Washington 98507-9501, or such address as may be directed by the department in the future;

(b) The check and final accounting accompanying the payment ((shall)) must contain the name and Social Security number of the deceased individual from whose personal funds account the monies are being paid; and

(c) The department of social and health services shall establish a release procedure for use of funds necessary for burial expenses.

(2) In situations where the resident is absent from the ((facility)) boarding home for an extended time without notifying the ((facility)) boarding home, and the resident's whereabouts is unknown:

(a) The ((facility shall)) contractor must make a reasonable effort to find the missing resident; and

(b) If the resident cannot be located after ninety days, the ((facility shall)) contractor must notify the department of revenue of the existence of "abandoned property," outlined in chapter 63.29 RCW. The ((facility shall)) contractor must deliver to the department of revenue the balance of the resident's personal funds within twenty days following such notification.

(3) Prior to the change of contractor of the ((facility)) boarding home business, the contractor ((shall)) must:

(a) Provide each resident with a written accounting of any personal funds held by the ((facility)) boarding home;

(b) Provide the new contractor with a written accounting of all resident funds being transferred; and

(c) Obtain a written receipt for those funds from the new operator.

**AMENDATORY SECTION** (Amending Order 3979, filed 5/8/96, effective 6/8/96)

**WAC 388-110-140 Assisted living services facility structural requirements.** (1) In a boarding home with an assisted living services contract, the contractor must ensure each resident ((shall have)) has a private apartment-like unit ((with a private bathroom. Each unit shall)) meeting the requirements of a type 'B' dwelling unit as defined by the International Code Council A117.1. Except as provided in subsection (3) of this section, each unit must have at least the following:

(a) ((In an existing facility, an individual unit with)) A minimum area of one hundred eighty square feet ((including counters, closets and built ins, and excluding the bathroom.

In a new facility, an individual unit with a minimum of) in an existing boarding home, and two hundred twenty square feet ((including)) in a new boarding home. The minimum area may include counters, closets and built-ins, ((and excluding)) but must exclude the bathroom;

(b) A separate private bathroom, which includes a sink, toilet, and a shower or bathtub. In a new ((facility, a minimum of fifty percent of resident bathrooms shall be wheelchair accessible and have a roll-in shower)) boarding home, the contractor must provide a minimum of one wheelchair accessible bathroom with a roll-in shower that is at least forty-eight inches by thirty inches for every two residents whose care is partially or fully funded by the department through the assisted living contract;

(c) A lockable entry door;

(d) A kitchen area equipped((, at a minimum,)) with a refrigerator, a microwave oven or stovetop, and a counter or table for food preparation. In a new ((facility, a)) boarding home, the kitchen area must also be equipped with a (sink and counter area, and) storage space for utensils and supplies, and a counter surface, a minimum of thirty inches wide by twenty-four inches in depth, a maximum height of thirty-four inches, and a knee space beneath at least twenty-seven inches in height; and

(e) A living area wired for telephone and, where available in the geographic location, wired for television service.

(2)(a) For purposes of this section, a new boarding home is:

(i) A new building to be used as a boarding home or part of a boarding home, for which plans are submitted to the department of health for construction review on or after June 8, 1996; or

(ii) An addition, modification, or alteration to an existing licensed boarding home, for which plans are submitted to the department of health for construction review on or after June 8, 1996.

(A) The department may, in consultation with the office of construction review services in the department of health, exempt from selected new boarding home contract construction requirements, a limited addition, modification, or alteration to an existing licensed boarding home that will improve the quality of life for residents, if compliance with all new boarding home contract construction requirements would otherwise make the limited addition, modification, or alteration cost prohibitive. A limited addition, modification, or alteration means any physical change to an existing licensed boarding home that does not affect the structural integrity of the building, does not affect fire and life safety, and does not increase the boarding home's maximum facility capacity as defined in WAC 388-78A-2020.

(B) A major addition, modification, or alteration to an existing licensed boarding home must meet new boarding home contract construction requirements for applicable portions of the building. A major addition, modification, or alteration means any physical change within a room or area in an existing licensed boarding home that results in reconstruction to structural or other building systems.

(b) All boarding homes that are not new boarding homes under subsection (2)(a) of this section, are existing boarding homes. An existing building, or portion thereof, that is con-

verted to boarding home use must be considered an existing boarding home unless there is an addition, modification or alteration to the existing building.

(3) If a boarding home submitted plans to the department of health for construction review on or after June 8, 1996, and the boarding home had an assisted living contract as of September 1, 2004, then the boarding home is "grandfathered" under the contracting rules for structural requirements that were in effect at the time of contracting and is considered to meet the assisted living structural requirements of subsection (1) of this section. However, if the same boarding home submits plans to the department of health for construction review for an addition, modification or alteration of the boarding home after September 1, 2004, then the boarding home must meet the current new boarding home requirements of subsection (1) for the applicable portions of the building.

(4) Married couples may share an apartment-like unit under an assisted living contract if:

(a) Both residents understand they are each entitled to live in a separate private unit; and

(b) Both residents mutually request to share a single apartment-like unit.

(5) In a new ((facility)) boarding home, the contractor ((shall)) must provide a private accessible mailbox in which the resident may receive mail.

((3)) (6) The contractor ((shall)) must provide home-like smoke-free common areas with sufficient space for socialization designed to meet resident needs. Common areas ((shall)) must be available for resident use at any time provided such use does not disturb the health or safety of other residents. ((When possible,)) The contractor must make access to outdoor areas ((shall be made)) available to all residents.

((4)) (7) The contractor ((shall)) must provide a space for residents to meet with family and friends outside the resident's living unit.

((5)(a) For purposes of this section, a new facility is:

(i) A new building to be used as a boarding home or part of a boarding home, for which plans are submitted to the department of health for construction review, as required by WAC 246-316-070, on or after the effective date of this chapter; or

(ii) An addition, modification, or alteration to an existing building, for which plans are submitted to the department of health for construction review, as required by WAC 246-316-070, on or after the effective date of this chapter.

(b) All facilities that are not new facilities under subsection (5)(a) of this section, are existing facilities. An existing building, or portion thereof, that is converted to boarding home use shall be considered an existing facility unless there is an addition, modification or alteration to the existing building.)

(8) The department may grant an exemption to the requirements of this section as they apply to a specified resident when it is in the best interest of the specific resident.

**AMENDATORY SECTION** (Amending Order 3979, filed 5/8/96, effective 6/8/96)

**WAC 388-110-150 Assisted living service standards.**

In a boarding home with an assisted living contract, the contractor must meet the requirements of parts I and II of this chapter, and for residents served under the assisted living contract:

(1) ((The contractor shall)) Ensure that both the physical environment and the delivery of assisted living services are designed to enhance autonomy in ways which reflect personal and social values of dignity, privacy, independence, individuality, choice and decision-making of residents. The contractor ((shall)) must provide ((the)) resident services ((in a manner which:

(a) Makes the services available)) in a homelike environment for residents ((with)) who may have a range of needs and preferences(;

(b) Facilitates aging in place by providing flexible services in an environment that accommodates and supports the resident's individuality;

(c) Supports managed risk which includes the resident's right to take responsibility for the risks associated with decision making; and

(d) Develops a formal written, negotiated plan to decrease the probability of a poor outcome when a resident's decision or preference places the resident or others at risk, leads to adverse consequences, or conflicts with other residents' rights or preferences.

(2) Building on the department's assessment and service plan completed before admission, the contractor shall complete a negotiated service agreement within thirty days of move in. The contractor shall involve the following persons in the negotiation and renegotiation of the agreement:

(a) The resident to the greatest extent practicable;

(b) Appropriate facility staff;

(c) The department's case manager; and

(d) If the resident chooses, the resident's family or any other person the resident wants included.

(3) The contractor shall ensure the negotiated service agreement:

(a) Includes recognition of the resident's capabilities and choices, and defines the division of responsibility in the implementation of services;

(b) Addresses, at a minimum, the following elements: assessed health care needs; social needs and preferences; personal care tasks; and if applicable, limited nursing and medication services, including frequency of service and level of assistance;

(c) Is signed and approved by the resident, the contractor, and the department case manager; and

(d) Includes the date the agreement was approved.

(4) The contractor shall provide the resident and case manager with a copy of the agreement, and place a copy in the resident's record.

(5) The contractor shall update the agreement when there are changes in the services the resident needs and wants to receive. At a minimum, the contractor shall review and update the negotiated service agreement semiannually.

(6) The contractor shall provide personal care services based on the resident's negotiated service agreement.

PROPOSED

~~(7) The contractor shall provide the range of services required to meet the increasing or changing needs of residents as they age in place to the maximum extent permitted by the boarding home regulations.~~

~~(8) The contractor shall provide or arrange for limited nursing services to meet the needs of residents who require nursing services, at no additional cost to the resident.~~

~~(9) The contractor shall provide written policies and procedures that ensure the facility will provide limited nursing services and will allow additional on-site health care services to the maximum extent allowed under chapter 246-316 WAC, and if requested, shall assist the resident to obtain the additional on-site health care services.~~

~~(10) If requested or needed by the resident, the contractor shall assist the resident to obtain, arrange, and coordinate services such as: transportation to medical services and recreational activities; ancillary services for medically related care (e.g., physician, pharmacist, mental health services, physical or occupational therapy, hospice, home health care, pediatry); barber/beauty services; and other services necessary to support and assist the resident in maintaining as much independence as possible.~~

~~((11) The contractor shall)):~~

~~(2) Must provide or arrange for, at no additional cost to the resident and consistent with chapter 388-78A WAC:~~

~~(a) Intermittent nursing services;~~

~~(b) Medication administration;~~

~~(c) Personal care services; and~~

~~(d) Supportive services that promote independence and self-sufficiency.~~

~~(3) Make available and offer at no additional cost to the resident generic personal care items needed by the resident such as soap, shampoo, toilet paper, toothbrush, toothpaste, deodorant, sanitary napkins, and disposable razors. This does not include items covered by medical coupons or preclude residents from choosing to purchase their own personal care items.~~

~~((12) The contractor shall))~~

~~(4) Provide all residents with access to an on-site washing machine and dryer for resident use.~~

~~((13) The contractor shall))~~

~~(5) Make beverages and snacks available to residents.~~

~~((14) The contractor shall develop written policies and procedures to be followed by staff and shared with residents which illustrate how employees shall deliver services to residents while ensuring resident's privacy, dignity, choice, independence, individuality and decision-making ability.))~~

#### AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

**WAC 388-110-220 Enhanced adult residential care service standards.** (1) ~~((The contractor shall complete a negotiated service agreement within thirty days of move-in with participation from the resident and the department's case manager, consistent with the general service standards set forth in WAC 388-110-070.~~

~~((2) The agreement shall include what services shall be provided, who will provide the services, and when and how the services will be provided.~~

~~(3) The service agreement shall support the principles of dignity, privacy, choice in decision making, individuality, and independence.~~

~~(4) At a minimum, the contractor shall review and update the negotiated service agreement semi-annually, give a copy of the agreement to the resident and case manager, and keep a copy in the resident's record.~~

~~(5) The contractor shall provide personal care services based on the resident's negotiated service agreement.~~

~~(6) The contractor shall provide or arrange for limited nursing services to meet the needs of residents who require nursing services, at no additional cost to the resident.~~

~~(7) The contractor shall allow a maximum of two residents per room)) In a boarding home with an enhanced adult residential care contract, the contractor must meet the requirements of parts I and III of this chapter, and for residents served under the enhanced adult residential care contract:~~

~~(a) Develop for each resident a negotiated service agreement that supports the principles of dignity, privacy, choice in decision making, individuality, and independence.~~

~~(b) Provide or arrange for, at no additional cost to the resident and consistent with the resident's negotiated service agreement and chapter 388-78A WAC:~~

~~(i) Intermittent nursing services;~~

~~(ii) Medication administration;~~

~~(iii) Personal care services; and~~

~~(iv) Supportive services that promote independence and self-sufficiency; and~~

~~(c) Not allow more than two residents per room.~~

~~(2) An enhanced adult residential care-specialized dementia care services contract is a distinct contract, separate from an enhanced adult residential care contract. In a boarding home with an enhanced adult residential care-specialized dementia care services contract, the contractor must:~~

~~(a) Meet the requirements of parts I and III of this chapter,~~

~~(b) Meet the requirements of subsection (1) of this section, and~~

~~(c) Maintain an enhanced adult residential care services contract or an assisted living services contract in addition to the enhanced adult residential care-specialized dementia care services contract.~~

~~(3) In a boarding home with an enhanced adult residential care-specialized dementia care services contract, for residents served under that contract, the contractor must:~~

~~(a) Complete a full re-assessment of residents as specified in chapter 388-78A WAC, at a minimum, on a semi-annual basis;~~

~~(b) Maintain awake staff twenty-four hours per day. The contractor must provide staffing that is adequate to respond to the assessed sleeping and waking patterns and needs of residents;~~

~~(c) Develop and implement policies and procedures:~~

~~(i) To manage residents who may wander;~~

~~(ii) To outline actions to be taken in case a resident elopes; and~~

~~(iii) To obtain consultative resources to address behavioral issues for residents. The contractor must include a plan that identifies the professional (i.e., clinical psychologist,~~

psychiatrist, psychiatric nurse practitioner, or other behavioral specialist familiar with care of persons with dementia with complex or severe problems) who will provide the consultation, and when and how the consultation will be utilized.

(d) Ensure that each staff who works directly with residents has at least six hours of continuing education per year related to dementia, including Alzheimer's disease. This six hours of continuing education may be part of the ten hours of continuing education required by WAC 388-112-0205. Appropriate topics include, but are not limited to:

- (i) Aggressive behaviors and catastrophic reactions;
- (ii) Agitation: Caregiving strategies;
- (iii) Delusions and hallucinations;
- (iv) Dementia problem-solving strategies;
- (v) Depression and dementia;
- (vi) Fall prevention for dementia;
- (vii) Personal care as meaningful activity;
- (viii) Promoting pleasant and purposeful activity; and
- (ix) Resistance to care: Caregiving strategies.

(e) Provide all necessary physical assistance with bathing and toilet use for residents who require caregivers to perform these activities and subtasks of these activities, and required oversight and supervision, encouragement and cuing. For the purposes of this subsection:

(i) "Bathing" has the same meaning as described in WAC 388-72A-0035; and

(ii) "Toilet use" has the same meaning as described in WAC 388-72A-0035.

(f) Provide extensive assistance with eating as necessary, including required oversight and supervision, encouragement and cuing. The contractor must also provide all necessary physical assistance with eating on an occasional basis for residents who require total feeding assistance. However, the contractor is not required to provide tube feedings or intravenous nutrition nor provide total feeding assistance for an extended or indefinite period.

(i) "Eating" has the same meaning as described in WAC 388-72A-0035, except that the contractor is not required to provide tube feedings or intravenous nutrition;

(ii) "Extensive assistance" has the same meaning as described in WAC 388-72A-0040.

(g) Provide daily activities consistent with the functional abilities, interests, habits and preferences of the individual residents. The contractor must support the participation of residents and the resident council, if there is one, in the development of recreational and activity programs that reflect the needs and choices of residents. On a daily basis, the contractor must provide residents access to:

(i) Opportunities for independent, self-directed, activities.

(ii) Individual activities, in which a staff person or volunteer engages the resident in a planned and/or spontaneous activity of interest. Activities may include personal care activities that provide opportunities for purposeful and positive interactions; and

(iii) Group activities.

(h) Offer opportunities for activities that accommodate variations in a resident's mood, energy and preferences. The contractor must make appropriate activities available based upon the resident's individual schedule and interests. For

example, individuals up at night must have access to staff support, food and appropriate activities;

(i) Make available multiple common areas, at least one of which is outdoors, that vary by size and arrangement such as: various size furniture groupings that encourage social interaction; areas with environmental cues that may stimulate activity, such as a resident kitchen or workshop; areas with activity supplies and props to stimulate conversation; a garden area; and paths and walkways that encourage exploration and walking. These areas must accommodate and offer opportunities for individual or group activity;

(j) Ensure that the outdoor area for residents:

- (i) Is accessible to residents without staff assistance;
- (ii) Is surrounded by walls or fences at least seventy-two inches high;

(iii) Has areas protected from direct sunshine and rain throughout the day;

(iv) Has walking surfaces that are firm, stable, slip-resistant and free from abrupt changes, and are suitable for individuals using wheelchairs and walkers;

(v) Has suitable outdoor furniture;

(vi) Has plants that are not poisonous or toxic to humans;

and

(vii) Has areas for appropriate outdoor activities of interest to residents, such as walking paths, raised garden or flower beds, bird feeders, etc.

(k) Ensure that areas used by residents have a residential atmosphere, and residents have opportunities for privacy, socialization, and wandering behaviors;

(l) Ensure any public address system in the area of specialized dementia care services is used only for emergencies;

(m) Encourage residents' individualized spaces to be furnished and or decorated with personal items based on resident needs and preferences;

(n) Ensure residents have access to their own rooms at all times without staff assistance; and

(o) Make available and offer at no additional cost to the resident generic personal care items needed by the resident such as soap, shampoo, toilet paper, toothbrush, toothpaste, deodorant, sanitary napkins, and disposable razors. This does not include items covered by medical coupons or preclude residents from choosing to purchase their own personal care items..

**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 Order 3979, filed 5/8/96, effective 6/8/96)

**WAC 388-110-240 Adult residential care service standards.** (((1) The contractor shall complete a negotiated service agreement within thirty days of move in with participation from the resident and the department's case manager, consistent with the general service standards set forth in WAC 388-110-070.

((2) The agreement shall include what services shall be provided, who will provide the services, and when and how the services will be provided.

((3) The)) In a boarding home with an adult residential care contract, the contractor must meet the requirements of

parts I and IV of this chapter, and for residents served under the adult residential care contract:

(1) Develop for each resident a negotiated service agreement ((shall support)) that supports the principles of dignity, privacy, choice in decision making, individuality, and independence((.))

(4) At a minimum, the contractor shall review and update the negotiated service agreement semi-annually, give a copy of the agreement to the resident and case manager, and keep a copy in the resident's record.

(5) The contractor shall); and

(2) Provide personal care services based on the resident's negotiated service agreement.

## PART V

### REMEDIES FOR ASSISTED LIVING, ENHANCED ADULT RESIDENTIAL CARE, ((AND)) ENHANCED ADULT RESIDENTIAL CARE—SPECIALIZED DEMENTIA CARE, AND ADULT RESIDENTIAL CARE

AMENDATORY SECTION (Amending WSR 96-21-050, filed 10/11/96, effective 11/11/96)

**WAC 388-110-260 Remedies.** (1) The department may take one or more of the actions listed in subsection (3)(a) of this section in any case in which the department finds that a contractor of assisted living services, enhanced adult residential care services, enhanced residential care—specialized dementia care services, or adult residential care services has:

(a) Failed or refused to comply with the applicable requirements of chapter 74.39A RCW, of chapter 70.129 RCW, chapter 388-78A WAC or of this chapter;

(b) Operated without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a contract or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2)(a) For failure or refusal to comply with any applicable requirements of chapter 74.39A RCW, of chapter 70.129 RCW, chapter 388-78A WAC or of this chapter, the department may provide consultation ((and shall allow the contractor a reasonable opportunity to correct)) before imposing remedies under subsection (3)(a) unless the violations pose a serious risk to residents, are recurring or have been uncorrected.

(b) When violations of this chapter pose a serious risk to a resident, are recurring or have been uncorrected, the department ((shall)) must impose a remedy or remedies listed under subsection (3)(a). In determining which remedy or remedies to impose, the department ((shall)) must take into account the severity of the impact of the violations on residents and which remedy or remedies are likely to improve resident outcomes and satisfaction in a timely manner.

(3)(a) Actions and remedies the department ((may)) is authorized to impose include:

(i) Refusal to enter into a contract;

(ii) Imposition of reasonable conditions on a contract, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(iii) Imposition of civil penalties of not more than one hundred dollars per day per violation;

(iv) Suspension, termination, or refusal to renew a contract; or

(v) Order stop placement of persons under the contract.

(b) When the department orders stop placement, the ((facility shall)) boarding home must not admit any person under the contract until the stop placement order is terminated. The department may approve readmission of a resident to the ((facility)) boarding home from a hospital or nursing home during the stop placement. The department ((shall)) must terminate the stop placement when the department determines that:

(i) The violations necessitating the stop placement have been corrected; and

(ii) The provider exhibits the capacity to maintain adequate care and service.

(c) Conditions the department may impose on a contract include, but are not limited to the following:

(i) Correction within a specified time;

(ii) Training related to the violations; and

(iii) Discharge of any resident when the department determines discharge is needed to meet that resident's needs or for the protection of other residents.

(d) When a contractor fails to pay a fine when due under this chapter, the department may, in addition to other remedies, withhold an amount equal to the fine plus interest, if any, from the contract payment.

AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

**WAC 388-110-270 Notice, hearing rights, effective dates relating to imposition of remedies.** (1) Chapter 34.05 RCW applies to department actions under this chapter and chapter 74.39A RCW, except that orders of the department imposing ((contracts)) contract suspension, stop placement, or conditions for continuation of a contract are effective immediately upon notice and shall continue pending any hearing.

(2) Civil monetary penalties shall become due twenty eight days after the contractor is served with a notice of the penalty unless the contractor requests a hearing in compliance with chapter 34.05 RCW and RCW 43.20A.215. If a hearing is requested, the penalty becomes due ten days after a final decision in the department's favor is issued. Interest shall accrue beginning thirty days after the department serves the contractor with notice of the penalty at a rate of one percent per month in accordance with RCW 43.20B.695.

(3) A person contesting any decision by the department to impose a remedy ((shall)) must within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the ((Office)) Board of Appeals, PO Box ((2465)) 45803, Olympia, WA 98504; and

(b) Include in or with the application:

- (i) The grounds for contesting the department decision; and  
 (ii) A copy of the contested department decision.  
 (4) Administrative proceedings shall be governed by chapter 34.05 RCW, RCW 43.20A.215, where applicable, this section, and chapter ((388-08)) 388-02 WAC. If any provision in this section conflicts with chapter ((388-08)) 388-02 WAC, the provision in this section governs.

**AMENDATORY SECTION** (Amending Order 3979, filed 5/8/96, effective 6/8/96)

**WAC 388-110-280 Dispute resolution.** (1) When a contractor disagrees with the department's finding of a violation under this chapter, the contractor shall have the right to have the violation reviewed under the department's dispute resolution process. Requests for review ((shall)) must be made to the department within ten days of receipt of the written finding of a violation.

(2) When requested by a contractor, the department ((shall)) must expedite the dispute resolution process to review violations upon which a department order imposing contract suspension, stop placement, or a contract condition is based.

(3) Orders of the department imposing contracts suspension, stop placement, or conditions for continuation of a contract are effective immediately upon notice and shall continue pending dispute resolution.

#### **REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 388-110-060	Resident rights.
WAC 388-110-080	Social and recreational activities.
WAC 388-110-170	Education and training requirements.
WAC 388-110-180	Nurse delegation training and registration.
WAC 388-110-190	Performance of delegated nursing care tasks.
WAC 388-110-200	Nurse delegation—Penalties.

**PROPOSED**

Title of Rule and Other Identifying Information: Update of common names of classified shellfish and provide daily limit for tanner crab.

Hearing Location(s): Embassy Suites Hotel, 20610 44th Avenue West, Lynnwood, WA, on August 6-7, 2004, begins at 8:00 a.m., August 6.

Date of Intended Adoption: August 6, 2004.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail [jacobesj@dfw.wa.gov](mailto:jacobesj@dfw.wa.gov), fax (360) 902-2155, by August 4, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 26, 2004, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Some use of common names is confusing to anglers who attempt to compare the names with the official names of classified shellfish ("sea" scallops, "common" scallops, "sea" mussels). Clarification will reduce angler confusion. All classified shellfish have a recreational daily limit except tanner crab. While very few tanner crab are taken by recreational anglers, establishing a six crab daily limit is consistent with the ocean daily limit for Dungeness and red rock crab.

Reasons Supporting Proposal: Clarification and consistency.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, (360) 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, WA, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, WA, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects the recreational harvest of shellfish only. It has no effect on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

June 4, 2004

Evan Jacoby  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 04-39, filed 3/4/04, effective 5/1/04)

**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 addition-

#### **WSR 04-13-023**

#### **PROPOSED RULES**

#### **DEPARTMENT OF FISH AND WILDLIFE**

[Filed June 7, 2004, 3:15 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-101.

ally 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)) Weathervane scallops: 12 scallops (over 4 inches).

(8) ((Common or)) Spiny and pink scallops: 10 pounds or 5 quarts in the shell, in the aggregate.

(9) Shrimp:

(a) In all 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 Port Angeles Shrimp District - Spot shrimp: No minimum size.

(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 upstream of a line from the outermost end of the north jetty to the exposed end of the south jetty, 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, in the aggregate.

(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.

(24) Tanner crabs: 6 crabs.

[Filed June 9, 2004, 11:03 a.m.]

#### Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-28-010 Who adopts the compensation plan?, 357-28-015 How is the compensation plan prepared and revised?, 357-28-020 What must the compensation plan include?, 357-28-025 Can the director adopt special pay salary ranges?, 357-28-030 Must employers have a salary determination policy?, 357-28-035 What must be addressed in the employer's salary determination policy?, 357-28-040 Can an employee's base salary be set above the maximum of the salary range?, 357-28-045 How is part-time employment compensated?, 357-28-050 What is the progression increase date (PID)?, 357-28-055 How is the progression increase date determined?, 357-28-060 When does an employee receive a progression increase?, 357-28-065 What are the effective dates of progression increases?, 357-28-070 Can an employer adjust the timing and amount of progression increases?, 357-28-075 Can an employer accelerate or defer progression increases based on performance?, 357-28-080 How does an employee allocated to a class with a special pay salary range progress through the range?, 357-28-090 Can an employer adjust an employee's base salary within the employee's current salary range for recruitment, retention, or other business related reasons?, 357-28-095 Can an employer authorize additional pay to support recruitment and/or retention of a position?, 357-28-100 When must an employer receive director approval to authorize additional pay to support recruitment or retention of an incumbent or candidate for a position?, 357-28-110 Must an employee who is promoted to a position in a class with a higher salary range receive a salary increase?, 357-28-115 Must an employee occupying a position that is reallocated to a class with a higher salary range receive a salary increase?, 357-28-120 What is the base salary of an employee occupying a position that is reallocated to a class with the same or lower salary range?, 357-28-125 How is an employee's base salary affected when the employee's position is allocated to a new class as a result of the director taking action to implement the new classification plan as required by RCW 41.06.136?, 357-28-130 How is an employee's base salary determined if the director creates, abolishes, or revises a class after the initial implementation of the classification plan?, 357-28-135 How is an employee's salary determined when the employee is appointed to a position due to a layoff action?, 357-28-140 How is an employee's salary determined upon transfer?, 357-28-145 How is an employee's salary determined upon reassignment?, 357-28-150 How is an employee's salary determined upon reversion?, 357-28-155 How is an employee's salary determined upon demotion?, 357-28-160 How is an employee's salary determined upon elevation?, 357-28-165 When an exempt position is converted to classified, how ((will)) is the base salary of the incumbent ((be)) determined?, 357-28-175 What is assignment pay?, 357-28-180 When may employers authorize assignment pay?, 357-28-185 What is the requirement for

employers to compensate employees for being called back to work?, 357-28-190 When must an employee receive shift premium?, 357-28-195 What general government positions must be paid supplemental shift premium?, 357-28-200 When must an employee receive holiday premium pay?, 357-28-205 When must an employee receive standby pay?, 357-28-210 What is the rate of compensation for standby pay?, 357-28-220 How are hours of work established for employees?, 357-28-225 Are employers required to develop flexible time schedules?, 357-28-230 Can an employer assign or reassign an employee to a flex-time schedule?, 357-28-235 Can an employee request assignment to a flex-time schedule?, 357-28-240 Must employers assign an overtime eligibility designation to each position?, 357-28-245 Is approval required when a general government employer changes a position's overtime eligibility designation?, 357-28-250 Must employers inform employees whether they are eligible to receive overtime compensation or not?, 357-28-252 Under what conditions can the employer change an overtime-eligible employee's assigned hours?, 357-28-255 What constitutes overtime for an overtime-eligible employee?, 357-28-260 At what rate must overtime be compensated?, 357-28-265 For the purpose of computing eligibility for overtime compensation, are holidays and leave with pay considered time worked?, 357-28-275 When may compensatory time off be granted in lieu of pay?, 357-28-280 When may compensatory time off be used?, 357-28-285 When must compensatory time be paid in cash?, 357-28-295 Who may provide performance recognition pay to employees?, 357-28-300 Is there a limit to the amount an employee can receive for performance recognition pay?, 357-28-310 When can an employee receive relocation compensation?, 357-28-315 What would cause an employee to be required to pay back the relocation payment?, and 357-28-325 When will salary surveys be done?

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 29, 2004, at 10:00 a.m.

Date of Intended Adoption: July 29, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by July 23, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 23, 2004, TDD (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules pertain to compensation for state employees.

Summary: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding the topic of compensation. The proposed rules implement this provision of the Personnel System Reform Act.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

June 9, 2004

E. C. Matt, Director  
Department of Personnel

#### NEW SECTION

**WAC 357-28-010 Who adopts the compensation plan?** The director must adopt a compensation plan.

#### NEW SECTION

**WAC 357-28-015 How is the compensation plan prepared and revised?** The compensation plan is prepared and revised, as needed, in consultation with employers, employee organizations, and other interested parties. The director must hold open, public hearings before adopting or revising the plan. The director must give twenty (20) calendar days notice of the public hearing.

#### NEW SECTION

**WAC 357-28-020 What must the compensation plan include?** The compensation plan must include:

(1) A general salary schedule including minimum and maximum amounts for each salary range assigned to a class;

(2) Special salary schedules including the minimum and maximum amounts for each special pay range assigned to a class or position;

(3) Assignment pay premiums, shift premiums, and standby pay rates as determined by the director;

(4) Definitions and application of overtime eligibility designations.

#### NEW SECTION

**WAC 357-28-025 Can the director adopt special pay salary ranges?** The director may adopt special pay salary ranges for positions based upon pay practices found in private industry or other governmental units. This includes special pay salary ranges and/or compensation practices for higher education institutions and related higher education boards as authorized in RCW 41.06.133. The classes or positions assigned special pay ranges and the associated special salary schedule must be specified in the compensation plan.

#### NEW SECTION

**WAC 357-28-030 Must employers have a salary determination policy?** Employers must develop a written salary determination policy that is subject to the director's approval.

**NEW SECTION**

**WAC 357-28-035 What must be addressed in the employer's salary determination policy?** The employer's salary determination policy must minimally address the following:

- (1) Setting base salary for new employees;
- (2) Increasing base salary in accordance with WAC 357-28-110 when an employee promotes to a position in a new class;
- (3) Increasing base salary in accordance with WAC 357-28-110 when an employee promotes to a permanent position while in a nonpermanent appointment;
- (4) Setting base salary in accordance with WAC 357-28-140 when an employee transfers to a new position;
- (5) Setting base salary when an employee accepts a lay-off option, is appointed from an internal or statewide layoff list, or is reallocated to a position with a lower range and the employee's previous base salary is not within the salary range of the new position;
- (6) Setting base salary when an employee demotes for reasons other than accepting a demotion in lieu of layoff or accepting a demotion when a position is reallocated; and
- (7) Authorizing premiums for recruitment and retention as provided in WAC 357-28-095 and 357-28-100.

**NEW SECTION**

**WAC 357-28-040 Can an employee's base salary be set above the maximum of the salary range?** An employee's base salary may be set above the maximum of the salary range assigned to the position's class when allowed under any provisions of Title 357 WAC or when approved by the director.

**NEW SECTION**

**WAC 357-28-045 How is part-time employment compensated?** Part-time employment must be compensated on the basis of the ratio of hours worked to those worked in a full-time appointment unless otherwise adjusted per special pay and/or assignment pay provisions.

**NEW SECTION**

**WAC 357-28-050 What is the progression increase date (PID)?** The date upon which an employee is scheduled to receive a progression increase by moving to a higher salary step within the salary range for his/her current class.

**NEW SECTION**

**WAC 357-28-055 How is the progression increase date determined?** (1) For employees appointed to positions before July 1, 2005, the progression increase date is the same date as the employee's periodic increment date as of June 30, 2005. The progression increase date remains the same unless:

- (a) The progression increase date is advanced or postponed in accordance with WAC 357-28-070 or WAC 357-28-075; or

(b) The employee is appointed to another position with a different salary range maximum. Upon subsequent appointment, the provisions of subsection (2) and (3) of this section apply.

(2) For employees appointed to a position after July 1, 2005 whose base salary is set at the minimum of the salary range, the progression increase date is six (6) months from the date of appointment unless adjusted in accordance with WAC 357-28-070 and 357-28-075.

(3) For employees appointed to a position after July 1, 2005 whose base salary is set above the minimum of the salary range, the progression increase date is twelve (12) months from date of appointment unless adjusted in accordance with WAC 357-28-070 and 357-28-075.

**NEW SECTION**

**WAC 357-28-060 When does an employee receive a progression increase?** Unless adjusted under the provisions of WAC 357-28-070 or WAC 357-28-075, an employee must receive a two (2) step increase to base salary on the progression increase date. Progression increases continue until the employee reaches the top step of the salary range.

**NEW SECTION**

**WAC 357-28-065 What are the effective dates of progression increases?** For purposes of payment of progression increases, the effective date is determined as follows:

- (1) For actions occurring between the first and the fifteenth of the month, the first of the current month; or
- (2) For actions occurring between the sixteenth and the end of the month, the first of the following month.

**NEW SECTION**

**WAC 357-28-070 Can an employer adjust the timing and amount of progression increases?** Employers may adjust the timing and amount of regularly scheduled progression increases stated in WAC 357-28-060 by resetting the progression increase date based on the nature of the work or training requirements. This may apply to all employees, employees in specific positions, all employees allocated to a class, or all employees in an organizational unit. This may happen as long as employees receive minimally an increase of two (2) steps annually until their salary reaches the top step of the salary range.

**NEW SECTION**

**WAC 357-28-075 Can an employer accelerate or defer progression increases based on performance?** Employers who have received performance management confirmation from the director may in accordance with the employer's policy on performance progression:

(1) Accelerate the timing and amount of regularly scheduled progression increases stated in WAC 357-28-060 by advancing the progression increase date for individual employees. This may only happen if employees receive an increase of at least two (2) steps every (12) months from the progression increase date until their salary reaches the top

step of the salary range. When the progression increase date is advanced, the employee has a new progression increase date.

(2) Defer scheduled progression increases by postponing the progression increase date for individual employees whose performance is less than successful. When the progression increase date is postponed to a future date, the employee has a new progression increase date.

#### NEW SECTION

**WAC 357-28-080 How does an employee allocated to a class with a special pay salary range progress through the range?** Unless adjusted under WAC 357-28-070 or WAC 357-28-075, employees allocated to a class with a special pay salary range must progress through the special pay salary range as defined in the compensation plan.

#### NEW SECTION

**WAC 357-28-090 Can an employer adjust an employee's base salary within the employee's current salary range for recruitment, retention, or other business related reasons?** The employer may adjust an employee's base salary within the salary range to address issues that are related to recruitment and retention, such as equity, alignment, or competitive market conditions.

#### NEW SECTION

**WAC 357-28-095 Can an employer authorize additional pay to support recruitment and/or retention of a position?** (1) Employers may authorize additional pay to support the recruitment or retention of the incumbent or candidate for a specific position. At the employer's discretion, up to a fifteen percent (15%) premium may be added to the employee's base salary or paid on a lump sum basis. An employee may not receive more than fifteen percent (15%) of his/her annual base salary over a twelve (12) month period under the provisions of this section.

(2) Any additional pay granted under this section is a premium that is not part of base salary. The premium is to be used only as long as the circumstances it is based on are in effect.

#### NEW SECTION

**WAC 357-28-100 When must an employer receive director approval to authorize additional pay to support recruitment or retention of an incumbent or candidate for a position?** (1) Director approval is required for employers to authorize:

(a) Premiums exceeding fifteen percent (15%) under the provisions of WAC 357-28-095; and

(b) Additional pay to support the recruitment and/or retention of like positions at a specific work location.

(2) Additional pay granted under this section is a premium that is not part of base salary. The premium is to be used only as long as the circumstances it is based on are in effect.

#### NEW SECTION

**WAC 357-28-110 Must an employee who is promoted to a position in a class with a higher salary range receive a salary increase?** An employee who is promoted to a position in a class with a higher salary range must receive a minimum increase of five percent (5%) of the former base salary. The employer may grant higher increases if:

(1) Significant increases in duties and responsibilities, as documented by the employer, warrant greater compensation,

(2) The increase is necessary for internal salary alignment, retention of the employee, or other documented business needs, or

(3) The increase is necessary to bring the employee to the minimum of the salary range for the position.

#### NEW SECTION

**WAC 357-28-115 Must an employee occupying a position that is reallocated to a class with a higher salary range receive a salary increase?** An employee occupying a position that is reallocated to a class with a higher salary range must receive at least a five percent (5%) increase to base salary in accordance with WAC 357-28-110.

#### NEW SECTION

**WAC 357-28-120 What is the base salary of an employee occupying a position that is reallocated to a class with the same or lower salary range?** An employee occupying a position that is reallocated to a class with the same or lower salary range must be placed within the new salary range at an amount equal to his/her previous base salary. If the previous base salary exceeds the new salary range, the employee's base salary must be set equal to the maximum of the salary range for the reallocated position. The employee's base salary may be set higher than the range maximum, but not exceeding the previous base salary, if allowed by the employer's salary determination policy.

#### NEW SECTION

**WAC 357-28-125 How is an employee's base salary affected when the employee's position is allocated to a new class as a result of the director taking action to implement the new classification plan as required by RCW 41.06.136?** When an employee's position is reallocated to a new class as a result of the director taking action to implement the new classification plan as required by RCW 41.06.136, the employee retains his/her previous base salary upon reallocation unless the employee's previous base salary is less than the minimum step of the salary range assigned to the new class. In that case, the employee's base salary is the minimum step of the salary range assigned the new class.

#### NEW SECTION

**WAC 357-28-130 How is an employee's base salary determined if the director creates, abolishes, or revises a class after the initial implementation of the classification plan?** When reallocation is necessary because the director

creates, abolishes, or revises a class after the initial implementation of the classification plan, an employee's base salary is determined as follows:

(1) An employee occupying a position reallocated to a class with the same or lower salary range must be paid an amount equal to his/her previous base salary.

(2) An employee occupying a position reallocated to a class with a higher salary range must have his/her base salary set in accordance with the salary provisions the director establishes in revising the classification plan.

#### NEW SECTION

**WAC 357-28-135 How is an employee's salary determined when the employee is appointed to a position due to a layoff action?** The base salary of an employee appointed to a position due to a layoff action must be determined as follows:

(1) An employee who accepts a layoff option to a different position with the same salary range keeps the same base salary.

(2) An employee who accepts a demotion in lieu of lay-off or accepts a layoff option to a position with a lower salary range maximum must be placed within the new range at a salary equal to the employee's previous base salary. If the previous base salary exceeds the new range, the employee's base salary must be set equal to the new range maximum. The employee's base salary may be set higher than the range maximum, but not exceeding the previous base salary, if allowed by the employer's salary determination policy.

(3) An employee who is appointed from an internal or statewide layoff list to a position with the same range as the position from which the employee was laid off must be placed within the range at a salary equal to the employee's previous base salary.

(4) An employee who is appointed from an internal or statewide layoff list to a position with a lower range maximum than the position from which the employee was laid off must have the salary determined by the employer's salary determination policy.

#### NEW SECTION

**WAC 357-28-140 How is an employee's salary determined upon transfer?** Upon transfer, an employee's base salary is determined by the employer's salary determination policy.

#### NEW SECTION

**WAC 357-28-145 How is an employee's salary determined upon reassignment?** Upon reassignment, an employee keeps the same base salary.

#### NEW SECTION

**WAC 357-28-150 How is an employee's salary determined upon reversion?** Upon reversion, the base salary the employee was receiving before promotion or demotion must be reinstated.

#### NEW SECTION

**WAC 357-28-155 How is an employee's salary determined upon demotion?** (1) The base salary of an employee who accepts a demotion in lieu of layoff must be set in accordance with WAC 357-28-135.

(2) The base salary of an employee who accepts a demotion upon reallocation of a position must be set in accordance with WAC 357-28-120.

(3) An employee demoted for any other reason must be paid within the salary range of the class to which the position is allocated. The employee's base salary must be determined in accordance with the employer's salary determination policy.

#### NEW SECTION

**WAC 357-28-160 How is an employee's salary determined upon elevation?** Upon elevation following demotion, an employee's salary must be determined in the same manner that is provided for promotion in WAC 357-28-110.

#### NEW SECTION

**WAC 357-28-165 When an exempt position is converted to classified, how is the base salary of the incumbent determined?** If an exempt position is converted to classified status under the provisions of WAC 357-19-150, the base salary of the incumbent must not be less than the exempt salary at the time of conversion. If the employee's salary at the time of conversion exceeds the maximum of the salary range, the employee's base salary must be set outside the range in accordance with WAC 357-28-040.

#### NEW SECTION

**WAC 357-28-175 What is assignment pay?** Assignment pay is a premium added to base salary to recognize specialized skills, assigned duties, and/or unique circumstances that exceed the ordinary. Assignment pay is intended to be used only as long as the skills, duties, or circumstances it is based on are in effect.

#### NEW SECTION

**WAC 357-28-180 When may employers authorize assignment pay?** Employers may authorize assignment pay to a position when the director has approved the assignment pay for a specific skill, duty, or unique circumstance and the employer determines that the position qualifies for the premium. Approved assignment pay designations must be listed in the compensation plan.

#### NEW SECTION

**WAC 357-28-185 What is the requirement for employers to compensate employees for being called back to work?** (1) If an overtime-eligible employee has finished the work shift and has left the worksite or is in paid leave status and is called to return to work outside of regularly scheduled hours to handle emergency situations which could not be anticipated, a minimum of two hours' pay must be guaranteed.

teed. The minimum of two hours of pay and any hours worked in excess of two hours must be compensated in accordance with WAC 357-28-255 if applicable.

(2) An employee on standby status called to return to work does not qualify for call back pay.

(3) The appointing authority may cancel a call back notification to work extra hours at any time, but cancellation must not waive the guarantee of two hours of call back pay.

(4) Overtime-exempt employees and employees assigned to the law enforcement overtime eligibility designation are not paid for being called back to work unless the employer authorizes payment.

(5) Compensation under the provisions of this section must be in accordance with the employer's policy, as approved by the director, for the following individuals:

(a) Employees dispatched to emergency response duty under an incident command system as defined in RCW 38.52.010; and

(b) Employees of the department of corrections who are in charge of offenders assigned to assist in forest fire suppression and other emergency incidents.

#### NEW SECTION

**WAC 357-28-190 When must an employee receive shift premium?** (1) Shift premium at the rate specified in the compensation plan must be paid when:

(a) An employee is scheduled to work a shift in which the majority of hours worked daily or weekly are between 6:00 p.m. and 6:00 a.m.; or

(b) An employee is scheduled to work a shift which is split with a minimum of four intervening hours not worked.

(2) Shift premium must be paid for the entire daily or weekly shift that qualifies under subsection (1) of this section. Additionally, these employees are entitled to shift premium for all hours that the employees work adjoining that evening or night shift.

(3) Shift premium may be paid at a monthly rate as specified in the compensation plan for full time employees regularly assigned to a qualifying shift.

(4) An employee assigned to a shift that qualifies for shift premium pay must receive the same shift premium for authorized periods of paid leave and holidays and for up to five days of a temporary assignment to a shift that does not qualify.

(5) Compensation under the provisions of this section must be in accordance with the employer's policy, as approved by the director, for the following individuals:

(a) Employees dispatched to emergency response duty under an incident command system as defined in RCW 38.52.010; and

(b) Employees of the department of corrections who are in charge of offenders assigned to assist in forest fire suppression and other emergency incidents.

(6) Exceptions to shift premium provisions may be approved by the director.

(7) For higher education employers, shift premium must not apply to police and fire officers where special pay salaries are correlated with a rotating shift in accordance with local practice.

(8) Employees may waive shift premium.

#### NEW SECTION

**WAC 357-28-195 What general government positions must be paid supplemental shift premium?** (1) Basic shift premium must be paid in accordance with WAC 357-28-190.

(2) Supplemental shift premium, as specified in the compensation plan, must be paid for positions in general government that require licensure as a registered nurse.

#### NEW SECTION

**WAC 357-28-200 When must an employee receive holiday premium pay?** (1) Overtime-eligible employees who are directed to work on a designated holiday as listed in chapter 357-31 WAC, must receive their regular rate of pay for the holiday. In addition, employees must receive premium pay at the overtime rate for all hours worked on the holiday. This does not apply to employees assigned an emergency response fire officer work schedule; They must receive the overtime rate for eight hours rather than all hours worked. The employer may offer compensatory time off in lieu of monetary payment.

(2) Overtime-exempt employees do not qualify for holiday premium pay unless the employer determines otherwise.

(3) Compensation under the provisions of this section must be in accordance with the employer's policy, as approved by the director, for the following individuals:

(a) Employees dispatched to emergency response duty under an incident command system as defined in RCW 38.52.010; and

(b) Employees of the department of corrections who are in charge of offenders assigned to assist in forest fire suppression and other emergency incidents.

#### NEW SECTION

**WAC 357-28-205 When must an employee receive standby pay?** (1) Overtime-eligible employees required to restrict off-duty activities to be immediately available for duty must be compensated for time spent in standby status. Overtime-exempt employees are not eligible for standby pay unless the employer determines otherwise.

(2) Compensation under the provisions of this section must be in accordance with the employer's policy, as approved by the director, for the following individuals:

(a) Employees dispatched to emergency response duty under an incident command system as defined in RCW 38.52.010; and

(b) Employees of the department of corrections who are in charge of offenders assigned to assist in forest fire suppression and other emergency incidents.

#### NEW SECTION

**WAC 357-28-210 What is the rate of compensation for standby pay?** The rate of standby compensation must be specified in the compensation plan. The director may

**PROPOSED**

approve exceptions to standby rates based upon business requirements.

#### NEW SECTION

**WAC 357-28-220 How are hours of work established for employees?** (1) Employers must establish hours of work and the workweek for all employees. Full-time employment must not be compensated for less than forty hours per week except when the employee is in leave without pay status or during an employee's first and final week of employment.

(2) Assignment of work hours outside of regularly scheduled shifts is allowed.

#### NEW SECTION

**WAC 357-28-225 Are employers required to develop flexible time schedules?** Employers must develop one or more flex-time schedules unless the employer determines that such schedules would impede service to the public or impede the employer in accomplishing its mission. Flex-time schedules must contain fixed core hours of work. They must also contain starting and quitting times other than eight a.m. to five p.m.

#### NEW SECTION

**WAC 357-28-230 Can an employer assign or reassign an employee to a flex-time schedule?** The employer may assign or reassign any employee or group of employees to a flex-time schedule under WAC 357-28-252.

#### NEW SECTION

**WAC 357-28-235 Can an employee request assignment to a flex-time schedule?** Employees may request assignment to a flex-time schedule and the employer may grant or deny such assignment.

#### NEW SECTION

**WAC 357-28-240 Must employers assign an overtime eligibility designation to each position?** Employers must assign each position to one of the overtime eligibility designations identified in the compensation plan.

#### NEW SECTION

**WAC 357-28-245 Is approval required when a general government employer changes a position's overtime eligibility designation?** Approval from the director is required when a general government employer changes a position's overtime eligibility designation to overtime-exempt or law enforcement.

#### NEW SECTION

**WAC 357-28-250 Must employers inform employees whether they are eligible to receive overtime compensation or not?** Employers must inform employees of whether or not their positions are eligible to receive overtime, includ-

ing any subsequent change to their eligibility for overtime compensation.

#### NEW SECTION

**WAC 357-28-252 Under what conditions can the employer change an overtime-eligible employee's assigned hours?** The employer may make changes to an overtime-eligible employee's assigned hours under the following condition(s):

(1) For temporary changes in work hours or shift for a period of thirty calendar days or less, the employer must provide two calendar days' notice to the employee. The day notification is given constitutes a day of notice. The employer may provide less than two calendar days' notice for the following reasons:

(a) When there are emergency conditions as defined by the employer, including employees dispatched to emergency response duty under an incident command system as defined in RCW 38.52.010, and employees of the department of corrections who are in charge of offenders assigned to assist in forest fire suppression and other emergency incidents;

(b) When there is a lack of work or a safety hazard to the employee and/or others; or

(c) When the change is requested by the employee and approved by the employing official.

(2) For permanent changes in work hours or shift for a period exceeding thirty calendar days, the employer must provide seven calendar days' notice to the employee. The day notification is given constitutes a day of notice.

(3) By mutual agreement, an individual employee and his/her supervisor may agree to a temporarily modified weekly schedule. Such scheduling is not considered a regular schedule and does not require advance notice.

#### NEW SECTION

**WAC 357-28-255 What constitutes overtime for an overtime-eligible employee?** (1) The following conditions constitute overtime for overtime-eligible employees:

(a) Work in excess of forty hours in one workweek, except for law enforcement positions or hospital personnel assigned to a fourteen-day schedule.

(i) For hospital personnel assigned to a fourteen-day schedule, work in excess of eight hours in any workday or eighty hours in a fourteen-day period constitutes overtime.

(ii) For law enforcement positions, work in excess of the one hundred sixty-hour, twenty-eight-day work period constitutes overtime.

(b) Work on a holiday per WAC 357-28-200.

(c) For full-time employees, work on a scheduled day off when assigned by the employer.

(2) Holidays with pay during the employee's regular work schedule are considered time worked. Leave with pay during the employee's regular work schedule is not considered time worked for purposes of determining overtime eligibility.

(3) When an overtime-eligible employee experiences a schedule change which causes an overlap in workweeks and requires work in excess of forty hours in either the previous

or current workweek, the employee must receive overtime compensation.

(4) Compensation under the provisions of this section must be in accordance with the employer's policy, as approved by the director, for the following individuals:

(a) Employees dispatched to emergency response duty under an incident command system as defined in RCW 38.52.010; and

(b) Employees of the department of corrections and department of social and health services who are in charge of offenders assigned to assist in forest fire suppression and other emergency incidents.

#### NEW SECTION

**WAC 357-28-260 At what rate must overtime be compensated?** Overtime worked by an overtime-eligible employee must be compensated at a rate of one and one-half times the employee's regular rate.

#### NEW SECTION

**WAC 357-28-265 For the purpose of computing eligibility for overtime compensation, are holidays and leave with pay considered time worked?** For purposes of computing eligibility for overtime compensation, holidays with pay during the employee's regular work schedule are considered time worked. Leave with pay during the employee's regular work schedule is not considered time worked.

#### NEW SECTION

**WAC 357-28-275 When may compensatory time off be granted in lieu of pay?** An overtime-eligible employee must receive monetary payment as compensation for overtime worked. However, with an agreement between the employer and the employee, compensatory time off at one and one-half times the overtime hours worked may be granted in lieu of pay.

#### NEW SECTION

**WAC 357-28-280 When may compensatory time off be used?** The use of compensatory time must be in accordance with chapter 357-31 WAC.

#### NEW SECTION

**WAC 357-28-285 When must compensatory time be paid in cash?** (1) The accumulation of unused compensatory time of any amount that exceeds two hundred forty hours (240), or four hundred eighty hours (480) for employees engaged in public safety or emergency response activity, must be paid in cash at the regular rate earned by the employee at the time the employee receives such payment.

(2) Upon termination of employment, an employee must be paid for unused compensatory time in accordance with applicable state and federal law.

#### NEW SECTION

**WAC 357-28-295 Who may provide performance recognition pay to employees?** The director or employers who have received performance management confirmation for decentralized compensation administration may authorize additional pay to individuals or groups of employees on a lump sum basis to recognize outstanding accomplishments or the achievement of pre-defined work goals by individual employees or units.

#### NEW SECTION

**WAC 357-28-300 Is there a limit to the amount an employee can receive for performance recognition pay?** Performance recognition pay may not exceed fifteen percent (15%) of an employee's annual base salary unless approved by the director.

#### NEW SECTION

**WAC 357-28-310 When can an employee receive relocation compensation?** An agency director or higher education president may authorize a lump sum relocation payment, within existing resources, whenever:

(1) It is reasonably necessary that a person make a domiciliary move in accepting a transfer or appointment; or

(2) It is necessary to successfully recruit or retain a qualified candidate or employee who will have to make a domiciliary move in order to accept the position.

#### NEW SECTION

**WAC 357-28-315 What would cause an employee to be required to pay back the relocation payment?** If the employee receiving the relocation payment terminates or causes termination with the state within one year of the date of the appointment or transfer, that employee may be required to pay back the lump sum payment. If the termination is a result of layoff, disability separation, or other good cause as determined by the agency director or higher education president, the employee will not have to pay back the relocation payment.

#### NEW SECTION

**WAC 357-28-325 When will salary surveys be done?** Salary surveys must be undertaken in accordance with applicable portions of chapter 41.06 RCW.

**WSR 04-13-030  
PROPOSED RULES  
PERSONNEL RESOURCES BOARD**

[Filed June 9, 2004, 11:05 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-46-005 What is the impact of a layoff?, 357-46-010

What are the reasons for layoff?, 357-46-015 How does an employer implement a layoff action?, 357-46-020 What must be included in the employer's layoff procedure?, 357-46-025 How much layoff notice must employers give employees?, 357-46-030 What must be included in the layoff notice?, 357-46-035 Layoff option, 357-46-040 What makes one position comparable to another when determining layoff options?, 357-46-045 How do employers establish competency and other position requirements?, 357-46-050 How does an employer determine an employee's employment retention rating?, 357-46-060 Does a veteran receive any preference in layoff?, 357-46-070 Which employees are eligible to have their name placed on an employer's internal layoff list?, 357-46-075 Can an employee be on an internal layoff list for classes with a higher salary range than the class from which the employee is being laid off?, 357-46-080 Which employees are eligible to have their name placed on an employer's statewide layoff list?, 357-46-085 How are eligible candidates certified from the internal and statewide layoff list?, 357-46-090 What is the purpose of the general government transition pool program?, 357-46-095 Who is eligible for the general government transition pool program?, 357-46-100 Who administers and establishes operating procedures for the general government transition pool program?, 357-46-105 Do employees have the right to appeal actions taken within the transition pool program?, 357-46-110 Must employees who are appointed to a position through the layoff process serve any type of review period?, 357-46-115 When is a transition review period not allowed?, 357-46-120 What are the employer's obligations when the employer requires a transition review period?, 357-46-125 What happens if an employee does not complete the transition review period?, 357-46-130 How long is an individual eligible to have his/her name on an employer's internal and statewide layoff list?, 357-46-135 What causes an individual's name to be removed from a layoff list?, 357-46-140 What is the notice requirement when an individual has been removed from an internal or statewide layoff list?, 357-46-145 To whom and by when must an individual request a review of the removal from an internal or statewide layoff list?, 357-46-150 If an employee wants to resign from employment, how much notice should the employee give the employer?, 357-46-155 Can an employee withdraw a resignation?, 357-46-160 What is a disability separation?, 357-46-165 When may an employer separate an employee in accordance with WAC 357-46-160?, 357-46-170 What must a permanent employee be notified of before he/she is separated due to disability?, 357-46-175 Can an employee appeal a disability separation?, 357-46-180 Can an employee be separated during the probationary period?, 357-46-185 What are the notice requirements before separating a probationary employee?, 357-46-190 Can an individual appeal being separated during the probationary period?, 357-46-195 Can an employer separate an employee for nondisciplinary reasons?, 357-46-200 What is the notice requirement before separating an employee for nondisciplinary reasons under the provisions of WAC 357-46-195?, and 357-46-205 Can an employee appeal being separated for nondisciplinary reasons in accordance with WAC 357-46-195 and 357-46-200?

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 29, 2004, at 10:00 a.m.

Date of Intended Adoption: July 29, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by July 23, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 23, 2004, TDD (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules pertain to layoff and separation of state employees.

Summary: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding the topic of layoff and separation. The proposed rules implement this provision of the Personnel System Reform Act.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

June 9, 2004

E. C. Matt, Director  
Department of Personnel

## NEW SECTION

**WAC 357-46-005 What is the impact of a layoff?**  
Layoff is an employer-initiated action taken in accordance with WAC 357-46-010 that results in:

- (1) Separation from service with an employer;
- (2) Employment in a class with a lower salary range maximum;
- (3) Reduction in the work year; or
- (4) Reduction in the number of work hours.

## NEW SECTION

**WAC 357-46-010 What are the reasons for layoff?**

(1) Employees may be laid off without prejudice according to layoff procedures that are consistent with these rules. The reasons for layoff include, but are not limited to, the following:

- (a) Lack of funds;
- (b) Lack of work; or
- (c) Organizational change.

(2) Examples of layoff actions due to lack of work may include, but are not limited to:

- (a) Termination of a project or special employment;
- (b) Availability of fewer positions than there are employees entitled to such positions;
- (c) Employee's inability to continue in a position following its reallocation to a class with a higher salary range maximum; or
- (d) Employee's inability to continue, or choice not to continue, in a position following its reallocation to a class with a lower salary range maximum.

#### NEW SECTION

**WAC 357-46-015 How does an employer implement a layoff action?** The employer must have a layoff procedure. When the employer determines a layoff is necessary, the procedure must be followed. The layoff procedure must be available either electronically or in writing to employees subject to layoff.

#### NEW SECTION

**WAC 357-46-020 What must be included in the employer's layoff procedure?** The employer's layoff procedure must:

(1) Identify clearly defined layoff unit(s) that minimize disruption of the employer's total operation and provide options to employees scheduled for layoff;

- Employers may establish separate and exclusive layoff units for project employment or special employment programs.

(2) Provide opportunities to avoid or minimize layoff, such as transfers, voluntary demotion, voluntary reduced work schedule, or voluntary leave without pay;

(3) Require the appointing authority to provide written notice of layoff to employees in accordance with WAC 357-46-025;

(4) Provide layoff options for permanent employees being laid off as provided in WAC 357-46-035;

(5) Define what the employer considers when determining the comparability of a position;

(6) Identify the employer's legitimate business requirements if the employer is going to consider those requirements in determining layoff options under WAC 357-46-035;

- Legitimate business requirements may include requirements such as circumstances or characteristics that render a position uniquely sensitive to disruption in continuity such as meeting critical deadlines, continuity in patient care, or research progress.

(7) Describe how employment retention ratings will be calculated, including options for factoring performance into ratings; and

(8) Specify how the employer will break ties when more than one employee has the same employment retention rating.

#### NEW SECTION

**WAC 357-46-025 How much layoff notice must employers give employees?** (1) Probationary employees

being separated due to layoff must receive at least one (1) calendar day's notice. (See WAC 357-46-185)

(2) Permanent employees being laid off must receive at least fifteen (15) calendar days' notice.

(a) If the employee has a layoff option to a position within a reasonable commuting distance as defined by the employer's layoff procedure, the employer may implement the layoff action before the fifteen-day notice period expires. If this is done, the employee must receive payment of salary for the days that the employee would have worked in his/her position during the fifteen-day notice period.

(b) An employee may request the employer waive the fifteen-day notice period. If the employer agrees to an employee's request, the employer is not required to provide payment of salary in lieu of the notice period.

#### NEW SECTION

**WAC 357-46-030 What must be included in the layoff notice?** The layoff notice for permanent employees must be in writing and minimally include all the following items:

(1) The reason or basis for layoff.

(2) The employee's layoff options as determined by WAC 357-46-035, including any requirement for the employee to serve a transition review period.

(3) The specific layoff list(s) that the employee is entitled to request placement on according to WAC 357-46-070 and WAC 357-46-080 and information on how to request placement on the statewide layoff list.

(4) The date by when the employee must select a layoff option.

(5) The employee's right to appeal the layoff.

#### NEW SECTION

**WAC 357-46-035 Layoff option. (1) What option does a permanent employee have to take a position when the employee is scheduled for layoff?**

Within the layoff unit, a permanent employee scheduled for layoff must be offered the option to take a position, if available, that meets the following criteria:

(a) The position is allocated to the class in which the employee holds permanent status at the time of the layoff. If no option to a position in the current class is available, the employee's option is to a position in a class in which the employee has held permanent status that is at the same salary range. If the employee has no option to take a position at the same salary range, the employee must be given an opportunity to take a position in a lower class in the same occupational category/class series, in descending salary order. The employee does not have to have held permanent status in the lower class in order to be offered the option to take a position in the class.

(b) The position is comparable to the employee's current position as defined by the employer's layoff procedure.

(c) The employee satisfies the competencies and other position requirements.

(d) The position is funded and vacant, or if no vacant funded position is available, the position is occupied by the employee with the lowest employment retention rating.

**(2) What if the employee has no option under subsection 1?**

(a) If a permanent employee has no option available under subsection (1) of this section, the employer must determine if there is an available position in the layoff unit to offer the employee in lieu of separation that meets the following criteria:

- (i) The position is at the same or lower salary range maximum as the position the employee is being laid off from;
- (ii) The position is vacant and less than comparable or held by a probationary employee or an employee in a nonpermanent appointment; and
- (iii) The position is one for which the employee meets the competencies and other position requirements.

(b) If more than one qualifying position is available, the position with the highest salary range maximum is the one that must be offered.

**(3) What happens when a class in which the employee previously held permanent status has been revised or abolished?**

If a class in which an employee has previously held permanent status has been revised or abolished, the employer shall determine the closest matching class to offer as a layoff option. The closest matching class must be at the same or lower salary range maximum as the class from which the employee is being laid off.

**NEW SECTION**

**WAC 357-46-040 What makes one position comparable to another when determining layoff options?** Comparability of positions is defined by the employer's layoff procedure, and may include such factors as geographic location, number of hours per week, the shift time of the position, and any other factors as defined by the employer in its layoff procedure.

**NEW SECTION**

**WAC 357-46-045 How do employers establish competency and other position requirements?** In establishing competency and other position requirements, employers may use any of the following documented criteria:

- (1) Licensing/certification requirements;
- (2) Position description;
- (3) Class specification;
- (4) Skills/competencies listed on the position's most recent recruitment announcement or the last announcement used to fill the position;
- (5) Bona fide occupational requirement(s) approved by the Washington human rights commission; or
- (6) Additional documented competencies or requirements not reflected in the position description.

**NEW SECTION**

**WAC 357-46-050 How does an employer determine an employee's employment retention rating?** The employer determines an employee's employment retention rating using seniority as calculated in WAC 357-46-055. Employers with performance management confirmation may

consider properly documented performance in addition to seniority. If performance is not considered, an employee's employment retention rating is equal to the employee's seniority.

**NEW SECTION**

**WAC 357-46-060 Does a veteran receive any preference in layoff?** (1) An eligible veteran receives a preference by having his/her seniority increased. This is done by adding the eligible veteran's total active military service, not to exceed five (5) years, to his/her unbroken service date.

(2) An eligible veteran is defined as any permanent employee who:

- (a) Has one or more years in active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government; and

(b) Has received, upon termination of such service:

- (i) An honorable discharge;
- (ii) A discharge for physical reasons with an honorable record; or

(iii) A release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given.

(3) "An eligible veteran" does not include any person who as a veteran voluntarily retired with twenty (20) or more years' active military service and has military retirement pay in excess of five hundred dollars per month.

(4) The unmarried widow/widower of an eligible veteran is entitled to veteran's seniority preference for up to five (5) years as outlined in subsection (1) and (2) of this section regardless of whether the veteran had at least one year of active military service.

**NEW SECTION**

**WAC 357-46-070 Which employees are eligible to have their name placed on an employer's internal layoff list?** (1) Permanent employees of the employer who satisfy the following criteria must have their name placed on the employer's internal layoff list if the employee exercises this option within the two-year eligibility period:

(a) **Employees who are laid off or have been notified by the employer that they are scheduled to be laid off** are eligible to be on the internal layoff list for classes in which they held permanent status during the current period of unbroken service at the same or lower salary range and lower classes in the same occupational category/class series. Permanent status is not required for the lower classes in the occupational category/class series.

(b) **Employees who accept a voluntary demotion in lieu of layoff** are eligible to be on the internal layoff list for the class from which they demoted and classes at that salary range and lower salary ranges in which the employee held permanent status during the current period of unbroken service and lower classes in the same occupational category. Permanent status is not required for the lower classes in the occupational category.

**(c) Employees who accepted less than comparable positions** as defined by the employer's layoff procedure are eligible to be on the internal layoff list for classes in which they held permanent status at the same or lower salary range and lower classes in the same occupational category. Permanent status is not required for the lower classes in the occupational category.

**(d) Employees who have not successfully completed a trial service period and are placed in a non-permanent position following reversion** are eligible to be on the internal layoff list for classes in which the employee previously held permanent status during the current period of unbroken service.

**(e) Employees who remain in a position reallocated to a lower salary range** are eligible to be on the internal layoff list for the class the employee held permanent status in prior to the reallocation.

(2) Employees who have been demoted for cause from a class are **not** eligible to be on the internal layoff list for that class.

#### NEW SECTION

**WAC 357-46-075 Can an employee be on an internal layoff list for classes with a higher salary range than the class from which the employee is being laid off?** An employee may be on the internal layoff list for classes with a higher salary range than the class from which the employee is being laid off as long as the employee has held permanent status in the higher class and the employer's layoff procedure allows access to higher level classes.

#### NEW SECTION

**WAC 357-46-080 Which employees are eligible to have their name placed on an employer's statewide layoff list?** (1) Permanent employees who satisfy the following criteria must have their name placed on the statewide layoff for other employers if the employee exercises this option within the two-year eligibility period:

(a) Employees who are laid off or notified by the employer that they are scheduled to be laid off are eligible to be on the statewide layoff list for classes in which they held permanent status during the current period of unbroken service at the same or lower salary range and lower classes in the same occupational category/class series. Permanent status is not required in the lower classes in the occupational category/class series.

(b) Employees who accept a voluntary demotion in-lieu of layoff are eligible to be on the statewide list for the class from which they demoted and classes at that salary range and lower salary ranges in which the employees held permanent status and lower classes in the same occupational category/class series. Permanent status is not required for the lower classes in the occupational category/class series.

(c) Employees who accepted less-than-comparable positions at the time of layoff are eligible to be on the statewide layoff list for classes in which they held permanent status at the current or lower salary range and lower classes in the same occupational category/class series. Permanent status is

not required for the lower classes in the occupational category/class series.

(2) Employees who have been demoted for cause from a class are **not** eligible to be on the statewide layoff list for that class.

#### NEW SECTION

**WAC 357-46-085 How are eligible candidates certified from the internal and statewide layoff list?** Certification from the employer's internal layoff list and the statewide layoff list must be made in accordance with WAC 357-16-130.

#### NEW SECTION

**WAC 357-46-090 What is the purpose of the general government transition pool program?** The purpose of the transition pool program is to minimize the effects of staff reductions on general government employees while meeting needs of general government employers to fill vacant positions. The program does not apply to higher education employees.

#### NEW SECTION

**WAC 357-46-095 Who is eligible for the general government transition pool program?** The following individuals are eligible to participate in the general government transition pool program:

(1) All general government permanent employees separated by layoff or notified by their employer that they are at risk of layoff;

(2) Employees who are eligible to participate in the return-to-work initiative program in accordance with chapter 357-19 WAC;

(3) Permanent Washington management service employees who accept a position in Washington general service and are being voluntarily or involuntarily reverted during the trial service period;

(4) Former permanent classified general government employees who have submitted a written request for reemployment within two (2) years of disability separation and who have met the reemployment requirements of WAC 357-19-475; and

(5) General government employee business unit members whose contract has expired or been terminated.

#### NEW SECTION

**WAC 357-46-100 Who administers and establishes operating procedures for the general government transition pool program?** The department administers the general government transition pool program. The director develops and implements appropriate operating procedures to facilitate the program. The operating procedures include the following requirements:

(1) General government employers must certify transition pool candidates when a certified pool contains eligible candidates other than layoff or internal promotional candidates.

PROPOSED

**PROPOSED**

(2) Transition pool candidates must satisfy the competency and other position requirements to be considered for a position.

#### NEW SECTION

**WAC 357-46-105 Do employees have the right to appeal actions taken within the transition pool program?** Employees participating in the transition pool program do not have the right of appeal within this program.

#### NEW SECTION

**WAC 357-46-110 Must employees who are appointed to a position through the layoff process serve any type of review period?** An employer may require a transition review period when an employee is appointed to a position as a layoff option or is appointed from the internal or statewide layoff list or the general government transition pool. (See WAC 357-46-115 for exceptions to this rule.)

#### NEW SECTION

**WAC 357-46-115 When is a transition review period not allowed?** Employers are not allowed to require a transition review period when an employee is being appointed to a comparable position with the same job duties as the position the employee held permanent status in prior to layoff. The employer determines the comparability of the position.

#### NEW SECTION

**WAC 357-46-120 What are the employer's obligations when the employer requires a transition review period?** (1) When an employer requires a transition review period is required for a position, the employer must provide the employee with written notice of the transition review period.

(2) During the transition review period, the employer must provide the employee with instruction and/or training in the duties of the new position.

#### NEW SECTION

**WAC 357-46-125 What happens if an employee does not complete the transition review period?** (1) The employer may involuntarily separate an employee from a position during the transition review period or the employee may choose to voluntarily separate from a position. An employee may voluntarily separate a maximum of three (3) times as a result of a single layoff action.

(2) If an employee is separated during a transition review period, the employee's name is reinstated on any layoff list from which it was removed at the time of placement in the position. The employee remains on the list until the employee's initial eligibility expires or he/she is rehired. The time served during the transition review period does not extend the period of eligibility for a layoff list or the transition pool.

(3) Separation during the transition review period is not subject to appeal.

#### NEW SECTION

**WAC 357-46-130 How long is an individual eligible to have his/her name on an employer's internal and statewide layoff list?** An individual is eligible to have his/her name on an employer's internal and statewide layoff lists for two (2) years from the effective date of the qualifying action.

#### NEW SECTION

**WAC 357-46-135 What causes an individual's name to be removed from a layoff list?** (1) An individual's name must be removed from an internal layoff list or statewide layoff list at the request of the individual or upon an employee's retirement, resignation, or dismissal from the employer.

(2) An individual's name may be removed from the internal and/or statewide layoff list for a class when:

(a) The individual is appointed to a position in the class. The individual may also be removed from the internal and/or layoff list for any classes with a lower salary range maximum.

(b) The individual has been certified from the layoff list and waives consideration for a position in the class three (3) times.

(c) The employer determines good and sufficient reason exists.

#### NEW SECTION

**WAC 357-46-140 What is the notice requirement when an individual has been removed from an internal or statewide layoff list?** An individual who has been removed from an internal or statewide layoff list must be notified in writing at the time of removal. The notification must provide the specific reason for the removal and inform the individual of the right to request a review of the removal under the provisions of WAC 357-46-145.

For purposes of this rule, written notice may be provided using alternative methods such as e-mail, campus mail, or the state mail service in accordance with WAC 357-04-105.

#### NEW SECTION

**WAC 357-46-145 To whom and by when must an individual request a review of the removal from an internal or statewide layoff list?** If the employer is responsible for maintaining the layoff list, requests for review of removal from a layoff list must be made to the employer. If the director is responsible for maintaining the layoff list, requests for review of removal from a layoff list must be made to the department.

The request for a review must be received at the employer's office or the department's office within twenty (20) calendar days following notice of the action for which a review is requested.

#### NEW SECTION

**WAC 357-46-150 If an employee wants to resign from employment, how much notice should the employee give the employer?** An employee who intends to resign from

state service should provide his/her resignation to the appointing authority or employing official at least fifteen (15) calendar days before the effective date of the resignation.

#### NEW SECTION

**WAC 357-46-155 Can an employee withdraw a resignation?** An appointing authority or employing official may permit withdrawal of a resignation at any time prior to the effective date.

#### NEW SECTION

**WAC 357-46-160 What is a disability separation?** A disability separation is an action taken to separate an employee from service when the employer determines that the employee is unable to perform the essential functions of the employee's position or class with or without reasonable accommodation due to mental, sensory, or physical incapacity. Disability separation is not a disciplinary action.

#### NEW SECTION

**WAC 357-46-165 When may an employer separate an employee in accordance with WAC 357-46-160?** An employer may separate an employee due to disability when any of the following circumstances exist:

- (1) The employer is unable to reasonably accommodate the employee.
- (2) The employer has medical documentation of the employee's inability to work in any capacity.
- (3) The employee requests separation due to disability and the employer has medical information which documents that the employee cannot perform the essential functions of the employee's position or class.

#### NEW SECTION

**WAC 357-46-170 What must a permanent employee be notified of before he/she is separated due to disability?** A permanent employee being separated due to disability must be informed in writing of the option to apply for reemployment as provided in WAC 357-19-475.

#### NEW SECTION

**WAC 357-46-175 Can an employee appeal a disability separation?** A permanent employee who has been separated due to disability may appeal the separation as provided in chapter 357-52 WAC unless separation is at the employee's request.

#### NEW SECTION

**WAC 357-46-180 Can an employee be separated during the probationary period?** An appointing authority may separate a probationary employee who has not completed his/her probationary period.

#### NEW SECTION

**WAC 357-46-185 What are the notice requirements before separating a probationary employee?** A probationary employee must receive a minimum of one (1) calendar day's written notice before being separated.

#### NEW SECTION

**WAC 357-46-190 Can an individual appeal being separated during the probationary period?** An individual separated during a probationary period does not have the right to appeal the separation.

#### NEW SECTION

**WAC 357-46-195 Can an employer separate an employee for non-disciplinary reasons?** An employer may separate a permanent employee from a position or from employment for non-disciplinary reasons such as failure to comply with the conditions of employment which may or may not have existed at the time of initial appointment or failure to authorize or to pass a background check required by the position.

The employer may consider other employment options such as transfer or voluntary demotion in lieu of separation.

#### NEW SECTION

**WAC 357-46-200 What is the notice requirement before separating an employee for non-disciplinary reasons under the provisions of WAC 357-46-195?** (1) Before separating an employee from employment under the provisions of WAC 357-46-195, the employer must provide at least fifteen (15) calendar days' written notice to the employee and state the reason for separation. If, within the notice period, the employee satisfactorily demonstrates why the separation should not occur, the appointing authority may rescind the separation notice.

(2) The employer should consider reassignment during the notice period if continued employment in the position represents a liability.

#### NEW SECTION

**WAC 357-46-205 Can an employee appeal being separated for non-disciplinary reasons in accordance with WAC 357-46-195 and WAC 357-46-200?** A permanent employee separated under WAC 357-46-195 may appeal as provided in chapter 357-52 WAC.

**WSR 04-13-031  
PROPOSED RULES  
PERSONNEL RESOURCES BOARD**

[Filed June 9, 2004, 11:08 a.m.]

Original Notice.

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

**PROPOSED**

Title of Rule and Other Identifying Information: WAC 357-19-005 What is the authority of general government employers to appoint employees to positions in the classified service?, 357-19-010 What is the authority of higher education employers to appoint employees to positions in the classified service?, 357-19-015 What must employers use as the basis for appointments under the civil service rules?, 357-19-017 What is the purpose of the probationary and trial service period?, 357-19-020 When must an employee serve a probationary period?, 357-19-025 When must an employee serve a trial service period?, 357-19-030 When may an employee be required to serve a trial service period?, 357-19-040 How long is the probationary period?, 357-19-045 Can the length of a probationary period be extended?, 357-19-050 How long is a trial service period?, 357-19-060 Can the length of a trial service period be extended?, 357-19-065 Is an employee's probationary or trial service period affected by the use of leave?, 357-19-070 What happens if an employee who is serving a probationary or trial service period accepts an appointment to another permanent position with the same employer?, 357-19-075 What happens if an employee who is serving a probationary or trial service period is reassigned by the employer?, 357-19-085 Does time worked in a nonpermanent appointment count towards the probationary or trial service period for a permanent position?, 357-19-090 Must employers have a policy on probationary and trial service periods?, 357-19-095 What happens if an employee's work performance fails to meet required standards during the probationary period?, 357-19-100 What happens if an employee's work performance fails to meet the required standards during the trial service period?, 357-19-105 How much notice must an employer give when reverting an employee?, 357-19-110 Can an employee voluntarily revert during the trial service period?, 357-19-115 To which employer and position would an employee revert?, 357-19-117 Can a reverted employee be placed on a layoff list and in the general government transition pool?, 357-19-120 Can employees be granted additional reversion rights?, 357-19-135 Can an employee appeal a trial service reversion?, 357-19-140 Can an employer increase the hours of a position which is normally scheduled to work less than 40 hours a week?, 357-19-145 If an employer permanently increases the hours of a position, may an employee choose not to continue in the position?, 357-19-155 Can an employee voluntarily demote?, 357-19-160 Can an employee be elevated following a demotion?, 357-19-165 What is the difference between reassignment and transfer?, 357-19-170 Can an appointing authority reassign an employee?, 357-19-175 What are the provisions for reassigning a permanent employee to a different geographic area?, 357-19-177 How does a reassignment affect an employee's status and pay?, 357-19-180 Can an employee transfer?, 357-19-190 When is an employee appointed to a position with permanent status?, 357-19-195 If a permanent employee in a classified position accepts an appointment to an exempt position, what is the employee's right to return to a position in the classified service?, 357-19-200 When must an employee apply to return to classified service from exempt service?, 357-19-205 Upon return from exempt service, how is the employee's salary set?, 357-19-215 Does an employee who was hired directly into exempt service have any rights to

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Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 29, 2004, at 10:00 a.m.

Date of Intended Adoption: July 29, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by July 23, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 23, 2004, TDD (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules pertain to appointment and reemployment for state employees.

Summary: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding the topic of appointment and reemployment for state employees. The proposed rules implement this provision of the Personnel System Reform Act.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA,

(360) 664-6348; Implementation and Enforcement: Department of Personnel.

June 9, 2004

E. C. Matt, Director  
Department of Personnel

PROPOSED

#### NEW SECTION

**WAC 357-19-005 What is the authority of general government employers to appoint employees to positions in the classified service?** Under the authority of the director, general government employers may carry out the activities detailed in chapter 357-19 WAC.

#### NEW SECTION

**WAC 357-19-010 What is the authority of higher education employers to appoint employees to positions in the classified service?** Under the authority of RCW 41.06.150 and RCW 41.06.133, higher education employers may carry out the activities in chapter 357-19 WAC.

#### NEW SECTION

**WAC 357-19-015 What must employers use as the basis for appointments under the civil service rules?** Appointments within the classified service must be made on the basis of the appointee's ability to meet the competencies and other position requirements that are identified through job analysis.

#### NEW SECTION

**WAC 357-19-017 What is the purpose of the probationary and trial service period?** The probationary and trial service periods provide the employer with an opportunity to observe and assess an employee's work and to train and aid the employee in adjusting to the position in order to determine if the employee will be granted permanent status in that position.

#### NEW SECTION

**WAC 357-19-020 When must an employee serve a probationary period?** An employee who does not have permanent status must serve a probationary period when appointed to a permanent position.

#### NEW SECTION

**WAC 357-19-025 When must an employee serve a trial service period?** A permanent employee must serve a trial service period upon promotional appointment to a position in a new class.

#### NEW SECTION

**WAC 357-19-030 When may an employee be required to serve a trial service period?** A permanent employee who transfers or voluntarily demotes may be required by the employer to serve a trial service period in

accordance with the employer's policy per WAC 357-19-090. (See WAC 357-52-080 for information on when an employee may be required to serve a transition review period.)

PROPOSED

NEW SECTION

**WAC 357-19-040 How long is the probationary period?** The director must establish the duration of the probationary period on a class-wide basis. The probationary period for a class must be from six (6) to twelve (12) months long.

The probationary period for the campus police officer class (or successor title) must extend from the date of appointment until twelve (12) months following the successful completion of the Washington state criminal justice training commission basic law enforcement academy or twelve (12) months from the date of appointment if academy training is not required.

NEW SECTION

**WAC 357-19-045 Can the length of a probationary period be extended?** The probationary period for the class of campus police officer may not be extended. For all other classes, employers may extend the probationary period for an individual employee or for all employees in a class as long as the extension does not cause the total period to exceed twelve (12) months.

NEW SECTION

**WAC 357-19-050 How long is a trial service period?** The director must establish the duration of the trial service period on a class-wide basis. The trial service period for a class must be from six (6) to twelve (12) months in duration.

The trial service period for the campus police officer class (or successor title) must extend from the date of appointment until twelve (12) months following the successful completion of the Washington state criminal justice training commission basic law enforcement academy or twelve (12) months from the date of appointment if academy training is not required.

NEW SECTION

**WAC 357-19-060 Can the length of a trial service period be extended?** Except for employees allocated to the class of campus police officer, employers may extend the trial service period for an individual employee or for all employees in a class as long as the extension does not cause the total period to exceed twelve (12) months.

NEW SECTION

**WAC 357-19-065 Is an employee's probationary or trial service period affected by the use of leave?** An employee's probationary or trial service period is affected by the use of leave according to chapter 357-31 WAC.

NEW SECTION

**WAC 357-19-070 What happens if an employee who is serving a probationary or trial service period accepts an appointment to another permanent position with the same employer?** If an employee accepts an appointment to another permanent position with the same employer while serving a probationary or trial service period, the following applies:

(1) Time served in the initial probationary or trial service period counts towards the probationary or trial service period of the new position if the employer determines the positions or classes to which the positions are allocated are closely related; or

(2) The probationary or trial service period starts over if the employer determines the positions or classes to which are positions are allocated are not closely related.

**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 357-19-075 What happens if an employee who is serving a probationary or trial service period is reassigned by the employer?** If an employee is reassigned while serving a probationary or trial service period, time spent in the initial probationary or trial service period counts towards the probationary or trial service period of the position to which the employee was reassigned.

NEW SECTION

**WAC 357-19-080 What happens if a permanent employee accepts a nonpermanent appointment during a trial service period?** If a permanent employee accepts a nonpermanent appointment during a trial service period and the employer has agreed to return the employee to a position at the conclusion of the nonpermanent appointment, the employer may:

- Suspend the trial service period and allow the employee to resume the trial service period when the employee returns from the nonpermanent appointment; or
- Require the trial service period to start over when the employee returns from the nonpermanent appointment.

NEW SECTION

**WAC 357-19-085 Does time worked in a nonpermanent appointment count towards the probationary or trial service period for a permanent position?** If an employee accepts a nonpermanent appointment and is subsequently appointed permanently to the same or a similar position, the employer may count time worked in the nonpermanent appointment towards the probationary or trial service period for the permanent position.

NEW SECTION

**WAC 357-19-090 Must employers have a policy on probationary and trial service periods?** Employers must publish a policy on probationary and trial service periods that minimally addresses the employer's basis for determining and notifying an employee:

- (1) When a trial service period is required upon transfer or voluntary demotion as provided in WAC 357-19-030.
- (2) When a probationary or trial service period is extended, per WAC 357-19-045 and 357-19-060; and
- (3) When a probationary or trial service period is continued, per WAC 357-19-070.

NEW SECTION

**WAC 357-19-095 What happens if an employee's work performance fails to meet required standards during the probationary period?** The employer may separate any probationary employee whose work performance fails to meet the required standards. The separation must be in accordance with WAC 357-52-120.

NEW SECTION

**WAC 357-19-100 What happens if an employee's work performance fails to meet the required standards during the trial service period?** The employer may revert any employee whose work performance fails to meet required standards during the trial service period. The employee must be notified in accordance with WAC 357-19-105. Upon reversion, the employee has the rights provided by WAC 357-19-115 and 357-19-117.

NEW SECTION

**WAC 357-19-105 How much notice must an employer give when reverting an employee?** An employer must give seven (7) calendar days' written notice to an employee who is being reverted during a trial service period.

NEW SECTION

**WAC 357-19-110 Can an employee voluntarily revert during the trial service period?** (1) Within thirty (30) calendar days from the date of appointment, an employee has the right to voluntarily revert during a trial service period by providing seven (7) calendar days' written notice to the current employer. After thirty (30) calendar days from the date of appointment, an employee may voluntarily revert only at the discretion of the employer to which the employee has reversion rights.

(2) Upon voluntary reversion, the employee has the rights provided by WAC 357-19-115 through 357-19-117 with the **current employer**. At the discretion of the former employer, employees may voluntarily revert to the former employer and have the rights provided by WAC 357-19-115 through WAC 357-19-117 with the former employer.

NEW SECTION

**WAC 357-19-115 To which employer and position would an employee revert?** Employees who do not satisfactorily complete the trial service period have the right to revert to a position with the **current employer** at the time of reversion.

(1) For employees reverting from trial service following a promotion or transfer, the employer must revert the employee to a vacant position, or a position filled by a nonpermanent appointee, for which the employee satisfies competencies and other position requirements and which is:

(a) Allocated to the class the employee last held permanent status in; or

(b) If no positions are available, allocated to a class which has the same or lower salary range maximum.

(2) For employees reverting from trial service following a voluntary demotion, the employer must revert the employee to a vacant position, or a position filled by a nonpermanent appointee, for which the employee satisfies the competencies and other position requirements and which is allocated to a class which has the same or lower salary range maximum as the class from which the employee is reverting.

NEW SECTION

**WAC 357-19-117 Can a reverted employee be placed on a layoff list and in the general government transition pool?** If the reverted employee is not returned to a permanent position in the class in which the employee last held permanent status, the employee is eligible to be placed on the employer's internal layoff list upon request. General government employees may also apply for placement in the transition pool.

NEW SECTION

**WAC 357-19-120 Can employees be granted additional reversion rights?** Employers may make agreements with employees for additional reversion rights within their own organization.

NEW SECTION

**WAC 357-19-135 Can an employee appeal a trial service reversion?** Employees who are reverted do not have the right to appeal the reversion.

NEW SECTION

**WAC 357-19-140 Can an employer increase the hours of a position which is normally scheduled to work less than 40 hours a week?** As necessary, employers may increase the hours assigned to a position which is normally scheduled to work less than forty (40) hours a week.

NEW SECTION

**WAC 357-19-145 If an employer permanently increases the hours of a position, may an employee choose not to continue in the position?** A permanent employee may choose not to continue in a position that has been perma-

nently increased in hours of work in accordance with WAC 357-19-140. The employee has layoff rights in accordance with the employer's layoff procedure.

#### NEW SECTION

**WAC 357-19-155 Can an employee voluntarily demote?** Permanent employees may request to voluntarily demote to a position for which they meet the competencies and other position requirements.

#### NEW SECTION

**WAC 357-19-160 Can an employee be elevated following a demotion?** Employers may elevate an employee with permanent status to the class held by the employee immediately prior to being demoted or to a class in the same occupational category/class series which is between the current class and the class from which the employee was demoted.

#### NEW SECTION

**WAC 357-19-165 What is the difference between reassignment and transfer?** A reassignment is an employer-initiated move an employee within the employer from one position to a comparable position in the same class or a different class with the same salary range maximum. A transfer is an employee-initiated move of an employee from one position within or between employers in the same class or a different class with the same salary range maximum.

**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 357-19-170 Can an appointing authority reassign an employee?** Within an agency or higher education institution, an appointing authority may reassign an employee to a different position within the same class as long as the employee meets the competencies and other position requirements. (See WAC 357-19-175 for special provisions covering reassignments to different geographic areas.)

#### NEW SECTION

**WAC 357-19-175 What are the provisions for reassigning a permanent employee to a different geographic area?** When reassigning a permanent employee to a position in a different geographic area, the following applies:

- If the reassignment is within a reasonable commute of the employee's domicile, the appointing authority may reassign the employee without the employee's agreement.
- If the reassignment is outside of a reasonable commute of the employee's domicile and the employee does not agree to the reassignment, the employer's layoff procedure applies.

The employer defines what is within a reasonable commute.

#### NEW SECTION

**WAC 357-19-177 How does a reassignment affect an employee's status and pay?** Reassignment must not result in a change in status and the employee's base salary must not be reduced. In accordance with WAC 357-19-075, the probationary period or trial service period continues if an employee is reassigned while serving a probationary period or trial service period.

#### NEW SECTION

**WAC 357-19-180 Can an employee transfer?** Permanent employees may transfer to another position in the same class or a different class with the same salary range maximum as long as the employee meets the competencies and other position requirements. The employer may require the employee to serve a trial service period following a transfer. If the employee was in trial service status at the time of the transfer, the provisions of WAC 357-19-070 apply.

**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 357-19-190 When is an employee appointed to a position with permanent status?** An appointing authority must make a permanent status appointment of an employee under the following conditions:

- (1) Upon successful completion of a probationary, trial service, or transition review period;
- (2) Upon reassignment of a permanent employee who is not in trial service status;
- (3) Upon transfer, or demotion when the employee is not required to serve a trial service period;
- (4) Upon rehire from layoff or appointment to a position as a layoff option when a transition review period is not required;
- (5) Upon conversion of an exempt position to the classified service, per WAC 357-19-460, if the incumbent has been employed for at least an amount of time equal to the probationary period for the class; and
- If the incumbent has not been employed that long, the employee must serve a probationary period. The employer may count the time spent in the position prior to conversion towards the probationary period.
- (5) Upon the director conferring permanent status to an employee under remedial action provisions.

**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 357-19-195 If a permanent employee in a classified position accepts an appointment to an exempt position, what is the employee's right to return to a position in the classified service?** A permanent employee who accepts an appointment to an exempt position has the right to return to classified service at any time as long as the employee was

not terminated from an exempt position for gross misconduct or malfeasance.

The employee's right is to a position in the highest class in which the employee previously held permanent status or to a position of similar nature and salary. A position in the highest class does not necessarily mean return to the most recent employer. The return right is to the most recent employer with which permanent status in the highest class was held.

If upon an employee being returned to a classified position there are fewer positions than there are employees entitled to such positions, the employer's layoff procedure applies.

#### NEW SECTION

**WAC 357-19-200 When must an employee apply to return to classified service from exempt service?** Employees exercising return rights should provide as much advance notice as is practicable to the receiving employer. The employee must apply to return to classified service within thirty (30) calendar days of:

- Separation from employment in the exempt position, or
- Separation from employment in any subsequent exempt position if there is no break in state service of more than thirty (30) calendar days between initial and subsequent exempt appointments.

Employees who apply for return to classified service within thirty (30) calendar days must be returned to a position at the time of separation from the exempt appointment or the time of application, whichever is later.

#### NEW SECTION

**WAC 357-19-205 Upon return from exempt service, how is the employee's salary set?** The employee's base salary must not be less than the employee's previous base salary in classified service, adjusted according to any changes to salary range that occurred while the employee was in exempt service.

#### NEW SECTION

**WAC 357-19-215 Does an employee who was hired directly into exempt service have any rights to a classified position or layoff list?** Exempt employees who did not leave the classified service specifically to take an exempt position do not have any rights under the civil service rules and are not eligible for placement on layoff lists in the general government transition pool.

#### NEW SECTION

**WAC 357-19-220 What happens to an employee whose classified service position is converted to an exempt position?** An employee who holds a classified service position that is exempted from civil service has the following rights:

- (1) If the employee has permanent status and is appointed to the exempt position or to another exempt position, the employee has the right to return to the classified ser-

vice at the conclusion of the exempt appointment as specified in WAC 357-19-195.

(2) If the employee has permanent status and is not appointed to the exempt position or another exempt position, the employee has the right to assume a position in the highest class previously held, or to a position of similar nature and salary. If upon an employee being returned to a classified position there are fewer positions than there are employees entitled to such positions, the employer's layoff procedure applies.

The employee may appeal the exemption of the position in accordance with chapter 357-52 WAC.

PROPOSED

#### NEW SECTION

**WAC 357-19-225 How is an incumbent, whose position is converted from exempt to classified, placed within classified service?** An incumbent whose position is converted from exempt to classified service may be placed within the classified service as follows:

(1) If the incumbent has been continuously employed for a period of time equivalent to or greater than the probationary period established for the classified position, the incumbent will have permanent status and does not serve a probationary period. If the incumbent has been employed for less than the duration of the probationary period, WAC 357-19-020 applies.

(2) The incumbent is not required to pass a qualifying examination.

(3) Salary is set in accordance with WAC 357-28-210.

(4) The incumbent is credited with unused accrued sick leave at the time of conversion and continues to accrue sick leave as provided in chapter 357-31 WAC (Leave and Holidays Chapter).

(5) The incumbent is credited with unused accrued vacation leave at the time of conversion and accrues vacation leave at the same rate as for classified employees as provided in chapter 357-31 WAC (Leave and Holidays Chapter).

(6) Seniority is established using the date of hire into the position that is being converted to classified service.

#### NEW SECTION

**WAC 357-19-230 What are the provisions for appointing participants of the police corps programs?** According to the terms and conditions of the federal police corps act, employers may appoint participants of the police corps program to positions in the classified service. Upon appointment, the civil service rules apply.

#### NEW SECTION

**WAC 357-19-235 What are in-training positions?** In-training positions are permanent positions for which the employer uses defined training steps to train employees to successfully perform the duties and responsibilities of the goal class. Each in-training position must have an in-training plan.

NEW SECTION

**WAC 357-19-240 What positions can be designated as in-training?** Employers may designate specific positions, groups of positions, or all positions in a class or an occupational category, as in-training positions. Unless other staffing methods have been exhausted, positions with primary responsibility for supervision should not be designated as in-training positions.

NEW SECTION

**WAC 357-19-245 What components must be included in an in-training plan?** The in-training plan must document:

- (1) The title of the goal class of the in-training plan.
- (2) The duties and responsibilities of the goal class.
- (3) The training steps and job classes that will be used to reach the goal class.
- (4) The training content for each step of the in-training plan. The training must include at least one of the following components:
  - On-the-job training (knowledge and skill developed through experience);
  - Classroom or field instruction;
  - Courses conducted by an educational institution, vocational school, or professional training organization; or
  - Written, oral, and/or practical examination(s).
- (5) The length of the training steps that are being used to reach the goal class.
- (6) The competencies that must be acquired by the employee while in training to the goal class.
- (7) The method(s) that will be used to determine if the employee has successfully completed the requirements of the in-training plan.

NEW SECTION

**WAC 357-19-250 During an in-training plan, when does an employee advance to the next training step?** The employee automatically advances to the next training step and job class after satisfactory completion of the training requirements of the lower step. After successful completion of all training steps, the employee moves to the goal class.

NEW SECTION

**WAC 357-19-255 How long must an employee be at each step in an in-training plan?** In-training plans must provide a minimum of six months at each step of the in-training plan before progressing to the next step.

NEW SECTION

**WAC 357-19-260 While an employee is in an in-training appointment, what class is used to determine the employee's salary, work period designation, performance evaluation?** For each in-training step, the training plan must identify the job class to which the employee's work is being allocated. The employee's salary, work period designation,

and performance evaluation must be based upon the allocated class of the in-training step.

NEW SECTION

**WAC 357-19-265 Must the employee serve a probationary or trial service period during an in-training appointment?** An employee who does not have permanent status must serve a probationary period when appointed to an in-training position. Once an employee has permanent status, the employee must serve a trial service period at each training step within the in-training plan. When an employee is still in a probationary or trial service period and is advanced to the next training step in the in-training plan, the original probationary or trial service period continues and the employee begins the trial service period of the next step. The original probationary or trial service period and the new trial service period run concurrently until the terms of the original probationary or trial service period are completed.

NEW SECTION

**WAC 357-19-270 Does time spent in a position before the in-training appointment count towards the in-training period?** Time spent in nonpermanent appointments in an in-training position before a permanent appointment to the in-training position is not usually counted towards the requirements of the in-training plan. If the employer determines that the work performed in the nonpermanent appointment and the competencies developed satisfy the training plan requirements, the employer may count the time.

The employer determines if time spent in a position before the position was designated as an in-training position counts towards the requirements of the in-training plan.

NEW SECTION

**WAC 357-19-280 If an employee transfers from one in-training position to another in-training position, how is the training period affected?** If an employee transfers from one in-training position to another in-training position, the terms of the in-training plan for the new position are in effect.

NEW SECTION

**WAC 357-19-285 What happens to an employee who fails to progress satisfactorily through an in-training plan?**

This table is used to determine what happens when an employee appointed to an in-training position fails to satisfactorily progress through the in-training plan.

	Type of In-Training Position:
	<p><b>Class/Occupational Category:</b> All positions in the occupational category/class series are designated as in-training positions by the employer</p> <p><b>Individual position:</b> The individual position is designated as an in-training position</p>

<b>Employee Status:</b>		
<b>Employee in Probationary Period</b>	⇒ The employee must be separated in accordance with WAC 357-46-185.	⇒ The employee must be separated in accordance with WAC 357-46-185.
<b>Employee in Trial Service Period</b>	<p><i>If the employee WAS PERMANENT before the in-training appointment:</i></p> <p>⇒ The employee has reversion rights in accordance with WAC 357-19-115 to the class the employee held permanent status in before the in-training appointment.</p> <p><i>If the employee was NOT PERMANENT before the in-training appointment:</i></p> <p>⇒ The employee must be dismissed under the provisions of WAC 357-40-020.</p>	⇒ The employee has reversion rights in accordance with WAC 357-19-115 to the class in which the employee was most recently permanent.
<b>Employee achieved permanent status in job class of the current in-training step but is failing to progress to the next step</b>	<p><i>If the employee WAS PERMANENT before the in-training appointment:</i></p> <p>⇒ The employee has reversion rights in accordance with WAC 357-19-115 to the class the employee held permanent status in before the in-training appointment.</p> <p><i>If the employee was NOT PERMANENT before the in-training appointment:</i></p> <p>⇒ The employee must be dismissed under the provisions of WAC 357-40-020.</p>	⇒ The employee is removed from the in-training position and has reversion rights in accordance with WAC 357-19-115 to a position, if available, in the class in which the employee currently holds permanent status.

**NEW SECTION**

**WAC 357-19-290 What are the provisions for appointments under the Intergovernmental Mobility Act (P.L. 91-648)?** The director may authorize appointments into the classified service from other governmental units for purposes of cross training or sharing of expertise across governmental boundaries, in accordance with the intent of the Intergovernmental Personnel Act (P. L. 91-648) and RCW 41.04-170. Appointments made under this section must be time-limited.

**NEW SECTION**

**WAC 357-19-295 What are cyclic year positions?** Cyclic year positions are positions within higher education institutions and related boards which are scheduled to work less than twelve full months each year, due to:

- Known, recurring periods in the annual cycle when the position is not needed; or

- Limited funding of the position.

Cyclic year positions are permanent positions and must be filled in accordance with the rules on recruitment, assessment, and certification as provided in chapter 357-16 WAC.

**NEW SECTION**

**WAC 357-19-297 What are the notification requirements for appointing an employee to a cyclic year position?** Upon appointment and before the start of each annual cycle, incumbents of cyclic year positions must be informed in writing of their scheduled periods of leave without pay in the ensuing annual cycle. Scheduled, cyclic leave without pay does not constitute a break in service and is not deducted from the employees' seniority and does not affect the employees' vacation leave accrual rate.

**NEW SECTION**

**WAC 357-19-305 What are project positions?** Project positions are classified positions established for purpose of a defined project for which the employer expects the work to be of a time-limited nature with a expected end date.

**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 357-19-310 How are project positions filled?** Project positions must be filled in accordance with the rules on recruitment, assessment, and certification as provided in chapter 357-16 WAC.

**NEW SECTION**

**WAC 357-19-315 What are the notification requirements for appointing an employee to a project position?** An employee appointed to a project position must be notified, in writing, of the status of the appointment and the expected ending date of their employment.

**NEW SECTION**

**WAC 357-19-320 Must an employee appointed to a project position serve a probationary period?** An employee who does not have permanent status in classified service must serve a probationary period when appointed to a project position. The employee gains permanent status upon completion of the probationary period.

**NEW SECTION**

**WAC 357-19-325 Must an employee with permanent status who is appointed to a project position serve a trial service period?** In accordance with WAC 357-19-025, a permanent employee must serve a trial service period upon promotional appointment to project position that is in a new class.

In accordance with WAC 357-19-030, a permanent employee who voluntarily transfers or voluntarily demotes to

a project position may be required by the employer to serve a trial service period.

#### NEW SECTION

**WAC 357-19-330 How much notice must employees give their current employers when accepting an appointment to a project position?** If a permanent employee wants to have return rights to the current employer, the employee must give fourteen (14) calendar days' notice to the current employer before moving to a project position. The employer and employee may agree to waive or shorten the notice period.

When the current employer receives the employee's notice, the employer must notify the employee in writing of his/her return right at the conclusion of the appointment to the project position.

#### NEW SECTION

**WAC 357-19-340 What return rights must an employer provide to a permanent employee who accepts an appointment to a project position?** At a minimum, an employer must provide a permanent employee who left a permanent position to accept an appointment to a project position access to the employer's internal layoff list. If the employer agrees to return the employee to a position, the employee must provide fifteen (15) calendar days' notice to the employer of his/her intent to return to a permanent position unless the employee and employer agree otherwise. Upon return to a permanent position, the employee's salary is determined by the employer's salary determination policy.

#### NEW SECTION

**WAC 357-19-345 What happens to employees in project positions at the conclusion of the project?** At the conclusion of an appointment to a project position, the layoff provisions of chapter 357-52 WAC apply. In addition to the layoff rights provided by chapter 357-52 WAC, a permanent status employee who left a permanent position to accept appointment to a project position without a break in service has the additional rights provided by WAC 357-19-340.

#### NEW SECTION

**WAC 357-19-360 For what reasons may a general government employer make nonpermanent appointments?** A general government employer may fill a position with a nonpermanent appointment when any of the following conditions exist:

- (1) A permanent employee is absent from the position;
- (2) The agency is recruiting to fill a vacant position with a permanent appointment;
- (3) The agency needs to address a short-term immediate workload peak or other short-term needs;
- (4) The agency is not filling a position with a permanent appointment due to the impending or actual layoff of a permanent employee(s); or
- (5) The nature of the work is sporadic and does not fit a particular pattern.

#### NEW SECTION

**WAC 357-19-365 When is it inappropriate for a general government employer to fill a position with a nonpermanent appointment to address a short-term immediate workload peak or other short term needs?** General government employers must not fill a position with a nonpermanent appointment under the provisions of WAC 357-19-360(3) when the work of the position is scheduled, ongoing and permanent in nature. If at any time during a nonpermanent appointment, a short-term workload peak or other short term need becomes ongoing and permanent in nature, the employer must take action to fill the position on a permanent basis.

#### NEW SECTION

**WAC 357-19-370 How long can a general government nonpermanent appointment last?** (1) Agencies are encouraged to limit the duration of a nonpermanent appointment to twelve months from the appointment date.

(2) A nonpermanent appointment for a reason specified in WAC 357-19-360 (1) through (4) must not exceed twenty-four (24) months unless the director has approved an extension of the appointment due to the continued absence of a permanent employee. An employer may choose to not count time spent in formal training programs towards the twenty-four month limit. On-the-job training is not considered a formal training program for purposes of this rule.

#### NEW SECTION

**WAC 357-19-373 What notification must a general government employer give a nonpermanent appointee?** (1) Upon appointment, all nonpermanent appointees must be notified in writing of the conditions of their appointment and/or upon any subsequent change to the conditions of their appointment.

(2) The written notification must at a minimum contain the following information:

- (a) The reason for the nonpermanent appointment in accordance with WAC 357-19-360;
- (b) The hours of work and the base salary;
- (c) The anticipated short-term duration or sporadic nature of the appointment;
- (d) A statement regarding the receipt or nonreceipt of benefits. If the employee is to receive benefits, the statement shall include which benefits are to be received; and
- (e) The right to request remedial action as provided in WAC 357-19-420.

#### NEW SECTION

**WAC 357-19-375 Can an employee receive consecutive general government nonpermanent appointments?** Individuals may receive consecutive nonpermanent appointments as long as any subsequent appointment is to a different position.

**NEW SECTION**

**WAC 357-19-377 What provisions apply to general government nonpermanent appointments?** General government nonpermanent appointments are subject to the following provisions:

(1) Nonpermanent appointees must meet the skill/competency requirements of the position to which they are appointed.

(2) Nonpermanent appointments may be filled on a non-competitive basis which means the employer is not required to comply with the rules on recruitment, assessment, and certification as provided in chapter 357-16 WAC.

(3) Nonpermanent appointments may be filled using the competitive process specified in chapter 357-16 WAC as long as the eligible applicant indicates a willingness to accept a nonpermanent appointment.

(4) Agencies may underfill a position with a nonpermanent appointment.

**NEW SECTION**

**WAC 357-19-380 What provisions of the civil service rules apply to nonpermanent employees?** The leave and holiday provisions of chapter 357-31 WAC and compensation provisions of chapter 357-28 apply to employees in nonpermanent appointments.

**NEW SECTION**

**WAC 357-19-385 Can a permanent employee accept a nonpermanent appointment?** A permanent employee may accept a general government nonpermanent appointment.

**NEW SECTION**

**WAC 357-19-388 What notices must employees and their employers provide each other when an employee accepts a nonpermanent appointment?** Employees who accept a nonpermanent appointment must give their current employers at least fourteen (14) calendar days' notice before moving to a nonpermanent appointment. The agency and employee may agree to waive or shorten the notice period.

When the current employer receives the employee's notice, the employee's permanent agency must notify the employee in writing of his/her return right to the agency at the conclusion of the nonpermanent appointment.

**NEW SECTION**

**WAC 357-19-395 What return rights must an agency provide to a permanent employee who accepts a nonpermanent appointment?** At a minimum, the agency must provide the permanent employee access to the agency's internal layoff list. If the agency agrees to return the employee to a position, the employee must notify the agency of his/her intent to return to a permanent position at least fourteen (14) calendar days in advance of return unless the employee and agency agree otherwise. Upon return to a permanent posi-

tion, the employee's salary must be determined by the employer's salary determination policy.

**NEW SECTION**

**WAC 357-19-400 Can the agency convert a general government nonpermanent appointment to a probationary or trial service appointment?** When an agency uses a competitive process to make a nonpermanent appointment to fill a position in the absence of a permanent employee or fill a position nonpermanently due to the impending or actual layoff of a permanent employee(s), the agency may change the status of the appointment to probationary or trial service if:

- the permanent employee does not return to the position or the layoff action has been implemented; and
- the agency needs to fill the position permanently.

The agency may change the appointment status to trial service only if the employee held permanent status prior to accepting a nonpermanent appointment.

At the discretion of the appointing authority, time spent in the nonpermanent appointment may count towards the probationary or trial service period for the permanent position.

**NEW SECTION**

**WAC 357-19-410 How much notice must an employer give for ending a nonpermanent appointment?** The end date of a nonpermanent appointment may be set in the appointment letter. If the end date is not set in the appointment letter, the employer must give written notice of the termination date of the nonpermanent appointment. If the employee is a permanent state employee, the employer must provide at least fifteen (15) calendar days' notice. If the employee is not a permanent state employee, the employer must give one (1) work day's notice.

A nonpermanent appointment may be terminated immediately with pay in lieu of the one (1) work day of notice required for nonpermanent employees or the fifteen (15) calendar days' notice required for permanent employees.

**NEW SECTION**

**WAC 357-19-420 What are the appeal rights of general government nonpermanent employees?** Employees without permanent status appointed to general government nonpermanent appointments have no appeal rights with the exception of remedial action as provided in WAC 357-19-430.

**NEW SECTION**

**WAC 357-19-425 How does a general government nonpermanent employee request remedial action?** Requests for remedial action by nonpermanent employees must be received in writing within thirty (30) days as provided in chapter 357-49 WAC. Following a director's review of the remedial action request, an employee may file exceptions to the director's decision in accordance with chapter 357-52 WAC.

**NEW SECTION**

**WAC 357-19-430 When may the director take remedial action for general government nonpermanent employees and what does remedial action include?** The director may take remedial action to confer permanent status, set base salary, and establish seniority when it is determined that the following conditions exist:

- The employer has made an appointment that does not comply with rules on nonpermanent appointment; or
- The duration of a nonpermanent appointment as defined in WAC 357-19-360 (1) through (4) has exceeded twenty-four months without director approval.

**NEW SECTION**

**WAC 357-19-455 What is reemployment?** Reemployment is the appointment of a former permanent employee to a position in a class with similar or the same job duties as the class in which the employee previously held permanent status.

**NEW SECTION**

**WAC 357-19-460 Is certification required to reemploy a former permanent status employee?** Employers may directly reemploy without certification former permanent status employees who have submitted an application for employment as long as:

- The employer's internal layoff list or statewide lay-off list for the class has no eligible candidates; and
- The former employee satisfies the competencies and other requirements of the position to which the employee is being reemployed.

Upon reemployment, the employee must serve a probationary period unless the employer determines otherwise.

**NEW SECTION**

**WAC 357-19-465 Must employers provide reemployment services to employees separated due to disability under the provisions of WAC 357-46-160?** Employers must provide special reemployment assistance to separated former permanent status classified employees of the employer or two years following separation due to disability under the provisions of WAC 357-46-160.

**NEW SECTION**

**WAC 357-19-470 What reemployment services does the employer provide to an individual seeking reemployment under the provisions of WAC 357-19-465?** The employer will provide assistance, such as the following, to the individual seeking reemployment:

- Determination of job classes and/or positions for which the former employee is qualified;
- Assistance regarding the employment/application process;

- Reemployment consideration in accordance with the employer's certification procedure for positions for which the individual meets the competency and other position requirements.
- Access to training programs relevant to the job classes for which the former employee may become qualified.

**NEW SECTION**

**WAC 357-19-475 To be eligible for reemployment following disability separation under WAC 357-19-465 what must the employee do?** To be eligible for reemployment the former employee must:

(1) Complete and submit an application(s) for reemployment to the employer.

(2) Meet the competencies and other requirements of the class and/or position for which applying.

(3) Submit to the appointing authority a statement from a licensed health care provider affirming the former employee's fitness to return to work and specifying any work restrictions due to a physical, sensory, or mental disability of the individual.

(a) If the licensed health care provider's statement provides inadequate information, the former employee will obtain the necessary clarification from the licensed health care provider or provide a release to the personnel officer/appointing authority to communicate directly with the licensed health care provider regarding the disabling condition as it relates to employment. Such information will be obtained at the former employee's expense.

(b) The employer may require that the former employee be examined by a licensed health care provider of the employer's choice at the employer's expense.

**NEW SECTION**

**WAC 357-19-480 Will employees returning from separation under WAC 357-19-465 serve a probationary period?** Former permanent status employees returning from separation due to disability as set forth in WAC 356-19-465 must serve a probationary period unless the employer determines otherwise. Upon successful completion of the probationary period, the time between separation and reemployment will be treated as leave without pay and must not be considered a break in service.

**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 357-19-505 What is the purpose of the return-to-work initiative program?** The purpose of the program is to assist eligible general government permanent employees to return to work following an industrial injury. Eligibility requirements are specified in WAC 357-19-515.

**NEW SECTION**

**WAC 357-19-510 Who is responsible for administering the return-to-work initiative program?** The department is responsible for administering the general government return-to-work initiative program. The director must develop and implement appropriate operating procedures to facilitate this program.

**NEW SECTION**

**WAC 357-19-515 Who is eligible to participate in the return-to-work initiative program?** The return-to-work initiative program applies to general government permanent employees who have been separated due to disability or are at risk of separation due to disability because of an accepted industrial injury condition. They must also meet the following criteria to participate in the program:

(1) The employee must be a former permanent employee or a current employee of an employer who participates in the program;

(2) The employer must approve the participation of the employee to be in the program;

(3) The employee must be permanently unable to return to the job of injury due to the effects of the industrial injury; however, the employee must be capable of returning to some form of gainful employment;

(4) The employee must have an open industrial insurance claim for which the employee is receiving current time loss compensation benefits; and

(5) The department must be able to secure authorization from the department of labor and industries to bill return-to-work services against the industrial insurance claim.

**NEW SECTION**

**WAC 357-19-525 What are the employer's responsibilities for return-to-work?** Each employer must:

(1) Adopt a written return-to-work policy and submit a copy to the department.

(2) Designate an employer representative to be responsible for coordinating the employer's return-to-work program.

(3) Provide information on the employer's return-to-work policy to employees.

(4) Provide training of appropriate supervisors on implementation of the employer return-to-work policy, including but not limited to assessment of the appropriateness of the return-to-work job for the employee; general knowledge of available return-to-work options, resources available; and awareness that the return-to-work program expects cooperation and participation by all employers.

(5) Coordinate participation of applicable employee assistance programs, as appropriate.

(6) If possible, provide time-limited opportunities to employees who are in the return-to-work program.

**NEW SECTION**

**WAC 357-19-530 Who is eligible to participate in the employer's return-to-work program?** Employees are eligi-

ble to participate in the return-to-work employer's program under the following conditions:

(1) The employee is a permanent employee.

(2) The employee is receiving compensation under RCW 51.32.090.

(3) The employee has a temporary disability which makes him/her temporarily unable to return to his or her previous work, but who is capable of carrying out work of a lighter or modified nature as evidenced by a written statement from a physician or licensed mental health professional.

**NEW SECTION**

**WAC 357-19-535 Are an employee's return-to-work opportunities limited to the agency or institution which was the employer at the time of the qualifying injury?** Permanent state employees who are receiving compensation under RCW 51.32.090 for a temporary disability are eligible to participate in agency or institution return-to-work programs statewide when appropriate job classifications are not available with the employer that was the appointing authority at the time of qualifying injury. Employers must coordinate and cooperate with one another to provide return-to-work opportunities on a statewide basis.

**WSR 04-13-033****PROPOSED RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Filed June 9, 2004, 1:57 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-09-077.

Title of Rule and Other Identifying Information: Commercial sea urchin and sea cucumber fisheries and catch reporting.

Hearing Location(s): Embassy Suites Hotel, 20610 44th Avenue West, Lynnwood, WA, on August 6-7, 2004, begins at 8:00 a.m., August 6.

Date of Intended Adoption: August 6, 2004.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail [jacobesj@dfw.wa.gov](mailto:jacobesj@dfw.wa.gov), fax (360) 902-2155, by August 4, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 26, 2004, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: There are two housekeeping changes: A telephone contact number correction and identification of a geographical location by the location longitude. Additionally there is a reporting change to define sea cucumber landings as either whole cucumbers or split cucumbers. This will allow managers to accurately determine the amount of sea cucumbers removed from the resource.

Reasons Supporting Proposal: Clarification and better achievement of management objectives.

**Statutory Authority for Adoption:** RCW 77.12.047.

**Statute Being Implemented:** RCW 77.12.047.

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

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, (360) 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, WA, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, WA, (360) 902-2373.

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: Changes the phone number for instances of rapid reporting requirements and requires buyers of sea cucumbers to make additional entries on the fish ticket regarding the whole or split nature of the landing.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None required.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: Some fishers may have to purchase a global position system machine at a minimum cost of approximately \$125. This is a very liberal estimate as the fleet is likely already equipped with such navigation equipment.

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.

No costs for compliance are anticipated.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: The agency has worked with the industry to develop these rules and the industry is supportive of these proposed actions.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The agency has already worked with the industry on these proposals. In addition, the rules will be considered under the Fish and Wildlife Commission auspices and their public rule adoption process.

8. A List of Industries That Will Be Required to Comply with the Rule: The sea urchin and sea cucumber commercial dive fishers and the wholesale fish buyers who purchase their landings will be required to comply with the rules.

A copy of the statement may be obtained by contacting Evan Jacoby, 600 Capitol Way, Olympia, WA 98501-1091,

phone (360) 902-2930, fax (360) 902-2155, e-mail jacobej@dfw.wa.gov.

June 9, 2004

Evan Jacoby

Rules Coordinator

#### AMENDATORY SECTION (Amending Order 02-186, filed 8/9/02, effective 9/9/02)

**WAC 220-52-073 Sea urchins.** It is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section.

(1) **Sea urchin districts:**

(a) Sea Urchin District 1 (Northern San Juan Islands) is defined as Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, and those waters of Area 22A north of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and west of a line projected true north from Limestone Point on San Juan Island.

(b) Sea Urchin District 2 (Southern San Juan Islands and Port Townsend) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and east of a line projected true north from Limestone Point on San Juan Island and Areas 21A, 21B, 22B, 23A, 23B, 25A and 25B. The following areas within Sea Urchin District 2 are closed to the harvest of sea urchins at all times:

(i) Those waters of Haro Strait north of a line projected due west from the southernmost point of Cattle Point on San Juan Island to the international border and south of a line projected due west from a point one-quarter mile north of Lime Kiln Light on San Juan Island to the international border.

(ii) Those waters of San Juan Channel and Upright Channel within the following lines: South of a line projected from Flat Point on Lopez Island true west to Shaw Island; west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island; south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island north of a line from Flat Point on Lopez Island to the northernmost point of Turn Island and thence projected true west to San Juan Island.

(c) Sea Urchin District 3 (Port Angeles) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C east of a line projected true north from Low Point, along 123°49'30" W. longitude, and Area 23D.

(d) Sea Urchin District 4 (Sekiu) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C west of a line projected true north from Low Point, along 123°49'30" W. longitude, and those waters of Area 29 east of a line projected true north from the mouth of Rasmussen Creek (3.1 miles southeast of Sail Rock).

(e) Sea Urchin District 5 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 29 west of a line projected true north from the mouth of Rasmussen Creek (3.1 miles southeast of Sail Rock) and Areas 59A and 59B. Within Sea Urchin District 5, waters within one-quarter mile of Tatoosh Island are closed to the harvest of sea urchins at all times.

(f) Sea Urchin District 6 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D and 26A.

(g) Sea Urchin District 7 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26B, 26C, 26D and 28A. The following areas within Sea Urchin District 7 are closed to the harvest of sea urchins at all times.

(i) Those waters of Eagle Harbor west of a line projected from Wing Point to Eagle Harbor Creosote Light Number 1, then projected due west to the shore on Bainbridge Island.

(ii) The waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner to landfall directly below the Veteran's Home in Annapolis.

**(2) Sea urchin seasons and sizes:**

Sea urchin seasons and sizes will be set by emergency rule.

**(3) Shellfish diver gear:**

(a) It is unlawful to take sea urchins by any means other than shellfish diver gear.

(b) Divers may only use hand-operated equipment that does not penetrate the shell.

(c) Sea urchins may not be taken from water shallower than 10 feet below mean lower low water.

(d) Purple sea urchins may not be taken.

(e) Divers operating from a vessel must have a number assigned by the department, placed on both sides and the top of the vessel in such a manner that the number is clearly visible when the vessel is viewed from either side or from the air and the number must be black on white no less than 18 inches high and of proportionate width.

(f) Divers may not take sea urchins from one-half hour after sunset to one-half hour before sunrise.

(g) No processing of sea urchins is permitted aboard the harvest vessel.

(h) Divers may not take sea urchins for use other than as human food.

(i) Only one diver from each harvesting vessel is allowed in the water at any one time during the sea urchin harvesting operation or when commercial quantities of sea urchins are aboard except that two divers may be in the water if the vessel has been designated on two sea urchin dive fishery licenses.

(j) Variance from any of the provisions of this subsection is only allowed if authorized by a permit issued by the director.

(k) Licensing: A sea urchin dive fishery license is the license required to operate the gear provided for in this section.

**AMENDATORY SECTION** (Amending Order 03-188, filed 8/8/03, effective 9/8/03)

**WAC 220-69-240 Duties of commercial purchasers and receivers.** (1) Every person originally receiving or purchasing fresh or iced food fish or shellfish or parts thereof, or frozen food fish or shellfish or parts thereof that have not been previously landed in another state, territory, or country from fishers, firms, or individuals, except purchases or receipts made by individuals or consumers at retail, is required to be a licensed wholesale fish dealer or fish buyer,

and must immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket regarding each and every purchase or receipt of such commodities. Except, preparation of a fish receiving ticket is not required for fish or shellfish purchased from a fisher who holds either a wholesale dealer's license or a direct retail endorsement and who has previously completed a fish receiving ticket because product was offered for sale to someone other than a licensed wholesale dealer. Purchases from such persons by wholesale fish dealers must be documented by sales receipts or invoices, and the product received must be maintained separately until the product is resold or processed.

(2) Any employee of a licensed wholesale dealer who has authorization to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its branch plant locations shall be authorized to initiate and sign fish receiving tickets on behalf of his employer. The business or firm shall be responsible for the accuracy and legibility of all such documents initiated in its name. Each delivery must be recorded on a separate state of Washington fish receiving ticket.

(3) State of Washington fish receiving tickets are required for:

(a) Fresh food fish and shellfish landed in the state of Washington including fish or shellfish not purchased, which fish shall be recorded as weigh back or take home fish or shellfish.

(b) Fresh food fish and shellfish previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

(c) Frozen food fish or shellfish not previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

(4) State of Washington fish receiving tickets are not required for:

(a) Purchases or receipts from any person possessing a valid Washington wholesale dealer's license or direct retail endorsement except that a wholesale dealer purchasing fish from a commercial fisher shall complete the appropriate fish receiving ticket if the fisher has not previously completed a fish receiving ticket. It is the purchaser's responsibility to obtain the name, address, and Washington wholesale dealer's license or direct retail endorsement number, together with such sales receipt documents or information as may be required, to show the deliverer's name, quantity of fish, and date of the transaction and retain these with the food fish or shellfish.

(b) Fresh or frozen food fish or shellfish that are in transit through the state of Washington, if no storage, handling, processing, or repackaging occurs within the state.

(c) Private sector cultured aquatic products.

(d) Processed fish or shellfish.

(5) Fishers, fisher-wholesalers, and wholesalers shall determine the weight of baitfish contained in an average and normal brail and multiply the number of such brailers of baitfish by this weight factor and report such baitfish in both dozens and total weight: Provided, That it is lawful for such fishers, fisher-wholesalers, and wholesalers, when receiving herring, candlefish, anchovy, or pilchards for bait purposes, to delay completing that portion of the fish receiving ticket

which indicates number of herring received, only if the herring, candlefish, anchovy, or pilchards are sold individually or counted as dozens. Such counts must be entered on the fish tickets immediately. An estimate of herring, candlefish, anchovy, or pilchards caught but not sold due to mortality must be included on the fish ticket as "loss estimate."

(6) It is lawful for an original receiver, when receiving purse seine-caught herring taken from Areas 20A, 20B, 21A, and 21B during the period April 16 through May 31, to delay completing that portion of the fish receiving ticket which indicates the weight of herring received only until the herring are off-loaded from the original receiver's vessel. The herring must then be weighed and the weight immediately entered in the appropriate space on the ticket. A separate state of Washington fish receiving ticket must be initiated at the time of each individual receipt of herring from the purse seine catching vessel.

(7) The original receiver of herring taken from Puget Sound Marine Fish-Shellfish Catch Areas 20A, 20B, 21A, and 21B, during the period April 16 through May 31 must report each calendar day's receipts by noon of the following day to the Department of Fish and Wildlife, LaConner, Washington; telephone 360-466-4345 ext. 243.

(8) It is unlawful for any person receiving or purchasing geoducks from fishers, firms, or individuals, regardless of whether or not the purchaser or receiver holds a license as required under Title 77 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual landing of geoducks from the harvesting vessel onto the shore. This fish receiving ticket shall accompany the harvested geoducks from the department of natural resources harvest tract to the point of landing.

(9) It is unlawful for the original receiver of Pacific whiting to fail to enter an estimated weight of Pacific whiting on the fish receiving ticket immediately upon completion of the landing. The exact weights of whiting, by grade, and all incidental species in the landing must be entered on the fish receiving ticket within twenty-four hours of the landing.

(10) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by pot gear to fail to report to the department the previous week's purchases by 10:00 a.m. the following Monday. For harvest in Crustacean Management Regions 1 or 2, reports must be made to the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the Point Whitney Shellfish Laboratory by voice 1-866-859-8439, extension 600, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous week's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area (Catch Area), and species listed on each ticket. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.

(a) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 23A, shall record either 23A-E, 23A-W or 23A-S on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(b) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26A, shall record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(c) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26B, shall record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(d) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Areas 20B, 21A, and 22A, shall record either 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(11) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by trawl gear to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. For harvest in Crustacean Management Region 1, reports must be made to the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Region 3, reports must be made to the Point Whitney Shellfish Laboratory by voice 1-866-859-8439, extension 600, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous day's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species listed on each ticket. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.

(12) It is unlawful for any wholesale dealer acting in the capacity of an original receiver of Dungeness crab taken by nontreaty fishers from Puget Sound to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. Reports must be made to the Point Whitney Shellfish Laboratory by facsimile 360-586-8408 or by telephone number 1-866-859-8439 extension 500 and must specify the dealer name, dealer phone number, and total number of pounds of crab caught by nontreaty fishers by Crustacean Management Region. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.

(13) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket immediately upon receipt of any portion of a commercial catch. Should the unloading of a catch take more than one day, the date that the unloading is completed shall be entered on the fish receiving ticket as the date of landing. If, for any purpose, the vessel leaves the unloading site, the original receiver must immediately enter the current date on the fish receiving ticket.

(14) During any fishery opening designated by rule as "quick reporting required," it is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report a summary of all purchases of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement holder to fail to report a summary of all salmon offered for retail sale on the previous calendar day. The summary must include dealer name and purchasing location, date of purchase, list of fish ticket numbers used on the purchasing

date, and the following summary catch data for each species purchased: Gear, catch area, species, number and total weight of fish. When quick reporting is required, it is unlawful to fail to comply with the following reporting requirements:

(a) Puget Sound summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-902-2949
- (ii) E-mail to psfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1279

(b) Coastal troll summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-902-2949
- (ii) E-mail to trollfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1279

(c) Grays Harbor and Willapa Bay summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-664-0689
- (ii) E-mail to harborfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1280

(d) Columbia River summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-906-6776 or 360-906-6777
- (ii) E-mail to crfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1281

(15) It is unlawful for any wholesale dealer acting in the capacity of an original receiver and receiving sea urchins or sea cucumbers from nontreaty fishers to fail to report to the department each day's purchases by 10:00 a.m. the following day. For red sea urchins the report must specify the number of pounds received from each sea urchin district. For green sea urchins and sea cucumbers the report must specify the number of pounds received from each Marine Fish-Shellfish Management and Catch Reporting Area. For sea cucumbers the report must specify whether the landings were "whole-live" or "split-drained." The report must be made by facsimile (fax) transmission to 360-902-2943 or by toll-free telephone to 866-207-8223((, extension 866)). Additionally, it is unlawful for the original receiver of red sea urchins to fail to record on the fish receiving ticket the sea urchin district where the red sea urchins were taken, and it is unlawful for the original receiver of any sea urchins to fail to record on the fish receiving ticket the name of the port of landing where the sea urchins were landed ashore. Additionally, it is unlawful for the original receiver of sea cucumbers to fail to record on the fish receiving ticket whether the sea cucumbers were delivered "whole-live" or "split-drained."

(16) It is unlawful for any original receiver of crab to fail to record all crab aboard the vessel making the delivery to the original receiver. The poundage of any crab deemed to be unmarketable, discards, or weigh backs must be shown on the fish receiving ticket, but a zero dollar value may be entered for such crab.

(17) It is unlawful for any original receiver of spot shrimp taken from Marine Fish Management and Catch Reporting Area 60A-1 to fail to record separately on the fish receiving ticket spot shrimp taken north or south of 47°04.00' north latitude.

## WSR 04-13-036

### PROPOSED RULES

### DEPARTMENT OF RETIREMENT SYSTEMS

[Filed June 9, 2004, 4:43 p.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 03-07-062.

Title of Rule and Other Identifying Information: WAC 415-108-990 May I waive my Plan 3 one percent retirement benefit?, 415-110-817 May I waive my Pan 3 one percent retirement benefit?, and 415-112-150 May I waive my Plan 3 one percent retirement benefit?

Hearing Location(s): Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on July 27, 2004, at 10:00 a.m.

Date of Intended Adoption: No sooner than July 28, 2004.

Submit Written Comments to: Leslie L. Saeger, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail [leslies@drs.wa.gov](mailto:leslies@drs.wa.gov), fax (360) 753-3166, by 5:00 p.m. on July 27, 2004.

Assistance for Persons with Disabilities: Contact Leslie Saeger by seven days before the date of the hearing, TDD (360) 664-7291, TTY (360) 586-5450.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules implement 2003 HB 2286, which gives members of the public employees retirement system (PERS) Plan 3, school employees' retirement system (SERS) Plan 3, and teachers' retirement system (TRS) Plan 3, the right to irrevocably waive their 1% defined benefit. A member may choose to waive this benefit in order to qualify to purchase service credit from another state retirement system.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule outlines the eligibility requirements, process, and reason for a member of PERS, SERS and TRS Plan 3 to waive their Plan 3 1% defined benefit; and the ramifications of doing so.

Reasons Supporting Proposal: 2003 HB 2286.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.32.837 (TRS), 41.35.612 (SERS), 41.40.787 (PERS).

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

Name of Proponent: Department of Retirement Systems, governmental.

Name of Agency Personnel Responsible for Drafting: Leslie Saeger, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Dorothy Bailey, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7069.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules have no effect on businesses.

RCW does not apply to this rule adoption. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

June 7, 2004  
Leslie Saeger  
Rules Coordinator

#### PROPOSED NEW SECTION

**WAC 415-108-990 May I waive my Plan 3 one percent retirement benefit?** (1) **Why would I want to waive my Plan 3 one percent retirement benefit?** Some state retirement systems have provisions that allow members to purchase service credit earned elsewhere. If you are employed by one of these states and wish to purchase service credit for time worked in Washington, you may be required by that state to show proof that you have waived all of your rights to retirement benefits from Washington as a condition for purchasing the service credit.

(2) **Do I qualify to waive my Plan 3 one percent retirement benefit?** You may irrevocably waive your Plan 3 one percent retirement benefit if:

- (a) You are separated from all Plan 3 eligible employment;
- (b) You withdrew your funds in your Plan 3 member account or are receiving distributions from your Plan 3 member account;
- (c) Your spouse consents to the waiver if you are married;
- (d) There is not a court order or administrative order that affects your right to waive your benefits; and
- (e) You have not received, or are not receiving, a defined benefit payment.

(3) **How do I waive my one percent retirement benefit?** You may waive your right to this benefit by submitting a properly completed form, available through the department. The date of the waiver will be the date the department receives your form.

(4) **Will I get service credit for eligible time if it is discovered after I sign a waiver?** If periods of employment, prior to or within the waived time period, are discovered after you sign a waiver, you will not be credited for the service. However, your employer will be billed for employer contributions for any such period.

(5) **May I retract or withdraw my waiver in the future?** No. You irrevocably give up all rights to any retirement benefits when you submit your signed waiver.

(6) **What are my retirement options if I return to work in a (PERS/SERS/TRS) eligible position?** You will be a member of Plan 3 and will begin accumulating service credit from your new date of hire. You will not be entitled to purchase back any of the Plan 3 service credit you waived.

#### NEW SECTION

**WAC 415-110-817 May I waive my Plan 3 one percent retirement benefit?** (1) **Why would I want to waive my Plan 3 one percent retirement benefit?** Some state retirement systems have provisions that allow members to purchase service credit earned elsewhere. If you are

employed by one of these states and wish to purchase service credit for time worked in Washington, you may be required by that state to show proof that you have waived all of your rights to retirement benefits from Washington as a condition for purchasing the service credit.

(2) **Do I qualify to waive my Plan 3 one percent retirement benefit?** You may irrevocably waive your Plan 3 one percent retirement benefit if:

- (a) You are separated from all Plan 3 eligible employment;
- (b) You withdrew your funds in your Plan 3 member account or are receiving distributions from your Plan 3 member account;
- (c) Your spouse consents to the waiver if you are married;
- (d) There is not a court order or administrative order that affects your right to waive your benefits; and
- (e) You have not received, or are not receiving, a defined benefit payment.

(3) **How do I waive my one percent retirement benefit?** You may waive your right to this benefit by submitting a properly completed form, available through the department. The date of the waiver will be the date the department receives your form.

(4) **Will I get service credit for eligible time if it is discovered after I sign a waiver?** If periods of employment, prior to or within the waived time period, are discovered after you sign a waiver, you will not be credited for the service. However, your employer will be billed for employer contributions for any such period.

(5) **May I retract or withdraw my waiver in the future?** No. You irrevocably give up all rights to any retirement benefits when you submit your signed waiver.

(6) **What are my retirement options if I return to work in a (PERS/SERS/TRS) eligible position?** You will be a member of Plan 3 and will begin accumulating service credit from your new date of hire. You will not be entitled to purchase back any of the Plan 3 service credit you waived.

#### NEW SECTION

**WAC 415-112-150 May I waive my Plan 3 one percent retirement benefit?** (1) **Why would I want to waive my Plan 3 one percent retirement benefit?** Some state retirement systems have provisions that allow members to purchase service credit earned elsewhere. If you are employed by one of these states and wish to purchase service credit for time worked in Washington, you may be required by that state to show proof that you have waived all of your rights to retirement benefits from Washington as a condition for purchasing the service credit.

(2) **Do I qualify to waive my Plan 3 one percent retirement benefit?** You may irrevocably waive your Plan 3 one percent retirement benefit if:

- (a) You are separated from all Plan 3 eligible employment;
- (b) You withdrew your funds in your Plan 3 member account or are receiving distributions from your Plan 3 member account;

- (c) Your spouse consents to the waiver if you are married;
- (d) There is not a court order or administrative order that affects your right to waive your benefits; and
- (e) You have not received, or are not receiving, a defined benefit payment.

**(3) How do I waive my one percent retirement benefit?** You may waive your right to this benefit by submitting a properly completed form, available through the department. The date of the waiver will be the date the department receives your form.

**(4) Will I get service credit for eligible time if it is discovered after I sign a waiver?** If periods of employment, prior to or within the waived time period, are discovered after you sign a waiver, you will not be credited for the service. However, your employer will be billed for employer contributions for any such period.

**(5) May I retract or withdraw my waiver in the future?** No. You irrevocably give up all rights to any retirement benefits when you submit your signed waiver.

**(6) What are my retirement options if I return to work in a (PERS/SERS/TRS) eligible position?** You will be a member of Plan 3 and will begin accumulating service credit from your new date of hire. You will not be entitled to purchase back any of the Plan 3 service credit you waived.

permit requirement. Both sections of this rule can be enforced using other laws and rules, and the rule appears to be a premerger artifact.

**Reasons Supporting Proposal:** Repeal of confusing and unnecessary rule.

**Statutory Authority for Adoption:** RCW 77.12.047.

**Statute Being Implemented:** RCW 77.12.047.

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

**Name of Proponent:** Washington Department of Fish and Wildlife, governmental.

**Name of Agency Personnel Responsible for Drafting:** Evan Jacoby, 1111 Washington Street, Olympia, WA, (360) 902-2930; **Implementation:** Phil Anderson, 1111 Washington Street, Olympia, WA, (360) 902-2720; and **Enforcement:** Bruce Bjork, 1111 Washington Street, Olympia, WA, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule repeal will have no impact on small businesses. The rule being repealed affects possession and utilization of wildlife taken on Indian reservations, and has no effect on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

June 10, 2004

Evan Jacoby

Rules Coordinator

PROPOSED

**WSR 04-13-038  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed June 10, 2004, 10:51 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-10-080.

**Title of Rule and Other Identifying Information:** Repeal of wildlife taken on reservation rule.

**Hearing Location(s):** Embassy Suites Hotel, 20610 44th Avenue West, Lynnwood, WA, on August 6-7, 2004, begins at 8:00 a.m., August 6.

**Date of Intended Adoption:** August 6, 2004.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail [jacobesj@dfw.wa.gov](mailto:jacobesj@dfw.wa.gov), fax (360) 902-2155, by August 4, 2004.

**Assistance for Persons with Disabilities:** Contact Susan Yeager by July 26, 2004, TTY (360) 902-2207 or (360) 902-2267.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** This rule has two components: Utilization of lawfully taken wildlife by tribal members and a permit requirement to remove wildlife from a reservation. The first part of the rule is inconsistent with other rules that allow commercialization of nonedible portions of game animals (horns, hides, etc.). The permit requirement is inconsistent with commission action that has adopted on-reservation upland game seasons to be the state season, since no other state season has a separate possession

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 232-12-224**

Possession of wildlife off an Indian reservation legally possessed on reservation.  
(Order 165)

**WSR 04-13-040  
PROPOSED RULES  
WASHINGTON STATE PATROL**

[Filed June 10, 2004, 11:54 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-10-054.

**Title of Rule and Other Identifying Information:** Chapter 204-91A WAC, Towing businesses.

**Hearing Location(s):** Washington State Patrol, General Administration Building, Room G-3, 210 11th Avenue S.W., Olympia, WA 98504, on July 27, 2004, at 10:00 a.m.

**Date of Intended Adoption:** August 4, 2004.

Submit Written Comments to: Ms. Christine Fox, Equipment and Standards Review Unit, P.O. Box 42614, Olympia, WA 98504, fax (360) 586-3697, by July 27, 2004.

**Assistance for Persons with Disabilities:** Contact Ms. Christine Fox by July 26, 2004.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The anticipated

**PROPOSED**

effect of the amendments to chapter 204-91A WAC are to clarify procedures for inspections; applying for a letter of appointment; issuance of a letter of appointment; suspension or revocation of a letter of appointment; hearing procedures; business hours; handling personal property; fees; tow truck equipment standards; and to make some necessary changes in wording.

**Summary:** The proposed amendments to chapter 204-91A WAC were requested by those in the industry and within the Washington State Patrol (WSP) to update some outdated areas and to better ensure each can perform their job duties safely and efficiently.

**Explanation of Rule, its Purpose, and Anticipated Effects:** This rule is intended to implement the public policy expressed by the legislature and to carry out the statutory duties of the WSP. The amendments were proposed by the industry and WSP inspectors as changes they would like to see to help ensure they are doing the best job possible.

**Proposal Changes the Following Existing Rules:** The changes to chapter 204-91A WAC clarify procedures for inspections; applying for a letter of appointment; issuance of a letter of appointment; suspension or revocation of a letter of appointment; hearing procedures; business hours; handling personal property; fees; tow truck equipment standards; and make some necessary changes in wording.

**Reasons Supporting Proposal:** These changes were made with the input from both the towing industry and WSP.

**Statutory Authority for Adoption:** RCW 46.37.005.

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

**Name of Proponent:** Department of Licensing, public.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Christine Fox, General Administration Building, P.O. Box 42614, Olympia, WA, (360) 753-3697.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There will not be a significant economic impact to towing businesses.

RCW 34.05.328 applies to this rule adoption. These changes do not fall under any category of subsection (5)(b). The considerations of subsection (1) were complied with in the drafting of these revisions.

June 9, 2004  
Lowell Porter  
Chief

#### **AMENDATORY SECTION** (Amending WSR 02-07-056, filed 3/15/02, effective 4/15/02)

**WAC 204-91A-030 Definitions.** The following definitions shall apply throughout this chapter:

(1) "Patrol" means the Washington state patrol as defined in RCW 43.43.010.

(2) "Chief" means the chief of the Washington state patrol or designee.

(3) "Department" means the Washington state department of licensing.

(4) "Director" means the director of the department of licensing.

(5) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

(6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles, or in the disposal of abandoned vehicles.

(7) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing or otherwise transporting other vehicles with specific equipment approved by the state patrol.

(8) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

(9) "Tow truck service" means the towing, moving, transporting, or impounding of vehicles, together with personal effects and cargo, by a registered tow truck operator utilizing equipment approved by the patrol.

(10) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(11) "Place of business" means a building which the registered tow truck operator occupies, either continuously or at regular times, where tow business books and records are kept and tow business is transacted in each assigned tow zone.

(12) "Vehicle storage area" means the approved yard/buildings (primary and secondary) where stored vehicles are kept. The storage areas and fencing will comply with the requirements as established by the department and all local zoning rules and regulations. Both primary and secondary storage areas must be physically located within tow zone assigned to the operator.

(13) "Special event" means any event which causes an unusually large number of impounded vehicles and/or tow calls in a short period of time and is so declared by the district commander or designee.

(14) "Special event storage area" means an area used for temporarily storing vehicles impounded/towed from special events. Approval for such areas shall be obtained from the department, the patrol, and appropriate city and county jurisdictions.

(15) "District commander" means the commanding officer of an area established by the Washington state patrol.

(16) "Inspector" means a commissioned officer of the Washington state patrol who has been designated as a tow truck inspector by the patrol.

(17) "Tow zone" means that specific geographical area designated by the district commander for the removal of vehicles as defined in Title 46 RCW and this chapter.

(18) "Section" means the section designated by the chief of the Washington state patrol to coordinate the tow truck inspection program, maintain tow truck files, and issue letters of appointment.

(19) "Letter of appointment" means a letter issued by the section that authorizes a registered tow truck operator to tow and store vehicles on a rotational or contractual basis, in a specific area, for the Washington state patrol. The letter of appointment must have an attached valid contractual agreement listing the maximum rates that will be charged by the

operator for services provided as a result of state patrol originated calls.

(20) "Initial tow" means services provided - hooking up to and towing a vehicle - as a result of an original call, on a particular vehicle, that the tow operator receives from the patrol ((as a result of contract or)) using a copy of a current rotational call list for the particular zone. Any vehicles of combination oversized/weight requiring a permit, may only be moved to the nearest safe location agreed upon by all parties involved, until such time a permit is acquired or until the load can be made legal by reducing.

(21) "Secondary tow" means towing services from an operator's storage facility or place of business, to another location designated by the owner/agent of a vehicle that was initially towed as a result of call from the patrol.

(22) "Letter of contractual agreement" means the document, attached to the letter of appointment, that specifies the maximum tow rates that may be charged for services provided as a result of state patrol originated calls.

(23) "Owner/operator" means owner is active in the general management of the towing business.

#### AMENDATORY SECTION (Amending WSR 94-18-083, filed 9/2/94, effective 10/3/94)

**WAC 204-91A-040 Inspections.** Upon the request of a registered tow operator or applicant, the patrol shall conduct an inspection of the applicant's place of business, facilities, and equipment to determine if the applicant meets the requirements of chapter 46.55 RCW, or Titles 308 and/or 204 WAC. Verification must be shown to the inspector that the applicant complies with all applicable local laws and regulations as prescribed for the geographical area where the towing business will be established. If local zoning regulations are applicable, a copy of the certification of approval from the local zoning commission will be furnished to the inspector. This certification may be included in the department's application form for license. The certification will become a part of the permanent record maintained on each approved towing firm by the section.

(1) Reinspections will be conducted at least once a year. Unscheduled inspections may be conducted without notice at the operator's place of business by an inspector to determine the fitness of tow trucks, facilities, and business records.

(2) If reinspection of a previously-approved tow truck reveals equipment defects, one of the following procedures shall apply:

(a) In the event of a safety-related defect which would render the tow truck a safety hazard upon the public highway, a red "out-of-service" sticker shall be affixed immediately by the inspector.

(b) In the event of missing or defective equipment that does not constitute a safety hazard but is required, the inspector shall advise the operator of the defect. If after ten days the operator fails or refuses to repair the defect, the red out-of-service sticker shall be affixed.

(c) Upon confirming the satisfactory repair of the defect or defects that caused the tow truck to be taken out of service, the inspector shall remove the red sticker. In the event that the original inspector is not available to reinspect the equipment,

another patrol officer appointed by the appropriate supervisor may do so. The reinspection shall be completed as soon as possible after the operator advises the patrol that the defect has been repaired. Whenever practicable this shall be done within three days and may require the operator to bring the truck to the inspector.

(d) Upon sale or other transfer of a tow truck from the business, the operator shall so advise the inspector who will ((obtain)) request the issued cab card permit ((and)) be forwarded to the inspector via U.S. mail or other arrangement agreed upon by the parties involved, within three days of any changes. The operator will remove any decals indicating truck class, district and/or zone. The ((permit will be forwarded to)) inspector will notify the department ((by the inspector who will also advise)) and the section of ((the action taken)) any changes in vehicles.

(e) Upon the purchase or acquisition of any additional or replacement tow truck(s) to be used pursuant to this chapter, the operator shall immediately notify the patrol and request an inspection of the new unit. The new unit shall not be used for public or private impound calls until satisfactory inspection is completed and a cab card permit and/or decals for the vehicle has been issued by the department and/or patrol.

(3) On original inspection, and subsequent reinspection, the inspector shall confirm the identities and status of driving privilege of all persons that operate the tow trucks. The inspector shall notify the operator if any person does not meet the minimum license requirements.

(a) In the event that an operator becomes aware that the driving privilege of an employee, or owner no longer meets the minimum requirements, the operator shall prohibit that person from operating any tow truck.

(b) An operator shall, within three days of employing a new driver, advise the inspector in writing of the identity, including name, address and date of birth, of the new employee. The inspector shall notify the operator if the new employee does not meet the minimum license requirements.

#### AMENDATORY SECTION (Amending Order 89-04-ESR, filed 6/23/89)

**WAC 204-91A-050 Certification.** After inspection of the towing business facilities and equipment, the inspector will certify one of the following:

(1) The towing operation of the applicant ((fully conforms to)) meets the requirements and qualification standards established by ((the Revised Code of Washington)) chapter 46.55 RCW, chapters 204-91A and 308-61 WAC, the department of licensing, master licensing services, and the patrol; or

(2) The towing operation of the applicant does not ((conforms to)) meet the requirements and qualification standards established by the Revised Code of Washington 46.55, Washington Administrative Codes 204-91A and 308-61, the department of licensing, master licensing services, and the patrol. The inspector shall state the reasons for failure to qualify in a separate report which shall be attached to the application/inspection form.

In the event the applicant fails to meet the established requirements for approval, the applicant may, after correcting all deficiencies, request a reinspection for certification.

**AMENDATORY SECTION** (Amending WSR 02-07-056, filed 3/15/02, effective 4/15/02)

**WAC 204-91A-060 Application for letter of appointment.** (1) An application for a letter of appointment to be placed on the rotational tow list, will not be considered or approved unless the ((operator))owner/operator of the towing company can demonstrate that he/she has been a registered tow truck operator for a minimum of two years prior to the date of application with at least one approved "A" or "B" class tow truck((-)), additional trucks are optional; or has worked as an employee of a tow company on the state patrol's rotational tow list and gained experience within the towing industry including, but not limited to, the operation of vehicles, complying with the state and federal standards and regulations, and processing of paperwork for auditing and other purposes. The owner/operator shall submit a letter with the application outlining their experience within the towing industry.

**Note:** An exception may be made if an operator desires a letter of appointment for class "C" tows only. In such situations, only a class "C" truck is required.

Upon request, the section shall advise the applicant of the contents of the department's regulations and of the standards established for the issuance of a letter of appointment.

(2) An application for a letter of appointment to provide towing service for the patrol shall be filed by the applicant with the local state patrol district office on a form prescribed by the patrol. The state patrol may refuse to approve or may revoke a letter of appointment/contract if the applicant, partner, or any employee who operates a tow truck or assists in vehicle auctions has within the last ten years has misrepresented or concealed a fact in obtaining a letter of appointment, violated any state or federal statute or rule regulating the tow industry, or ((in the last ten years)) been convicted of any class "A" felony, or in the last ten years been convicted or found guilty of any lesser felony or misdemeanor involving assault, sexual abuse, ((or)) theft, burglary, stealing, embezzlement, fraud, driving under the influence of alcohol and/or drug(s), or any violent or sexual act toward a man, women, or minor child, as defined in the criminal code ((under which the conviction would have been a felony in the state of Washington at the time of conviction)) as they existed at the time of the violation, as they now exist or may later be amended in the state of Washington. In the case of a partnership, each partner shall apply on the form prescribed. In the case of a corporation, the patrol may require that each of the present and any subsequent officers, managers, and stockholders holding ten percent or more of the total issued and outstanding stock of the applicant corporation complete an application form. A signed "letter of contractual agreement" listing the maximum tow rates to be charged for services resulting from state patrol originated calls will be attached to the application.

(3) Only one application per year to tow on the Washington state patrol rotational tow list will be accepted and con-

sidered for an applicant who has had their previous application denied or had their letter/contract of appointment revoked. The year shall run from the date of application denial or the date of the letter of appointment's revocation.

(4) The district commander or designee shall complete tow zone portion of the form. He/she will enter "approved" or "disapproved" and will sign the form next to the zone designation. The application and "letter of contractual agreement" will be forwarded to the section.

(5) The application form will be assigned a docket number, by the section, which shall be its permanent identification number for all matters relating to appointments, granted or denied, and any other correspondence with the section thereafter.

(6) The filing of an application for a letter of appointment does not in itself authorize the operator to provide towing services pursuant to this chapter until a letter of appointment has been issued by the section. However, nothing herein shall prohibit the patrol from calling the towing business upon the specific request of a person responsible for a vehicle or his agent.

**AMENDATORY SECTION** (Amending WSR 94-18-083, filed 9/2/94, effective 10/3/94)

**WAC 204-91A-070 Issuance of a letter of appointment.** (1) No towing operator shall be called to perform a towing service at the request of the patrol unless such operator has a letter of appointment as described in this chapter. No such letter of appointment will be issued unless all qualifications set out in this chapter have either been met by the applicant, or a waiver of those qualifications not met has been granted by the section.

(2) The section commander shall have the authority to issue letters of appointment upon request after receiving certification from the inspector, an application for a letter of appointment endorsed by the district commander, and notice from the department that the requestor has been licensed as a registered tow truck operator.

If the section shall find the requestor does not or will not meet all requirements and is not qualified for a waiver of the requirements, then such request shall be denied. The section shall notify the requestor of its decision in writing, stating the reasons. If the request is approved, the section commander will issue the letter of appointment and forward it to the tow operator. The tow company will be admitted to the patrol's call list for the appropriate tow zone on the effective date of the letter.

If the district commander recommends denial of a request for a letter of appointment, the section commander shall notify the applicant and provide an opportunity for applicant to have a hearing as provided in chapter 34.05 RCW.

(3) A letter of appointment will be valid for one business, in a single tow zone, assigned by the district commander. Requests for additional letters of appointment in the same or another zone must be based on a complete and separate place of business capable of independent operation within the appropriate zone.

(a) Each business must be operated independently. One company cannot be dependent upon another for any required operation.

(b) If an individual, partnership, corporation, or other business entity owns more than one business, each business must have a different identifiable name, address, and telephone number, which are answered at the business location during normal business hours. There may, however, be a central dispatch center for multiple companies.

Note: A different identifiable name may include the parent company name but must also have an additional name to identify and separate that company. Example: Joe's Towing and Joe's Towing South. Joe's Towing I and Joe's Towing II will not be adequate for this purpose.

(c) There must be separate personnel for each company. Employees of that company must adequately staff each business office during normal business office hours to answer all incoming phone calls and to release impounded vehicles. Each business must be staffed by a sufficient number of drivers for twenty-four hour day operation. Employees and drivers cannot work for more than one company at a time during a twenty-four hour period and there must be a separate time card for each business for an individual working for more than one company.

(d) There must be adequate equipment for each company to operate independently. Tow trucks must only be used for the company for which they are registered. All trucks must be clearly marked with the company's identity.

(e) Separate businesses in the same tow zone may be housed in one building; however, there must be a solid wall from floor to ceiling physically separating each business. Each business must have its own outside entrance with a sign at the front door and a sign plainly visible from the street indicating the company's name, phone number, and office hours. Companies currently not meeting these standards will have twelve months from July 1, 2004, to comply.

(f) Each business must maintain their own set of required records and books as outlined in RCW 46.55.150 including, but not limited to, a master log, vehicle transaction file, and billing invoices at its place of business. If there is a corporate accountant/bookkeeper for more than one company, all records and/or files for each company, other than those records, which are required to be maintained at the business location, must be maintained separately.

(g) Impound/storage areas must meet the requirements of WAC 308-61-026(2) at all times, including proper segregation.

All registered tow truck operators providing service to WSP must be in compliance with these requirements. Failure to comply will result in the cancellation of your letter of appointment to tow on the patrol's rotational tow list.

(4) A tow operator (or a district commander) may petition the section in writing for a waiver of one or more requirements. The section may grant a waiver if it finds that:

(a) The towing service available to the patrol without the waiver is inadequate to meet the needs of the public;  
(b) The request is otherwise reasonable; and  
(c) The request has the district commander's approval.

In the event a qualified tow operator meeting all requirements and qualifications receives a letter of appointment in

the same zone as a tow operator that had earlier been granted a waiver, the tow operator with a waiver will have the letter of appointment rescinded by the section and after notification will not be called for patrol-initiated tows.

(5) Every letter of appointment shall be issued in the name of the applicant and the holder thereof shall not allow any other person or business to use the letter of appointment.

(6) The letter of appointment will only be valid for the place of business named on the application and will not apply to any other place of business.

(7) A letter of appointment shall be valid until suspended, superseded, or revoked by the section.

(8) The holder of each letter of appointment must maintain at least one tow truck meeting the minimum class "A," "B," or "C" standards as listed in WAC 204-91A-170.

(9) All storage areas, primary and secondary, for each place of business must be in the tow zone assigned to that place of business.

#### AMENDATORY SECTION (Amending WSR 94-18-083, filed 9/2/94, effective 10/3/94)

**WAC 204-91A-080 Suspension or revocation of letter of appointment.** (1) Upon receiving evidence that any appointee has failed to comply or no longer complies with any requirement or provision of law or this chapter, the section may deny, suspend, or revoke the letter of appointment. The appointee shall be given notice of the action and an opportunity to be heard as prescribed in chapter 34.05 RCW, prior to denial, suspension, or revocation of the letter of appointment.

(a) Upon receiving notice of the action, the appointee may request a hearing on the denial, suspension or revocation of the letter of appointment. Such request must be made in writing within twenty days from the date of the notice. An adjudicative proceeding will be commenced within ninety days of the receipt of a hearing request. Failure to request a hearing, or failure to appear at a requested hearing, a prehearing conference, or any other stage of an adjudicative proceeding, shall constitute default and may result in the entry of a final order under RCW 34.05.440.

(b) Upon receiving a hearing request, the section may, at the request of the appointee, or on its own initiative, schedule an informal settlement conference which shall be without prejudice to the rights of the parties.

(c) The holder of a letter of appointment may voluntarily relinquish the letter. The section and the district commander will be advised in writing of this voluntary relinquishment. After receiving written notice, the district commander will cause the inspector to physically obtain the original letter of appointment and forward it to the section.

(2) The section may summarily suspend a letter of appointment without prior notification if it finds that there is danger to the public health, safety, or welfare which requires immediate action. In every summary suspension of a letter of appointment, the section shall enter an order, signed by the chief, which is in compliance with the provisions of RCW 34.05.479. Administrative proceedings consistent with chapter 34.05 RCW for revocation or other action shall be

promptly instituted and determined. The section shall give notice as is practicable to the appointee.

(3) A tow company may be immediately removed from the state patrol's rotational tow list for the following - revocation or cancellation of their registered tow truck operator license by the department or cancellation of the tow company's insurance certificate or bond.

**AMENDATORY SECTION** (Amending WSR 02-07-056, filed 3/15/02, effective 4/15/02)

**WAC 204-91A-090 Hearing procedure.** ((Pursuant to RCW 34.05.482 through 34.05.494, the patrol will use brief adjudicative proceedings where not violative of the law and where protection of the public interest does not require the patrol to give notice and an opportunity to participate to persons other than the parties. The brief adjudicative proceedings may include: Denial of application for a letter of appointment, suspension, or revocation of letter of appointment.)) Hearings under this chapter shall be pursuant to chapters 34.05 RCW, 446-08, and 10-08 WAC.

(1) The presiding officer shall conduct the hearing and any prehearing conference(s).

(2) The burden of proof in any hearing before the chief shall be on the applicant seeking a letter of appointment, or the person or agency seeking the suspension or revocation of a letter of appointment((, or other action by the chief. The chief, after having heard and considered all pertinent evidence, or if the hearing is conducted by an administrative law judge, after having considered a record of a hearing conducted by an administrative law judge duly appointed pursuant to chapter 34.12 RCW, shall make written findings of facts and conclusions based on evidence presented)).

(3) Oral proceedings shall be recorded on tape and such tape shall become part of the hearing record.

(4) This section is intended to supplement the procedures contained in the Administrative Procedure Act, chapter 34.05 RCW, the model rules of procedure, chapter 446-08 WAC, and chapter 10-08 WAC.

**AMENDATORY SECTION** (Amending WSR 02-07-056, filed 3/15/02, effective 4/15/02)

**WAC 204-91A-120 Business office hours and records.** Business hours for purposes of inspection of records, place of business, and towing equipment ((shall)) must be 8 a.m. to 5 p.m., excluding weekends and holidays.

(1) When an operator is not open for business and does not have personnel present at the place of business, the operator ((shall)) must post a clearly visible telephone number at the business location for the purpose of advising the public how to make contact for the release of vehicles or personal property.

The owner/operator will have personnel at the place of business during business hours to answer phone calls and to release vehicles and/or personal property. Persons from adjoining businesses or neighboring businesses may not be used to meet this requirement. Phones may not be forwarded to an answering service during normal business hours, with the exception of the lunch hour. Lunch hours will be posted and will be consistent on a monthly basis.

((The owner/operator ((shall)) must maintain personnel who can be contacted twenty-four hours a day to release impounded vehicles within a ((thirty)) sixty-minute period of time. The personnel must be identifiable as representing the company.))

((3) All billing invoices shall be ((consecutively)) numbered and shall contain the following information:

- (a) Date of service and tow truck operator's name.
- (b) Time of departure in response to the call.
- (c) Time service completed.
- (d) Class of tow truck.

((e) If the towing call is for a Washington state patrol request, another police agency, a private impound, or the result of a private citizen request.

((f) All fees for service shall be itemized.

((g) The date and time the vehicle was released.

**Note:** Yard cards containing the above information may be used for internal control of vehicles by the operator until the vehicle is released, sold, or otherwise disposed of. Yard cards shall be supplemental to, and shall not replace the invoice required above.

A copy of the invoice shall be filed by invoice number at the business location and a copy of any voided invoice shall be retained in this same file. Another copy of the invoice shall be included with the transaction file items identified in RCW 46.55.150.

**AMENDATORY SECTION** (Amending WSR 02-07-056, filed 3/15/02, effective 4/15/02)

**WAC 204-91A-130 Personal property handling procedures.** All personal belongings and contents in the vehicle and not permanently attached, shall be kept intact, and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. ((Personal property not being held for evidence purposes by the impounding agency, shall be released to the vehicle's owner or agent by the tow operator without charge, upon demand;)) The tow operator without charge, upon demand, shall release personal property not being held for evidence purposes by the impounding agency, to the vehicle's owner or agent during normal business hours of 8:00 a.m. to 5:00 p.m. except for weekends and legal holidays. Release procedures will also follow guidelines as set forth in chapter 308-61 WAC and chapter 46.55 RCW.

The vehicle and contents within, less items listed in WAC and RCW, and personal property not picked up prior to the vehicle going to auction, stays with the vehicle. Personal property will be sold with the vehicle at auction, unless arrangements with the legal/registered owner are made for pick-up of items. The items may not be sold at auction to fulfill a lien against the vehicle.

(1) The items of personal property which the state patrol will not accept in response to RCW 46.55.090 include but are not limited to the following:

- (a) Tire chains;
- (b) Spare tire/wheels;
- (c) Used auto parts and/or accessories;
- (d) Seat covers;

- (e) Fuel containers;
- (f) Jacks, lug wrenches;
- (g) Radios, stereos, and other items attached to the vehicle by bolts, screws, or some other manner which incorporates them to the vehicle shall remain with the vehicle;
- (h) Refuse;
- (i) Trash;
- (j) Garbage;
- (k) Open alcohol containers;
- (l) Soiled or mildewed clothing, shoes, blankets, tarps, etc., having no actual value;
- (m) Miscellaneous unofficial papers and other items having no actual value.

(2) Items which must be turned over to the patrol and inventoried include but are not limited to:

- (a) Money;
- (b) Wallets or purses;
- (c) Bank or check books;
- (d) Bank or credit cards;
- (e) Official identification cards, operator's license, or passports;
- (f) Jewelry items;
- (g) Firearms and any type weapon;
- (h) Contraband and/or controlled substances;
- (i) Stocks, bonds, money orders, bank certificates, travelers checks, postage stamps, food stamps, etc.;
- (j) Other items of obvious value.

(3) The tow operator shall not remove or damage any vehicle parts permanently affixed to the vehicle, i.e., trunk locks or door locks.

**AMENDATORY SECTION** (Amending WSR 02-07-056, filed 3/15/02, effective 4/15/02)

**WAC 204-91A-140 Fees.** (1) All towing fees shall be based on a flat, hourly rate only and shall apply without regard for the hour of day, day of the week or whether the service was performed on a Saturday, Sunday, or holiday. The hourly rate for each class of truck shall be the only charge for services performed for initial tows and secondary tows performed during business hours. Charges for secondary tows performed during nonbusiness hours, on weekends or holidays, if different from the hourly rate, shall be negotiated and agreed upon with the vehicle owner/agent before the tow is made.

(2) The chief of the state patrol shall, prior to October 15 of each year, establish maximum hourly towing rates for each class of tow truck and maximum daily storage rates that tow operators may charge for services performed as a result of state patrol calls. The maximum rates shall be determined after consulting with members of the towing industry, review of current private towing rates, and such other economic factors as the chief may deem appropriate.

When signed by the chief (or his/her designee) and the tow operator, a contractual agreement to charge no more than the maximum rates shall become part of the operator's letter of appointment. The tow operator may, however, adopt a rate schedule charging less than the maximum rates established by the chief.

The hourly rate shall:

(a) Be the only basis used to compute total charges for towing services.

(b) Apply when the call is made by the state patrol, for whatever reason, including but not limited to accidents, incidents, disableds, and impound requests.

(c) Include all ancillary activities such as, but not limited to, removal of glass and debris from the roadway and any other area referred to as the "scene or incident," necessary winching, dolly service, drive line removal, installing chains on the tow truck, installation of portable lights, vehicle hookup for towing or transporting, tire replacement (on vehicle to be towed) and standby time.

(d) Be considered to include one person ((the driver)) per truck. When responding with a class "C" or a S-1 rotator truck to major collisions and incidents, a second person is allowed at the hourly labor rate per contact for an extra RTO employee. Any charges for additional labor and/or ancillary vehicles (trailers, pickups, etc.), for removing debris, cargo, etc., must have prior authorization from the legal or registered owner/agent, or a member of the patrol at the scene.

(e) Be computed from the actual time the truck departs in response to a call until ((it returns to the starting location or it begins responding to another call minus any down time.\*)) the truck returns to its normal area/zone, responds to another call, or the tow yard. The hourly rate shall be applied to the resulting net time and, after the first hour, shall be rounded to the nearest fifteen minutes. The operator may charge the hourly rate for the first hour or any portion thereof. After the first hour, no more than one-quarter of the hourly rate may be charged for each fifteen minutes of tow or service work performed.

(\*Down time includes coffee or meal breaks, personal errands by the operator, and/or any mechanical failure on the truck or equipment.)

(3) The basic storage fee: (Vehicles shall be measured bumper to bumper; trailers shall be measured tongue to bumper.)

(a) Shall be calculated on a twenty-four-hour basis clock and shall be charged to the nearest half day from the time the vehicle arrived at the secure storage area. Vehicles stored over twelve hours on any given day within the twenty-four-hour clock shall constitute a full day's storage. Vehicles stored for less than twelve hours on any give day, shall be charged for twelve hours of storage; and

(b) Shall be the same for all three and four-wheel vehicles less than twenty feet in length; and

(c) For vehicles or combinations exceeding twenty feet, the storage fee shall be computed by multiplying each twenty feet of vehicle length, or any portion thereof, by the basic storage fee;

(d) For two-wheel motorcycles shall be one-half the basic storage fee for three and four-wheel vehicles.

(4) After hours release fee. If an operator or employee is already present, for other reasons, at the storage facility after business hours when a customer arrives, the vehicle and/or property shall be released as if it were during business hours. No "after hours fee" may be assessed. If the operator or employee is called to the place of business specifically for the purpose of releasing the vehicle and/or property, an "after hours fee," equivalent to one-half of the maximum Class "A" hourly rate, may be assessed.

(5) Any tow operator who charges the general public (i.e., private citizens) rates lower than those identified in the contractual agreement for services listed below shall charge the same lower rate for similar services performed as a result of state patrol originated calls.

- (a) Roadside mechanical service, including fuel transfer, tire and belt changes, etc.;
- (b) Disabled vehicle tow/transportation;
- (c) Storage;
- (d) After hours release fees.

Any such price requirement shall not be imposed for unoccupied vehicle situations in which the owner/operator has had no prior contact with either the state patrol or the tow operator.

**AMENDATORY SECTION** (Amending WSR 02-07-056, filed 3/15/02, effective 4/15/02)

**WAC 204-91A-170 Minimum tow truck equipment standards.** All tow/recovery trucks used by a registered tow operator for public or private impounds or in response to patrol requests shall meet the minimum standards as listed in this section.

Note: Equipment standards will be effective one year from the date of adoption.

**(1) Minimum standards:**

(a) All equipment used in conjunction with the tow truck winching system shall have a working load limit at least twenty-five percent more than the working load limit of the wire rope being used. All equipment shall comply with the Washington safety and health administration (WSHA) regulation if applicable.

Note: Industry standards set the working load limit of wire rope at 1/5 of its nominal or breaking strength.

(b) Each wire rope shall be capable of being fully extended from and fully wound onto its drum. Each wire rope shall meet the industry standards for type of use with equipment.

Note: OSHA (1410.179 (h)(2)(iiia)) requires no less than two wraps of rope remain on drum when rope is "fully extended." This is to ensure the full load never bears on the rope to drum connection.

(c) All wire rope shall be 6 X 19 or 6 X 37 classification graded "extra improved plow steel" (XIP).

Notes: Documentation from the supplier must be kept on file showing the type of wire rope installed and the date of installation for each truck.

6 X 19 wire rope classification includes wire ropes with six strands having wire combinations from fifteen through twenty-six wires per strand but not more than twelve outer wires in each strand.

6 X 37 wire rope classification includes wire ropes with six strands having wire combinations from twenty-seven through forty-nine wires per strand but not more than eighteen outer wires in each strand.

(d) All wire rope shall be in good working order. The following industry standards for **out-of-service** criteria shall apply:

(i) No more than six randomly distributed broken wires in one rope lay, or more than three broken wires in one strand in one rope lay.

(ii) Excessive abrasion causing the loss of more than one-third the original diameter of an outside individual wire.

(iii) Evidence of rope deterioration from corrosion.

(iv) Kinking, crushing, or other damage that results in detrimental distortion of the rope structure.

(v) Any evidence of heat damage.

(vi) Any marked reduction in diameter either along the entire main length or in one section.

(vii) Unlaying or opening up of a tucked splice.

(viii) Core protrusion along the entire length.

(ix) End attachments that are cracked, deformed, worn, or loosened.

Note: Hooks must be replaced if the throat opening has increased beyond manufacturer recommendations, the load bearing point has been worn by ten percent, or the hook is twisted by more than ten degrees.

(x) Any indication of strand or wire slippage in end attachments.

(xi) More than one broken wire in the vicinity of fittings.

(e) Wire rope end connections shall be swaged or, if clamped, shall have a minimum of three forged clamps spaced a minimum of six rope diameters apart and attached with the base or saddle of the clamp against the longer or "live" end of the cable. The "U" bolt will be placed over the short or "dead" end of the rope and will be of the proper size for the cable being clamped.

Note: Wire rope clamps must be installed and torqued per manufacturer specifications.

(f) All wire rope related equipment, sheaves, etc., must conform to the diameter of the wire rope being used or to the original tow truck equipment manufacturer specifications.

(g) All winching equipment, booms, snatch blocks, etc., shall have permanently affixed durable factory identification, stating working load limit (WLL). If this identification has been removed or is no longer readable, it is criteria for placing the item out-of-service. Equipment may be reinspected by a recognized recertification company. If the equipment is acceptable, it may be reidentified with a working load limit (WLL) and a recertification company identifier.

(h) All block and tackle equipment used in the winching system which shows signs of permanent deformation, significant wear or damage is criteria for placing the item out-of-service.

(i) All "J" hook chain assemblies must ((only be used with a sling lift system and)) be grade "7" chain or better.

(j) Safety chains must only be used for the securing of vehicles to the truck. Must be minimum grade "4" chain or meet the original manufacturer's recommendations ((and be permanently attached to the truck)).

(k) Comply with legal lighting, equipment, and license requirements.

(l) Portable tail, stop, and turn signal lights for vehicles being towed.

(m) Have department of licensing registration and truck numbers painted or permanently affixed to both sides of the truck. Have firm's name, city of address, and phone number permanently affixed to both sides of the vehicle. Letters must be a minimum of three inches high with one-half inch strokes.

(n) Have a revolving/intermittent red light with three hundred sixty degrees visibility. May also be equipped with flashing amber and/or white lights which may be used in conjunction with the red lamps. Must also be equipped with a warning light visible from the driver seat which is energized when the red revolving light or flashing amber lights are activated.

(o) Have a broom, minimum twelve inches wide, handle four feet long.

(p) Have a scoop type shovel, minimum seven inches wide, overall length minimum three feet long and a minimum of a three-gallon bucket for debris.

(q) Be maintained in a reasonably clean condition.

(r) Have two tempered steel pinch bars or equivalent devices, one tapered and one flattened; one at least three feet long and one at least four feet long, with a minimum diameter of three-quarters of an inch.

(s) Have a two-way radio or mobile telephone system capable of communicating with a base station. A citizen band radio does not suffice. A mobile telephone system is acceptable if:

(i) The equipment is of a recognized and established manufacturer and is properly installed.

(ii) The equipment is in proper working order and functions correctly throughout the assigned tow areas.

(iii) The equipment does not utilize a siren to signal incoming calls.

(iv) The equipment is used in a correct and lawful manner.

(t) Have one 20 BC rated or two 10 BC rated fire extinguishers.

(u) Axle weight must comply with the requirements of RCW 46.37.351.

(2) **Class "A" tow trucks:** Trucks that are capable of towing and recovery of passenger cars, pickup trucks, small trailers, or equivalent vehicles. Class "A" tow trucks shall meet the requirements of subsection (1)(a) through (u) of this section and in addition shall have:

(a) A ten thousand minimum manufacturer's gross vehicle weight rating.

(b) Dual tires on the rear axle.

(c) A minimum of one hundred feet of three-eighths inch continuous length XIP wire rope on each drum, measured from the point of attachment at the drum to the hook.

(d) A minimum six-ton boom rating with single or dual booms. Dual winches to control a minimum of two service drums.

(e) A minimum of two snatch blocks.

(f) A tow sling or other comparable device made of material and used in such manner so as to protect vehicles being towed or recovered.

(g) A portable dolly or its equivalent for hauling vehicles that are not otherwise towable.

(h) If equipped with a wheel lift system, it must have a fully extended working load rating of at least three thousand pounds and a seven thousand pound tow rated capacity.

(i) A minimum of one ten-foot or two five-foot recovery chains used in the winching system and must be minimum grade "7" chain with matching fittings.

(3) **Class "B" tow trucks:** Trucks that are capable of towing and/or recovery of medium size trucks, trailers, motor homes, or equivalent vehicles. Class "B" tow trucks shall meet the requirements of subsection (1)(a) through (u) of this section and in addition shall have:

(a) Seventeen thousand pounds minimum manufacturer's gross vehicle rating.

(b) Minimum ten-ton boom rating, single or dual booms, with two independent winches and drums.

(c) A minimum of one hundred feet of seven-sixteenths inch continuous length XIP wire rope on each drum, measured from points of attachment at the drum to the hook.

(d) Minimum of four standard release tools (caging stud assemblies).

(e) A minimum of two snatch blocks.

(f) A tow sling or other comparable device made of material and used in such manner so as to protect vehicles being towed or recovered.

(g) A portable dolly or its equivalent for hauling vehicles that are not otherwise towable when the class B tow truck is being used for class A tows.

(h) If equipped with a wheel lift system, it must have a fully extended working load limit of at least six thousand pounds and a twenty thousand pound tow rated capacity when operating as a class B truck. May be equipped with a three thousand pound fully extended working load wheel lift system with a seven thousand pound tow rated capacity if operating as a class A truck.

(i) A minimum of one ten-foot or two five-foot recovery chains used in the winching system and must be grade "8" chain with matching fittings.

(4) **Class B\*\* trucks:** Trucks are rated at 30,000 GVWR (or more) with air brakes. Class B\*\* trucks shall meet the requirements of subsection (1)(a) through (u) of this section and in addition shall have a minimum of one hundred fifty feet of seven-sixteenths inch continuous length XIP wire rope on each drum, measured from points of attachment at the drum to the hook.

Class B\*\* trucks shall also meet the requirements of subsection (3)(b), (d), (e), (f), (g), (h), and (i) of this section.

(5) **Class "C" tow trucks and class "C" rotator trucks:** Are trucks that are capable of towing and/or recovery of large trucks, trailers, buses, motor homes, or similar vehicles. Class "C" trucks shall meet the requirements of subsection (1)(a) through (u) of this section and in addition shall have:

(a) A forty thousand pound manufacturer's gross vehicle weight rating or equivalent.

(b) Tandem rear axle truck chassis (both drive axles).

(c) A minimum of twenty-five-ton boom rating with single or dual booms. Dual winches to control a minimum of two service drums.

(d) A minimum of one hundred fifty feet of nine-sixteenths inch continuous length XIP wire rope on each drum measured from the point of attachment at the drum to the hook.

(e) Air brakes and a system capable of supplying air to towed vehicles.

(f) A minimum of four standard release tools (caging stud assemblies).

(g) If equipped with a wheel lift system, it must have a fully extended working load limit of at least twelve thousand pounds.

(h) A minimum of one ten-foot or two five-foot recovery chains used in the winching system and must be grade "8" chain with matching fittings.

(i) A tow sling or other comparable device used in such a manner as to protect the vehicle being towed or recovered.

(j) A minimum of two snatch blocks.

(6) **Class "D" tow trucks:** Trucks that are equipped for and primarily used as "wheel lift" trucks.

Class "D" trucks shall meet the requirements of subsection (1)(a) through (u) of this section and in addition shall have:

(a) A wheel lift assemble with a fully extended manufacturer's working load limit of three thousand pounds and a seven thousand pound tow rated capacity.

(b) One winch and drum with one hundred feet of three-eighths inch XIP wire rope meeting class "A" requirements.

(c) One snatch block.

(d) A minimum of one five-foot recovery chain for use in the winching system and must be a minimum of grade "7" chain with matching fittings.

(7) **Class "E" tow trucks:** Trucks that are primarily designed and intended to transport other vehicles by loading the vehicle entirely onto the truck. These vehicles may be a flatbed, slide back, tilt bed, or rail design truck. Class "E" trucks shall meet the requirements of subsection (1)(a) through (u) of this section and in addition shall have:

(a) Four securing devices with a minimum working load limit of three thousand nine hundred pounds. The devices may be chain (minimum grade "4"), wire rope, nylon strap, or steel strap. The tie downs shall be attached to the axle or frame member of the transported vehicle both front and rear. All ends shall be secured to the truck bed or rail in a manner that will prevent movement of the transported vehicle. Factory style "T" hook tie-downs may also be used (front and rear).

(b) One snatch block.

(c) Dual tires on the rear axle.

(d) If used in a towing mode (as opposed to carrying), a sling, tow bar, and/or wheel lift assembly can be used and must have a manufacturers' rating appropriate to the vehicle being towed.

(e) Additional minimum requirements include:

(i) Gross vehicle weight rating	14,500
(ii) Purchased tonnage	14,500
(iii) Winch rating	4 ton
(vi) XIP wire rope	50 feet 3/8 inch
(v) One five-foot chain use in the winching system and must be a minimum of grade "7" chain with matching fittings.	
(v) Car carrier (bed)	17 feet

Note: Bed may be shorter in a collapsed mode, but must be capable of telescoping to a minimum of seventeen feet.

(8) **Class "S" tow/recovery trucks:** Tow/recovery trucks that cannot meet the requirements of class "A," "B," "C," "D," or "E" and are not eligible for appropriate waiver as outlined in WAC 204-91A-070(4), may be approved as class "S" (special).

To have a truck designated as class "S" the tow operator must submit a request for approval through the district commander to the section. The written request shall indicate why the truck is needed, what it will be used for, its size, purchased tonnage (if appropriate), capability, and the equipment carried or used with the truck. Gross vehicle weight rating of the class "S" truck will determine the appropriate equipment required.

If the district commander approves the request, the request will be forwarded with recommendations for equipment and/or operation instructions or limitations to the patrol for review and final approval. If approval is granted, the equipment shall be inspected as outlined in WAC 204-91A-040 with reports forwarded in the normal manner.

**Note:** If the provisions of this section require a change in classification for a previously approved tow truck, such change may be made upon the next annual reinspection. In any case, all tow trucks shall be correctly classified within one year of adoption of these rules.

## WSR 04-13-045

### PROPOSED RULES

#### DEPARTMENT OF TRANSPORTATION

[Filed June 10, 2004, 2:49 p.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 04-09-025.

**Title of Rule and Other Identifying Information:** Setting motorist information sign (MIS) program fees. The purpose of the proposed rule is to increase the annual fee charged to businesses participating in the MIS program. The fees are being increased in order to make the MIS program self-supporting as directed by ESHB 2474, section 218, chapter 229, Laws of 2003. A \$115 fee for changing existing logo signs is being reinstated. The fees are designed to recover the departments yearly MIS program costs.

**Hearing Location(s):** Large Commission Board Room, Washington State Department of Transportation Building, 310 Maple Park Avenue S.E., Olympia, WA, on July 28, 2004, at 8:00 a.m.

**Date of Intended Adoption:** July 28, 2004.

**Submit Written Comments to:** Mike Dornfeld, Washington State Department of Transportation, P.O. Box 47394, Olympia, WA 98504-7394, e-mail [dornfem@wsdot.wa.gov](mailto:dornfem@wsdot.wa.gov), fax (360) 705-6826, by July 26, 2004.

**Assistance for Persons with Disabilities:** Contact Mike Dornfeld by July 26, 2004.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The MIS program has been operating in a limited manner since May of 2002. Few businesses have been able to join the program and little day-to-day maintenance of the logo signs and back panels has occurred. Legislation passed in the 2004 session directs the department to resume the program and raise fees to recover all costs associated with the program. The proposed rule making increases the annual fee charged to businesses displaying logo signs. The fee increase allows the department to recoup yearly MIS program costs. The rule making also clar-

ifies language regarding the procurement and replacement of logo signs. It also eliminates language regarding Washington State Department of Transportation made logo signs.

**Reasons Supporting Proposal:** The proposed rule making allows the department to resume operating the MIS program and recover yearly operating costs. By restarting the MIS program, the department will be able to install logo signs for businesses waiting to join the program and maintain existing logo signs and back panels.

**Statutory Authority for Adoption:** RCW 47.36.310 and 47.36.320.

**Statute Being Implemented:** ESHB 2474, section 218, chapter 229, Laws of 2004, P.V.

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

**Name of Proponent:** Department of Transportation, governmental.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Mike Dornfeld, WSDOT Traffic Operations, (360) 705-7288.

No small business economic impact statement has been prepared under chapter 19.85 RCW. While the rule increases the annual fee for participating in the MIS program, businesses may drop from the program if they do not want to pay it.

A cost-benefit analysis is not required under RCW 34.05.328. This rule changes fees pursuant to legislative direction.

June 7, 2004

John Conrad  
Assistant Secretary  
of Transportation

#### AMENDATORY SECTION (Amending Order 196, filed 12/22/99, effective 1/22/00)

**WAC 468-70-020 Definitions.** When used in these regulations the term:

(1) "Conventional road" shall mean a noninterstate highway which is not an expressway or freeway.

(2) "Department" shall mean the Washington state department of transportation.

(3) "Expressway" shall mean a divided arterial highway for through traffic with partial control of access and grade separations at most major intersections.

(4) "Fee zone" means:

(a) Fee zone 1, freeways and expressways with average daily trips greater than eighty thousand;

(b) Fee zone 2, freeways and expressways with average daily trips less than eighty thousand;

(c) Fee zone 3, conventional highways.

(5) "Freeway" shall mean an expressway with full control of access, and grade separations over the entire length of the numbered highway route.

((6))) (6) "Motorist information signs" shall mean the same as specific service signs as set forth in the Manual on Uniform Traffic Control Devices adopted by the department as chapter 468-95 WAC.

((6))) (7) "Motorist service activity" shall mean a business furnishing gas, food, lodging, camping, recreation and tourist-oriented services.

((7))) (8) "Owner" shall mean a person who owns or operates a motorist service activity and who has authority to enter into and be bound by agreements relevant to matters covered by these regulations.

((8)) "Supplemental directional panel" shall mean a motorist information sign panel located on, opposite, or at the terminus of an exit ramp bearing business sign for a qualified motorist service activity and directional information.

((9)) "Trade name" shall mean any brand name, trade mark, distinctive symbol or other similar device or thing used to identify a particular motorist service.

((10)) "Urban area" shall mean an area including and adjacent to a municipality or other place of five thousand or more population as shown by the latest available federal census.

((11)) "Qualified tourist oriented business" means any lawful cultural, historical, recreational, educational, or entertaining activity or a unique or unusual commercial or non-profit activity, the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

((12)) "Tourist oriented directional (TOD) sign" means a sign on a motorist information sign panel on the state highway system to provide directional information to a qualified tourist oriented business, service, or activity.) ((9)) "Qualified tourist-oriented business" means any lawful cultural, historical, recreational, educational, or entertaining activity or a unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

((10)) "Supplemental directional panel" shall mean a motorist information sign panel located on, opposite, or at the terminus of an exit ramp bearing business sign for a qualified motorist service activity and directional information.

((11)) "Tourist-oriented directional (TOD) sign" means a sign on a motorist information sign panel on the state highway system to provide directional information to a qualified tourist-oriented business, service, or activity.

((12)) "Trade name" shall mean any brand name, trade mark, distinctive symbol or other similar device or thing used to identify a particular motorist service.

((13)) "Urban area" shall mean an area including and adjacent to a municipality or other place of five thousand or more population as shown by the latest available federal census.

#### AMENDATORY SECTION (Amending WSR 03-20-082, filed 9/30/03, effective 10/31/03)

**WAC 468-70-070 Permits and procedure.** (1) No business signs will be installed on motorist information sign panels prior to issuance of a permit by the department. Permits will be issued by the department in accordance with this chapter.

(2) Permit applications will be accepted at the appropriate department of transportation regional office in care of the regional administrator. Applications transmitted by mail shall be effective from date of receipt rather than of mailing.

PROPOSED

(3) One permit application will be for all the signing that the applicant will qualify for at a single interchange or intersection.

(4) Application forms, which may be obtained from the department, shall contain the following information:

(a) Name and address of the owner of the business to be advertised.

(b) The highway for which the applicant seeks signing.

(c) A description of the interchange or intersection for which the business sign is to be installed.

(d) A statement of the business location including exact travel distance from the interchange or intersection and precise roads used for access.

(e) An agreement to limit the height of any on-premise sign to no greater than fifteen feet higher than the roof of the main building, measured to the bottom of the sign for businesses located within one mile of an interchange or intersection. (Not applicable along interstate highways if the sign is not visible to the highway.)

Pursuant to RCW 47.36.310, for on-premise signs visible along rural interstate highways the department may waive the fifteen-foot height requirement, on a case-by-case basis, where granting the waiver will not preclude another business having an on-premise sign which complies with the fifteen-foot height requirement from receiving business signs.

(f) Such other information as may be required by the department.

(5) Each permit application will include a sketch, drawing or picture of the message to be placed on the business signs. Business signs may not display messages advertising products or services incidental to the qualifying motorist service activity. The department shall have final approval of the design of the business sign and may modify such submissions to achieve uniformity.

(6) Any party aggrieved by an application determination of the department shall be accorded hearing rights before the secretary of transportation or his designee pursuant to chapter 34.05 RCW.

**(7) ((Fabrication and installation of business signs:**

**(a)))** Once an application is approved, the department will request the business to provide **((the)) its business** signs for installation. **((Such)) Business** signs shall be built to the department's specifications prescribed by WAC 468-70-060. **((Prior to installation the business shall agree to reimburse the department for the actual installation costs.**

**((The reimbursable business sign installation fees referenced in (a) of this subsection may vary from sign site to sign site.))**

(8) Business sign **replacement** and motorist information sign panel maintenance **((and replacement)) fee:**

(a) Maintenance replacement business signs shall be provided by the business, when requested by the department to replace weather worn business signs. **((The department will install the replacement business sign after the business agrees to reimburse the department for the actual installation costs as described in subsection (7) of this section.))** A business at its own request may also provide replacement business signs for installation. In either case, the installation fee is one hundred fifteen dollars per sign.

(b) The annual **((maintenance replacement))** fee charged to each business for motorist information sign **((back))** panels is **((one hundred dollars for businesses signed at interchanges and thirty-five dollars for businesses signed at intersections.))**

**(i) Nine hundred ten dollars for signs located in fee zone 1;**

**(ii) Six hundred eighty-three dollars for signs located in fee zone 2;**

**(iii) Three hundred sixty-four dollars for signs located in fee zone 3.**

(c) **The annual ((maintenance)) fee(s)** shall be paid within thirty calendar days after the anniversary of the permit issue. **((These fees will not be prorated for fractions of the year in the event of business sign removal or coverage.))** Failure to pay the annual **((maintenance))** fee(s) within thirty calendar days after the anniversary of the permit issue will cause the permit to expire and the business signs to be removed from the motorist information sign panels.

(9) In the event of change of ownership or operation, assignment of permits in good standing shall be effective only upon receipt of assignment by the department. The department will not reassign permits in the event of change of both ownership and operation.

**(10) Revocation and expiration:**

(a) After hearing before the secretary of transportation or his designee, as required by chapter 34.05 RCW (Administrative Procedure Act) and the rules and regulations of the department adopted pursuant thereto, any permit may be revoked by the secretary or the secretary's designee who has conducted the hearing for any of the following reasons:

(i) For the making of any false or misleading statements in the application for any permit, whether or not the same is material to or relied upon by the department in the issuance of such permit when such false or misleading statement or information shall remain uncorrected after the expiration of thirty days following written notification thereof.

(ii) For allowing or suffering any on-premise sign to remain that exceeds the height requirements set forth in this chapter.

(iii) For failure to provide the services and/or facilities required by WAC 468-70-050 and this section.

(b) If a permit is revoked or is allowed to expire, a new application may be accepted by the department and the motorist service activity must meet the requirements of any other applying motorist service activity.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 468-70-085

Maintenance replacement of pictorial business signs manufactured by the department prior to January 1, 1987.

**WSR 04-13-061**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
[Filed June 14, 2004, 3:23 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-10-024.

**Title of Rule and Other Identifying Information:** License dealer issuance fees.

**Hearing Location(s):** Embassy Suites Hotel, 20610 44th Avenue West, Lynnwood, WA, on August 6-7, 2004, begins at 8:00 a.m., August 6.

**Date of Intended Adoption:** August 6, 2004.

**Submit Written Comments to:** Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail [jacobesj@dfw.wa.gov](mailto:jacobesj@dfw.wa.gov), fax (360) 902-2155, by August 4, 2004.

**Assistance for Persons with Disabilities:** Contact Susan Yeager by July 26, 2004, TTY (360) 902-2207 or (360) 902-2267.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** This proposal will adjust dealer's fees. The 2004 legislature established a new razor clam license. The dealer's issuance fee is set by rule, and a dealer's fee will be established for issuance of this license. The seaweed and shellfish license and the two-day fishing license issued as a stamp are currently set at one dollar, but the seaweed shellfish license issuance procedure is the same as other fishing licenses and the two-day stamp is the same as the "hot-key" license issuance, both of which have a two-dollar dealer issuance fee. In order to reduce confusion in license issuance, and to standardize the fees, all of the fishing license dealer issuance fees will be set at two dollars.

**Reasons Supporting Proposal:** Legislation established a new license; standardization of fees.

**Statutory Authority for Adoption:** RCW 77.12.047.

**Statute Being Implemented:** RCW 77.12.047.

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

**Name of Proponent:** Washington Department of Fish and Wildlife, governmental.

**Name of Agency Personnel Responsible for Drafting:** Evan Jacoby, 1111 Washington Street, Olympia, WA, (360) 902-2930; **Implementation:** Jim Lux, 1111 Washington Street, Olympia, WA, (360) 902-2444; and **Enforcement:** Bruce Bjork, 1111 Washington Street, Olympia, WA, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects the fee paid by recreational fishers. It has no regulatory effect on small businesses, who are the license dealers. It has no record-keeping or compliance requirements. It will not affect revenues, since all license dealers charge the same fee, and it is not a matter of whether the dealer fee will be paid, only to whom it is paid. There is no differential between large businesses and small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

June 14, 2004

Evan Jacoby

Rules Coordinator

PROPOSED

**AMENDATORY SECTION** (Amending Order 01-62, filed 4/24/01, effective 5/25/01)

**WAC 220-55-115 Recreational license dealer's fees.** License dealers may charge a license issuance fee as follows:

(1) Two dollars for the issuance of any of the following fishing licenses:

- (a) A combination license.
- (b) A saltwater license.
- (c) A freshwater license.
- (d) A two-day temporary fishing license.
- (e) A family fishing weekend license.
- (f) A shellfish and seaweed license.**
- (g) A razor clam license.**

(2) Two dollars for the issuance of any of the following hunting licenses:

- (a) A big game combination license.
- (b) A small game license.
- (c) A three-consecutive day small game license.

(3) Two dollars for the issuance of a fish and wildlife lands vehicle use permit when issued separately from an annual freshwater, saltwater or combination fishing license, or separately from an annual small game hunting license, big game combination license, or trapping license.

~~(4) One dollar for the issuance of a personal use shellfish and seaweed license and for a two-day temporary fishing license when issued as a charter stamp.~~

~~(5))~~ Notwithstanding the provisions of this section, if any two or more licenses are issued at the same time, or the fish and wildlife lands vehicle use permit is issued with any recreational license, the license issuance fee for the document is two dollars.

~~((6))~~ **(5)** Fifty cents for the issuance of any of the following:

- (a) A deer, elk, bear, cougar, mountain goat, mountain sheep, moose, or turkey transport tag.
- (b) A state of Washington migratory bird stamp.
- (c) A Western Washington pheasant permit.
- (d) An application for a special permit hunt.

**WSR 04-13-067**

**WITHDRAWAL OF PROPOSED RULES**

**SECRETARY OF STATE**

**(By the Code Reviser's Office)**

[Filed June 15, 2004, 4:46 p.m.]

WAC 434-219-140, proposed by the Secretary of State in WSR 03-24-023 appearing in issue 03-24 of the State Register, which was distributed on December 17, 2003, is withdrawn by the code reviser's office under RCW 34.05.335(3),

since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

**PROPOSED**

**WSR 04-13-094**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed June 18, 2004, 10:10 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-10-040.

Title of Rule and Other Identifying Information: Personal use fishing rules regarding wild steelhead.

Hearing Location(s): Kitsap Conference Center, 100 Washington Avenue, Bremerton, WA, on August 28, 2004, at 10:00 a.m.

Date of Intended Adoption: September 2, 2004.

Submit Written Comments to: Fish and Wildlife Commission, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail [Commission@dfw.wa.gov](mailto:Commission@dfw.wa.gov), fax (360) 902-2448, by August 26, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by August 13, 2004, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal will revoke the wild steelhead retention moratorium established by the Fish and Wildlife Commission in February 2004. This filing will open the rules affecting wild steelhead retention and offer the commission maximum flexibility in crafting rules for protection of wild steelhead. If some or all of the current rules are modified, it will allow anglers to catch and retain wild steelhead on those rivers where the department has determined that there are sufficient wild steelhead to achieve broodstock escapement.

Reasons Supporting Proposal: Once broodstock escapement levels have been achieved, the fish surplus to those levels are considered harvestable and are subject to allocation as required by federal law. This proposal will utilize part of the non-Indian allocation in a consumptive fishery. This proposal may also increase tourism to the Olympic Peninsula, having a positive effect on those businesses that cater to steelhead fishers.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

Name of Proponent: The Department of Fish and Wildlife is proposing this rule after the Fish and Wildlife Commission accepted a petition from the City of Forks to revoke the wild steelhead retention moratorium on certain Olympic Peninsula streams, governmental.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, (360) 902-2930; Implementation: Lew Atkins, 1111 Washington

Street, Olympia, WA, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, WA, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules directly regulate the ability of recreational fishers to retain wild steelhead. There is no direct regulation of small businesses, and thus no regulatory impact of the rule proposals. Any secondary impacts to guide services, fishing tackle sellers, restaurants, hotels, etc., are beyond the scope of a small business economic impact statement that analyzes the direct regulatory impact of proposed rules.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

June 18, 2004

Evan Jacoby

Rules Coordinator

**AMENDATORY SECTION** (Amending Order 04-39, filed 3/4/04, effective 5/1/04)

**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.... It is unlawful to fish for or retain grass carp.

GAME FISH SPECIES	DAILY LIMIT	MINIMUM SIZE LIMIT
TROUT (except Eastern Brook trout)	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.
	No more than two of the trout daily catch limit of 5 may be Steelhead.	Eight inches in Rivers, Streams, and Beaver Ponds.
EASTERN BROOK TROUT (Salvelinus fontinalis)	Five - to be considered part of the trout daily catch limit.	None
	Counts as a bonus limit in rivers, streams and beaver ponds. Total of five fish, including brook trout, in these waters.	

BURBOT	Five	None
CHANNEL CATFISH	Five.	None.

(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) ((There is a moratorium on)) Wild steelhead ((retention from April 1, 2004, through March 31, 2006)) 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.

<b>WALLEYE</b>	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
<b>WHITEFISH</b>	Fifteen	None
<b>ALL OTHER GAME FISH</b>	No Limit	None
<b>BULLFROGS</b>	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.

((15)) (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 Straight 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 04-39, filed 3/4/04, effective 5/1/04)

#### **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: Release all 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 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. 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: 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.

**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. 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. 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 Lake (Thurston County):** Crappie: Daily limit ten, minimum length nine inches.

**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.

**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 season. December 1 through April 30, selective gear rules from Highway 101 to Olympic National Park boundary. Trout: Minimum length fourteen inches. December 1 through April 30, 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 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Min-

imum length fourteen inches. December 1 through April 30, 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 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 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. 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: Release 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.

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. Night closure. 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):** 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. Trout: Minimum length fourteen inches.

From Ness's Corner Road to headwaters: 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, except December 1 through March 31 bait and one single point barbed hook three-sixteenths or smaller point to shank may be used. Trout: Release all trout. Above Cle Elum Lake to outlet of Hyas Lake except Tucquala Lake: Selective gear rules.

**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: Release all fish except up to two hatchery steelhead may be retained per day.

**PROPOSED**

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: April 1 through September 30 season. Juveniles and holders of reduced fee disability licenses only. Mainstem Hatchery Creek: April 1 through September 30 season. Juveniles and 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.

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. Sturgeon: (1) Release sturgeon May 1 through May 14 and July 24 through December 31 downstream from the Wauna powerlines. Minimum size when open to retain sturgeon is 45 inches; (2) I-5 Bridge downstream to Wauna powerlines, lawful to retain sturgeon only on Thursdays, Fridays, and Saturdays from February 1 through July 31, and October 1 through December 31. Release sturgeon on other days and during other time periods.

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, and closed to fishing from a floating device or fishing by any method except hand-casted gear from shore from Bonneville Dam downstream to a line from the Hamilton Island boat ramp to an Oregon boundary marker on Robins Island. (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 (the Cascade Island - Bradford Island line). (2) It is unlawful to fish for sturgeon from May 1 through July 31 from Cascade Island - Bradford Island line downstream to a line from Navigation Marker 85 on the Washington shore at a right angle to the thread of the river to the Oregon shore. (3) Cascade Island - Bradford Island line downstream to I-5 Bridge, lawful to retain sturgeon only on Thursdays, Fridays, and Saturdays from February 1 through July 31 and October 1 through December 31, except for May 1 - July 31 closure to Navigation Marker 85. Release sturgeon on other days and during other time periods. (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 having 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: 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 mid-stream 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.

Coweeaman River (Cowlitz County), from mouth to Mulholland Creek: June 1 through March 15 season. Trout: Release 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: Closed waters: Barrier Dam to boundary marker at Cowlitz salmon hatchery water intake approximately 1,700 feet upstream from 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. 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. Sturgeon: Lawful to retain sturgeon on Thursdays, Fridays and Saturdays, February 1 through July 31 and October 1 through December 31. Release sturgeon on other days and during other time periods.

From posted PUD sign on Peters Road to mouth of Ohanepecosh River and mouth of Muddy Fork: 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: Release 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. Sturgeon: Release sturgeon May 1 through May 14 and July 24 through December 31. Minimum size when open is 45 inches.

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: Selective gear rules. Game fish: 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 season. Trout: Minimum length fourteen inches. December 1 through April 30, 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 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 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 junction of Gray Wolf and Dungeness rivers: October 16 through last day in February season. Trout: Minimum length fourteen inches. 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 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. Stationary gear restriction September 1 through October 31. Trout: Release 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 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 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: Release 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: Release 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: Daily limit ten, minimum length nine inches. Bluegill: Not more than five over six inches in length.

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.

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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, night closure and stationary gear restriction 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: Release 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. July 1 through July 31 and September 16 through November 30, one wild steelhead per day may be retained. 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. July 1 through July 31 and October 1 through November 30, one wild steelhead per day may be retained. 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. July 1 through July 31 and October 16 through November 30, one wild steelhead per day may be retained. 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. July 1 through November 30, one wild steelhead per day may be retained. 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: Release 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 February 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), 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. December 1 through March 15, one wild steelhead per day may be retained.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): June 1 through March 31 season. Fly fishing only. All species: Release all fish 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

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required August 16 through November 30. Selective gear and all species: Release all fish except up to two hatchery steelhead may be retained per day, 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.

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.

Humptulips 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.

Humptulips River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Grisdale: Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Humptulips 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.

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: 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. 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

**PROPOSED**

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 the Yakama Indian Reservation boundary: June 1 through November 30 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 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: Release 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 one over 14 inches in length.

Lenma 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: 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. Sturgeon: Lawful to retain sturgeon on Thursdays, Fridays and Saturdays, February 1 through July 31 and October 1 through December 31. Release sturgeon on other days and during other time periods.

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 November 30 from Johnson Creek to Colvin Creek. Trout: 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: 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 Fridgeer 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 release 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 (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: Closed waters: Tacoma Power safety signs at Onion Rock Bridge to 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: Release 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 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 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.

**Moosees 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.

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, R&W (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 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 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 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 Limerrick): 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: Release all fish except up to two hatchery steelhead may be retained per day.

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.

Parrygin 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 to 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 last day in February season. Trout: Minimum length fourteen inches.

**PROPOSED**  
Pyht River (Clallam County): 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.

Pyht 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 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, 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 April 15 season. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. 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. Closed waters: Lewis County PUD safety signs approximately 800 feet below Cowlitz Falls Dam to 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 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):** Mouth to falls: June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Above falls, additional November 1 through March 15 season.

**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: Release all

fish except up to two hatchery steelhead may be retained per day.

**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. 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. Nonbuoyant lure restriction and night closure 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: 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. 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.

From mouth to bridge at Schafer Park: Additional November 1 through March 31 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 restric-

tion 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 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: 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 Due~~)) Soleduck River (Clallam County): Open year-round. May 1 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~~)) Sol Duc Hatchery to the Highway 101 Bridge downstream of Snider Creek November 1 through April 30, 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, from mouth to the concrete pump station at the Sol Duc 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 September 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 cutthroat. 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 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 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. Non-buoyant 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.

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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.

Tahuya River (Mason County): Mouth to Bear Creek-Dewatto Road crossing: Selective gear rules and release all fish except salmon. Salmon: Open only September 16 through October 31 mouth to marker one mile above North Shore Road Bridge. 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 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 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 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 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 North Shore Road Bridge. All species: Release all fish except sturgeon.

From North Shore Road Bridge to lower bridge on Old Belfair Highway: June 1 through August 15 season. Selective gear rules. All species: Release all fish except sturgeon.

From lower bridge on Old Belfair Highway upstream to watershed boundary: Selective gear rules. All species: Release all fish except sturgeon.

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.

**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

**PROPOSED**

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 Coffer 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 except up to two hatchery steelhead may be retained per day, 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. 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: 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. 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 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 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.

**PROPOSED**  
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.

**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 04-13-098  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Economic Services Administration)**

[Filed June 21, 2004, 1:31 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 03-23-108.

**Title of Rule and Other Identifying Information:** WAC 388-412-0015 General information about your basic food allotments.

**Hearing Location(s):** Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA on July 27, 2004, at 10:00 a.m.

**Date of Intended Adoption:** Not earlier than July 28, 2004.

**Submit Written Comments to:** DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail [fernaax@dshs.wa.gov](mailto:fernaax@dshs.wa.gov), fax (360) 664-6185, by 5:00 p.m., July 27, 2004.

**Assistance for Persons with Disabilities:** Contact Fred Swenson, DSHS Rules Consultant, by July 23, 2004, TTY (360) 664-6178 or (360) 664-6097.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The amendment is to clarify the rule regarding receiving duplicate assistance in two assistance units or in two states in the same month for the Washington Basic Food program.

**Reasons Supporting Proposal:** This change will clarify the WAC for DSHS workers, the public, and clients.

**Statutory Authority for Adoption:** RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

**Statute Being Implemented:** RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

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

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

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Patti Clark, 1009 College S.E., Lacey, WA 98504, (360) 413-3084.

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.

A cost-benefit analysis is not required under RCW 34.05.328. 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."

June 14, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 03-22-038, filed 10/28/03, effective 12/1/03)

**WAC 388-412-0015 General information about your Basic Food allotments.** (1) Your monthly Basic Food benefits are called an allotment. An allotment is the total dollar value of benefits your eligible assistance unit (AU) gets for a calendar month.

(2) You cannot receive the same type of benefit in:  
(a) Two states in the same month;  
(b) Two AUs in the same month, unless;  
(c) You left the AU to live in a shelter for battered women and children. See WAC 388-408-0045.

(3) If your AU does not have any countable net income, you get the maximum allotment for the number of eligible people in your AU. See WAC 388-478-0060 for the maximum allotments.

((3))) (4) If your AU has countable net income under WAC 388-450-0162, we calculate, your allotment by:

(a) Multiplying your AU's countable net monthly income by thirty percent;

(b) Rounding this amount up to the next whole dollar; and

(c) Subtracting the result from the maximum allotment.

((4))) (5) If we determine you are eligible for Basic Food, your first month's benefits are from the date you applied for benefits through the end of the month of your application. If there was a delay in processing your application, we determine when your benefits start under WAC 388-406-0055. This is called proration and is based on a thirty-day month.

((5))) (6) If you apply for benefits on or after the sixteenth of the month, and we determine you are eligible for Basic Food, we issue both your first and second months benefits in one allotment if you are eligible for both months.

((6))) (7) If your prorated benefits for the first month are under ten dollars, you will not receive an allotment for the first month.

((7))) (8) If your AU has one or two members, your monthly allotment will be at least ten dollars unless:

(a) It is the first month of your certification period;  
(b) Your AU is eligible for only a partial month; and  
(c) We reduced your first month's allotment below ten dollars based on the date ((your)) you became eligible for Basic Food under WAC 388-406-0055.

**WSR 04-13-127**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**

[Filed June 22, 2004, 11:47 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-09-111.

Title of Rule and Other Identifying Information: WAC 314-02-105 Sampling in beer/wine specialty shops.

Hearing Location(s): Liquor Control Board, Board Room, 3000 Pacific Avenue S.E., Olympia, WA, on August 4, 2004, at 10:00 a.m.

Date of Intended Adoption: August 11, 2004.

Submit Written Comments to: Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, e-mail [rules@liq.wa.gov](mailto:rules@liq.wa.gov), fax (360) 704-4921, by August 9, 2004.

Assistance for Persons with Disabilities: Contact Teresa Berntsen by August 3, 2004, TTY (800) 855-2880 or (360) 664-1648.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making is at the request of a petition for rule making. The petitioner would like the Liquor Control Board to amend WAC 314-02-105(4), which states that specialty shops can only offer samples if their gross retail sales of beer and/or wine are over 50% of their total gross sales. The petitioner would like the agency to amend the rule to allow beer/wine specialty shop licensees who offer bona fide cooking courses to be able to sample beer and/or wine during these classes.

Reasons Supporting Proposal: The Liquor Control Board would like to receive input on changing WAC 314-02-105 to allow beer/wine specialty shops to sample if:

- They meet the existing sales requirements, or
- They conduct bona fide cooking classes and wish to sample during the classes, under the guidelines in the proposed rule.

Statutory Authority for Adoption: RCW 66.08.030, 66.24.371.

Statute Being Implemented: RCW 66.24.371.

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

Name of Proponent: Gretchen Pickett, owner, *Gretchen's*, private.

Name of Agency Personnel Responsible for Drafting: Teresa Berntsen, 3000 Pacific Avenue S.E., Olympia, WA, (360) 664-1648; Implementation: Lorraine Lee, 3000 Pacific Avenue S.E., Olympia, WA, (360) 664-1600; and Enforcement: Rick Phillips, 3000 Pacific Avenue S.E., Olympia, WA, (360) 664-1600.

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

A cost-benefit analysis is not required under RCW 34.05.328. The Washington State Liquor Control Board is not a listed agency in RCW 34.05.328.

June 22, 2004  
Merritt D. Long  
Chairman

**AMENDATORY SECTION** (Amending WSR 04-07-020, filed 3/8/04, effective 4/8/04)

**WAC 314-02-105 What is a beer and/or wine specialty store license?** (1) Per RCW 66.24.371, a beer and/or wine specialty store license allows a licensee to sell beer and/or wine for off-premises consumption.

(2) The annual fee for this license is one hundred dollars.

(3) **Qualifications for license**—To obtain and maintain a beer and/or wine specialty store license, the premises must be stocked with an inventory of beer and/or wine in excess of three thousand dollars wholesale value. This inventory must be:

(a) Stocked within the confines of the licensed premises; and

(b) Maintained on the premises at all times the premises is licensed, with the exception of beginning and closing inventory for seasonal operations or when the inventory is being sold out immediately prior to discontinuing or selling the business.

(4) **Qualifications to sample**—A beer and/or wine specialty store licensee may allow customers to sample beer and wine for the purpose of sales promotion, if the primary business is the sale of beer and/or wine at retail((-)), and the licensee meets the requirements outlined in either subsection (a) or subsection (b) of this rule:

(a) A licensee's gross retail sales of beer and/or wine ((must)) exceeds fifty percent of all gross sales for the entire business((-)); or

(b) The licensed premises is a beer and/or wine specialty store that conducts bona fide cooking classes for the purpose of pairing beer and/or wine with food, under the following conditions:

(i) The licensee must establish to the satisfaction of the board that the classes are bona fide cooking courses. The licensee must charge participants a fee for the course(s).

(ii) The sampling must be limited to a clearly defined area of the premises.

(iii) The licensee must receive prior approval from the board's licensing and regulation division before conducting sampling with cooking classes.

(iv) Once approved for sampling, the licensee must provide the board's enforcement and education division a list of all scheduled cooking classes during which beer and/or wine samples will be served. The licensee must notify the board at least forty-eight hours in advance if classes are added.

(5) ((Sampling may be conducted)) Licensees who qualify for sampling under subsection (4) of this rule may sample under the following conditions:

(a) Each sample must be two ounces or less;

(b) No more than four samples may be provided to a customer during any one visit to the premises; and

(c) No more than one sample of any single brand and type of beer or wine may be provided to a customer during any one visit to the premises.

((5))) (6) A beer and/or wine specialty store licensee may sell beer in kegs or other containers holding at least four gallons and less than five and one-half gallons of beer. See WAC 314-02-115 regarding keg registration requirements.

**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.

**PROPOSED**

**WSR 04-13-128**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed June 22, 2004, 12:09 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-09-048 [04-09-098].

**Title of Rule and Other Identifying Information:** General reporting rules, classifications, audit and record keeping, rates and rating system for workers' compensation insurance, chapter 296-17 WAC.

**Other Identifying Information:** WAC 296-17-31002, 296-17-31009, 296-17-31013, 296-17-31014, 296-17-31024, 296-17-31025, 296-17-527, 296-17-64999, and 296-17-72202.

**Hearing Location(s):** Department of Labor and Industries, 7273 Linderson Way S.W., Room S118, Tumwater, WA 98504-4148, on July 27, 2004, at 9:00 a.m.

**Date of Intended Adoption:** August 24, 2004.

**Submit Written Comments to:** Department of Labor and Industries, Attn: Tammy Turner, Classification Services, P.O. Box 44148, Olympia, WA 98504-4148, e-mail [TURE235@lni.wa.gov](mailto:TURE235@lni.wa.gov), fax (360) 902-4729, by July 27, 2004.

**Assistance for Persons with Disabilities:** Contact Office of Information and Assistance by July 26, 2004, TTY (360) 902-5797.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The legislature passed an act implementing a collective bargaining agreement between the Home Care Quality Authority and individual home care providers. Chapter 278, Laws of 2004 (EHB 1777) passed by the legislature in the 2004 session provides industrial insurance coverage for tens of thousands of home care providers not previously covered by the industrial insurance system. To assist in the implementation of this legislation, Labor and Industries is adding a new home care services/home care quality authority subclassification to risk classification 6511, Chore Services/Home Care Assistants of the classification rules. The department is also amending two risk classification definitions:

1. 0607-19 Advertising or merchandise display by removing the references to classes 6304, 6305, and 6406 and removing the special note, and

2. 900-00 Construction superintendent or project manager by adding a statement to the special note clarifying that this is a special exception classification and not subject to normal rules of the construction industry and making general housekeeping changes to the general reporting rules, i.e., changing references to policy manager to account manager.

Proposed amendments to the general reporting rules (WAC): WAC 296-17-31002 General rule definitions, changing definition of policy manager to definition of account manager;

WAC 296-17-31009 Reciprocal agreements, changing references to policy manager to account manager;

WAC 296-17-31013 Building construction, changing references to policy manager to account manager;

WAC 296-17-31014 Farming and agriculture, changing references to policy manager to account manager;

WAC 296-17-31024 Classification rates, changing references to policy manager to account manager; and

WAC 296-17-31025 Change in business operations, changing references to policy manager to account manager.

Proposed amendments to the Risk Classification Rules (WAC): WAC 296-17-527, Classification 0607-19, Advertising or merchandise display, removing references to 6304, 6305, 6406, and the special note to allow a broader interpretation for the use of this classification;

WAC 296-17-64999 Classification 4900, Construction: Superintendent or project manager, adding clarification to special note regarding use of this class as a construction class, i.e., 4900 is a special exception classification so it is used differently; and

WAC 296-17-72202, Classification 6511, adding a new subcode for Home Care Services/Home Care Quality Authority (per EHB 1777).

**Reasons Supporting Proposal:** The passing of EHB 1777 requires a method of offering industrial insurance to home care providers. Revisions to the general reporting rules offer clarity and consistency in their application.

**Statutory Authority for Adoption:** Chapter 278, Laws of 2004 (EHB 1777), RCW 51.04.020 General authority and 51.16.035 Classification plan/base rate.

**Statute Being Implemented:** RCW 51.16.035.

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

**Name of Proponent:** Department of Labor and Industries, governmental.

**Name of Agency Personnel Responsible for Drafting:** Tammy Turner, Tumwater, Washington, (360) 902-4777; **Implementation:** Kathy Kimbel, Tumwater, Washington, (360) 902-4739; and **Enforcement:** Robert Malooly, Tumwater, Washington, (360) 902-4209.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not place a more than minor economic impact on business; therefore a small business economic impact statement is not required.

A cost-benefit analysis is not required under RCW 34.05.328. This rule is exempt from the significant rule-making criteria under RCW 34.05.328 (5)(b)(v), which exempts a rule where the content is explicitly and specifically dictated by statute.

June 22, 2004

Paul Trause  
Director

**AMENDATORY SECTION** (Amending WSR 03-23-025, filed 11/12/03, effective 1/1/04)

**WAC 296-17-31002 General rule definitions.** In developing the general reporting rules and classifications which govern Washington's workers' compensation classifi-

cation plan, we have used certain words or phrases which could have several meanings. Many of these words or phrases are defined by law in the Revised Code of Washington (*Title 51 RCW*) and can be found in **Appendix A** of this manual. Some words, however, are not defined by law. To reduce the misunderstanding which can result by our use of certain words or phrases not defined in law (*Title 51 RCW*), we have developed definitions which will govern what these words and phrases mean for purposes of this chapter (*chapter 296-17 WAC*).

**The following words or phrases mean:**

**Account:** A unique numerical reference that we assign to you that identifies your business or businesses and allows us to track exposure that you report to us and losses (*claims*) which we pay on your behalf.

**Account manager:** An individual who works in the underwriting section of the department of labor and industries and manages an employer's workers' compensation insurance account. An account manager is also referred to as an underwriter.

**Actual hours worked:** A worker's composite work period beginning with the starting time of day that the employee's work day commenced, and includes the entire work period, excluding any nonpaid lunch period, and ending with the quitting time each day work was performed by an employee. The following example is provided to illustrate how work hours are to be reported. If you have questions on reporting please contact our underwriting section at ((4))360((4))-902-4817.

**Example:** A carpet installer arrives at the employer's place of business at 8:00 a.m. to pick up supplies, carpet, and the job assignment. The carpet installer arrives at the job site at 9:00 a.m. and works until 12 noon. The installer takes a half hour nonpaid lunch period and resumes working from 12:30 p.m. until 4:00 p.m. The installer then returns to the employer's premise to drop off supplies and carpet waste. The installer leaves the employer's premise at 5:30 p.m. The employer is to report nine hours of work time regardless of whether the employee is paid by the hour or by the number of yards of carpet installed.

**All:** When a classification contains a descriptive phrase beginning with "all" such as in "*all employees*," "*all other employees*," "*all operations*," or "*all work to completion*," it includes all operations and employments which are normally associated with the type of business covered by the classification. This condition applies even if the operations or employments are physically separated or conducted at a separate location. Operations or employments are to be classified separately when the classification wording requires it, or when the operations or employments are not incidental to, and not usually associated with, the business described by the classification.

**And:** When this word is contained in any rule it is to be considered the same as the phrase "and/or."

**Basic classification:** A grouping of businesses or industries having common or similar exposure to loss without regard to the separate employments, occupations or operations which are normally associated with the business or industry. Basic classifications describe a specific type of business operation or industry such as mechanical logging,

sawmills, aircraft manufacturing, or restaurants. In most business operations some workers are exposed to very little hazard, while others are exposed to greater hazard. Since a basic classification reflects the liability (*exposure to hazard*) of a given business or industry, all the operations and occupations that are common to an industry are blended together and included in the classification. The rate for a basic classification represents the average of the hazards within the classification. All classifications contained in this manual are considered basic classifications with the exception of classifications 4806, 4900, 4904, 5206, 6301, 6302, 6303, 7101, and temporary help classifications 7104 through 7121. Classification descriptions contained in WAC 296-17-501 through 296-17-779, establish the intended purpose or scope of each classification. These descriptions will routinely include types of businesses, operations, processes or employments which are either included or excluded from the classification. These references are not to be considered an all inclusive listing unless the classification wording so specifies.

**But not limited to:** When this phrase is used in any rule in this manual it is not to be interpreted as an all inclusive list. Such a list is meant to provide examples of operations, employments, processes, equipment or types of businesses which are either included or excluded from the scope of the classification.

**Excludes or excluding:** When a classification contains a descriptive phrase beginning with "*excludes*" or "*excluding*" such as "*excluding drivers or delivery*," "*excluding second hand appliance stores*," or "*excludes construction operations*," you must report those operations in a separate classification. If a business fails to keep the records required in the auditing recordkeeping section of this manual and we discover this, we will assign all workers hours for which records were not maintained to the highest rated classification applicable to the work which was performed.

**Exposure:** Worker hours, worker days, licenses, material, payroll or other measurement which we use to determine the extent to which an employer's workers have been exposed to the hazards found within a particular business or industry classification.

**Governing classification:** Is the basic classification assigned to a business that produces the largest number of worker hours during a calendar year (*twelve months*). The governing classification rule applies only to situations where a business has been assigned two or more basic classifications and is used for the sole purpose of determining what classification applies to employees and covered owners who support two or more operations. The governing classification rule is not to be used to determine the basic classification of a business.

**Includes or including:** When a classification contains a descriptive phrase beginning with "*includes*" or "*including*" such as "*including clerical office*," "*including meter readers*," or "*includes new construction or extension of lines*," you must report these operations in that basic classification even though they may be specifically described by some other classification contained in this manual or may be conducted at a separate location.

**Industrial insurance:** Refer to the definition of "workers' compensation insurance."

**PROPOSED**

**N.O.C.:** This abbreviation stands for not otherwise classified. Classifications are often worded in this way when there are many variations of the same general type of business and it would be nearly impossible to list all the variations. Before a classification designated with N.O.C. is used, all other related classifications must be reviewed to determine if the business or industry is specified in another classification.

**Example:** You operate a retail store that sells greeting cards. In our search to classify your business we come across a classification that covers retail stores N.O.C. Before our underwriter assigns this classification to your business, they would look at other retail store classifications to see if a more precise classification could be found. In our review we note several classifications such as grocery and department stores where greeting cards are sold. None of these classifications, however, specify that they include stores that exclusively sell greeting cards. Classification 6406 "Retail stores, N.O.C.," on the other hand, contains language in its description that states it includes stores that sell items such as greeting cards, table top appliances, tropical fish and birds, and quick print shops. We would assign classification 6406 "Retail stores, N.O.C." to your business.

**Or:** Refer to the definition of the word "and."

**(Policy manager:** An individual who works in the underwriting section of the department of labor and industries and manages an employer's workers' compensation insurance account. A policy manager is also referred to as an underwriter.))

**Premium:** The total amount of money owed to the department of labor and industries as calculated by multiplying the assigned classification composite rate by the total units of exposure.

**Rate:** The amount of premium due for each unit of exposure. All rates are composite rates per worker hour except as otherwise provided for by other rules in this manual.

**Risk:** All insured operations of one employer within the state of Washington.

**Temporary help:** The term "temporary help" means the same as temporary service contractors defined in (*Title 19 RCW*) and applies to any person, firm, association or corporation conducting a business which consists of employing individuals directly for the purpose of furnishing such individuals on a part-time or temporary help basis to others.

**Underwriter:** Refer to the definition of ((a)) an "((policy)) account manager."

**Work day:** Any consecutive twenty-four hour period.

**Work hour:** Refer to the definition of "actual hours worked."

**Workers' compensation insurance:** The obligation imposed on an employer by the industrial insurance laws (*Title 51 RCW*) of the state of Washington to insure the payment of benefits prescribed by such laws.

**AMENDATORY SECTION** (Amending WSR 03-23-025, filed 11/12/03, effective 1/1/04)

**WAC 296-17-31009 Reciprocal agreements.** (1) Occasionally one of my Washington employees will do

some work for me in another state. Do I need to buy workers' compensation insurance in the state where they are working?

In some cases, we can provide workers' compensation insurance coverage for your Washington based employees working for you on a temporary assignment in another state. We have formal written agreements with some states which detail coverage and jurisdiction issues. We refer to these formal agreements as "reciprocal agreements." If you have questions regarding temporary coverage in another state you should contact your ((policy)) account manager for assistance. The name and telephone number of your ((policy)) account manager can be found on your quarterly premium report or annual rate notice. For your convenience you can call us at ((425)360((425))-902-4817 for assistance and we will put you in contact with your assigned ((policy)) account manager.

#### (2) What is a reciprocal agreement?

A reciprocal agreement is a contract between the department of labor and industries acting on behalf of the state of Washington and another state. The primary purpose of the agreement is to identify which state will be responsible for paying benefits if one of your employees is injured. This also limits your insurance costs. If you employ only Washington workers you need to buy workers' compensation insurance only from us.

#### (3) You mentioned that there are circumstances when you can provide insurance coverage. What are the circumstances?

The actual circumstances will vary by state. In most cases we will look at:

- The work to be performed,
- The location where the work is to be performed,
- Where the employee was first hired to work,
- How long the employee will be working in the other state.

#### (4) Which states have reciprocal agreements with Washington? We currently have reciprocal agreements with the following states:

##### • IDAHO

RECIPROCITY AGREEMENT BETWEEN IDAHO INDUSTRIAL ACCIDENT BOARD AND WASHINGTON DEPARTMENT OF LABOR AND INDUSTRIES IN REGARD TO EXTRATERRITORIAL JURISDICTION

This agreement is made between the industrial accident board of the state of Idaho (herein, for convenience, abbreviated Idaho IAB) and the department of labor and industries of the state of Washington (DOLAI), as administrators of the worker's compensation (WC) laws of their respective states, each of said parties being authorized to enter into reciprocity agreements with other states in matters involving their respective extraterritorial jurisdictional powers and duties.

##### PREMISES:

1. Employers in each state on occasion find it necessary or expedient to have their workers perform services in the other state. The parties are desirous of entering into an agreement whereby the employers and workers of each of the respective states may continue to be entitled to the protection and benefits provided by the WC laws of their respective home states.

**DEFINITIONS:**

2. For the purposes of this agreement: Person whose employment is "principally localized" in Idaho shall be deemed to be an Idaho worker. A person's employment is "principally localized" in Idaho when:

(1) His/her employer has a place of business in Idaho and he/she regularly works (or it is contemplated that he/she shall regularly work) at or from such place of business; or

(2) If clause (1) foregoing is not applicable, he/she is domiciled and spends a substantial part of his/her working time in the service of his/her employer in Idaho.

A person whose employment is "principally localized" in Washington shall be deemed to be a Washington worker. A person's employment is "principally localized" in Washington when:

(1) His/her employer has a place of business in Washington and he/she regularly works (or it is contemplated that he/she shall regularly work) at or from such place of business; or

(2) If clause (1) foregoing is not applicable, he/she is domiciled and spends a substantial part of his/her working time in the service of his/her employer in Washington.

An employee whose duties require him/her to travel regularly in the service of his/her employer in more than one state may, by written agreement with his/her employer, designate the state in which his/her employment shall be "principally localized." Unless the state so designated refuses jurisdiction, such agreement shall be given effect under the instant agreement.

In cases where none of the foregoing tests can be made to apply, the person shall be deemed to be a worker of whichever jurisdiction in which his/her contract of hire was made.

3. This agreement shall not apply to Washington workers of an Idaho employer working in the state of Washington, nor to Idaho workers of a Washington employer working in the state of Idaho: Provided, however, That the right and remedies of both Idaho and Washington workers engaged in the construction and maintenance of interstate structures such as dams, bridges, trestles and similar structures between the two states, may be regulated by specific separate reciprocity agreements.

**THE PARTIES AGREE:**

4. The Idaho IAB in keeping with the provision of the Idaho WC law will assume and exercise extraterritorial jurisdiction of compensation claims on any Idaho worker injured in the state of Washington and of his/her dependents upon any Idaho employer under its jurisdiction and the latter's surety or insurance carrier.

5. The Washington DOLAI in keeping with the provisions of the Washington WC law will provide protection of any Washington employer under its jurisdiction and benefits to any Washington worker injured in the course of his/her employment while working in the state of Idaho.

6. A Washington employer while performing work in the state of Idaho shall be subject to the safety codes of the state of Idaho, AND an Idaho employer working in the state of Washington shall be subject to the safety codes of the state of Washington.

7. Employers' premium payments on the out-of-state earnings of Idaho workers shall be due and payable to the

respective employers' insurance carriers AND premium payments of the out-of-state earnings of Washington workers shall be made to the Washington DOLAI.

8. For the purpose of implementing the terms of the agreement, the parties agreed upon the following procedures:

The Idaho IAB will upon request and on behalf of an Idaho employer issue a certificate of extraterritorial coverage to the Washington DOLAI AND the latter upon request and on behalf of a Washington employer will issue a certificate of extraterritorial coverage to the Idaho IAB. Such certificates may be canceled or revoked at the discretion of the issuing agency. Due notice of issuance, modification and cancellation of any such certificate shall be given to the employer and to his/her insurance carrier, if any.

9. This agreement shall be effective January 1, 1971, and shall remain in full force and effect until superseded or modified by the parties hereto.

• **MONTANA**

THE WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES AND THE DEPARTMENT OF LABOR OF THE STATE OF MONTANA, DESIRING TO RESOLVE JURISDICTIONAL ISSUES THAT ARISE WHEN WORKERS FROM ONE STATE TEMPORARILY WORK IN ANOTHER, ENTER INTO THE FOLLOWING AGREEMENT:

**WHO IS AFFECTED BY THIS AGREEMENT?**

This agreement affects the rights of workers and their employers when the contract of employment arises in one state and the worker is temporarily working in the other. To be covered by this agreement, an employer must be considered an employer under both Washington's and Montana's workers' compensation laws, and workers must be considered workers under both Washington's and Montana's workers' compensation laws.

**BASIC RULE:**

When a worker's contract of hire arises in one state and the worker is temporarily working in the other state:

Employers are required to secure the payment of workers' compensation benefits under the workers' compensation law of the state the contracts of employment arose in, and pay premiums if not self-insured for the work performed while in the other state; and

Workers' compensation benefits for injuries and occupational diseases arising out of the temporary employment in the other state are payable under the workers' compensation law of the state the contract of employment arose in, and that state's workers' compensation law provides the exclusive remedy available to the injured worker.

Any Washington employer while performing work in the state of Montana will be subject to the safety codes of the state of Montana. Any Montana employer while performing work in the state of Washington will be subject to the safety codes of the state of Washington.

Washington and Montana both agree to notify the other state in writing of any changes to their law that may affect this agreement within thirty days of that law change.

**EXCLUSIONS FROM THE BASIC RULE:**

This agreement does not apply to Washington workers of Montana employers while working in the state of Washington nor to Montana workers of Washington employers while working in the state of Montana.

Washington employers engaged in the construction industry as defined in Section 39-71-116 MCA and working in Montana must obtain coverage for workers so employed in Montana under the provisions of Montana's Workers' Compensation Act.

Montana employers engaged in the construction industry and working in Washington must obtain coverage for workers so employed in Washington under the provisions of Washington's Industrial Insurance Act.

**CERTIFICATES OF COVERAGE:**

Upon request, each state will issue certificates of extraterritorial coverage to the other when appropriate. The issuing state may cancel these certificates at any time.

**AGREEMENT:**

This agreement retroactively supersedes the previous agreement between Washington and Montana in effect July 1, 1968. This agreement is effective November 1, 2000, and will remain in effect unless terminated, modified, or amended in writing between the parties. Either party may terminate the agreement, without cause, by giving written notice to the other party at least thirty days in advance of such termination.

This agreement creates no rights or remedies, causes of action, or claims on behalf of any third person or entity against Washington or Montana and is executed expressly and solely for the purpose of coordinating issues of workers' compensation coverage between the states.

Any communication between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile or mailing the same, postage prepaid, to the addresses or numbers set forth below on the signature pages or as subsequently modified in writing by the party to be noticed.

• **NEVADA**

**RECIPROCITY AGREEMENT BETWEEN THE DEPARTMENT OF LABOR AND INDUSTRIES OF THE STATE OF WASHINGTON AND THE NEVADA INDUSTRIAL COMMISSIONS OF THE STATE OF NEVADA REGARDING EXTRATERRITORIAL RECIPROCITY**

WHEREAS, The worker's compensation law of the state of Washington authorizes the director of labor and industries to enter into agreement of reciprocity for worker's compensation purposes with other states; and

WHEREAS, The worker's compensation law of the state of Nevada authorizes the Nevada industrial commission to enter into agreements of reciprocity for worker's compensation purposes with other states; and

WHEREAS, Employers who conduct operations in the state of Washington are required on occasion to have Washington workers perform services in the state of Nevada; and

WHEREAS, Employers who conduct operations in the state of Nevada are required on occasion to have Nevada workers perform services in the state of Washington; and

WHEREAS, The department of labor and industries of the state of Washington and the Nevada industrial commission of the state of Nevada are desirous of entering into an agreement whereby the employers and workers of each of the respective states may continue to be entitled to the protection and benefits provided by the worker's compensation laws of their respective home state.

IT IS HEREBY AGREED That for the purpose of this agreement of reciprocity, a Washington worker is a person hired to

work in the state of Washington, and a Nevada worker is a person hired to work in the state of Nevada.

IT IS FURTHER AGREED BETWEEN The department of labor and industries of the state of Washington and the Nevada industrial commission of the state of Nevada.

That the department of labor and industries of the state of Washington in keeping with the provisions of the Washington worker's compensation law will provide protection for any Washington employer under its jurisdiction and benefits to any of the Washington workers who may be injured in the course of employment while working temporarily in the state of Nevada. In the event of an injury to one of these workers, his/her exclusive remedy would be that provided by the worker's compensation law of the state of Washington.

That the Nevada industrial commission of the state of Nevada in keeping with the provisions of the Nevada worker's compensation law will provide protection for any Nevada employer under its jurisdiction, and benefits to any of its workers who may be injured in the course of employment while working temporarily in the state of Washington. In the event of injury to one of these workers, his/her exclusive remedy would be that provided by the worker's compensation law of the state of Nevada.

That the department of labor and industries of the state of Washington will upon request and on behalf of the Washington employer issue a certificate of extraterritorial coverage to the Nevada industrial commission of the state of Nevada, and that the Nevada industrial commission of the state of Nevada will upon request and on behalf of the Nevada employer issue a certificate of extraterritorial coverage to the department of labor and industries of the state of Washington.

That these certificates of extraterritorial coverage shall be issued and/or canceled at the discretion of the Washington department of labor and industries or the Nevada industrial commission.

That the Nevada employer while performing work in the state of Washington will be subject to the safety codes of the state of Washington, and that the Washington employer while performing work in the state of Nevada will be subject to the safety codes of the state of Nevada.

IT IS MUTUALLY UNDERSTOOD, That this agreement will not apply to Nevada workers of the Washington employer working in the state of Nevada, nor to the Washington workers of the Nevada employer working in the state of Washington.

IT IS ALSO MUTUALLY UNDERSTOOD, That premium payments on the out-of-state earnings of Washington workers will be made to the Washington department of labor and industries, and that premium payments on the out-of-state earnings of Nevada workers will be made to the Nevada industrial commission of the state of Nevada.

IT IS FURTHER AGREED That this statement of extraterritorial reciprocity shall be effective April 1, 1970, and further that this agreement shall remain in full force and effect until superseded or modified by the parties to this agreement.

• **NORTH DAKOTA**

**THE WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES AND THE NORTH DAKOTA WORKERS COMPENSATION, DESIRING TO RESOLVE JURISDICTIONAL ISSUES THAT ARISE WHEN WORKERS FROM ONE STATE TEMPORARILY**

**WORK IN ANOTHER, ENTER INTO THE FOLLOWING AGREEMENT:**

**WHO IS AFFECTED BY THIS AGREEMENT?**

This agreement affects the rights of workers and their employers when the contract of employment arises in one state and the worker is temporarily working in the other. To be covered by this agreement, an employer must be considered an employer under both Washington's and North Dakota's workers' compensation laws, and workers must be considered workers under both Washington's and North Dakota's workers' compensation laws.

**BASIC RULE:**

When a worker's contract of hire arises in one state and the worker is temporarily working in the other state:

Employers are required to secure the payment of workers' compensation benefits under the workers' compensation law of the state the contracts of employment arose in, and pay premiums if not self-insured for the work performed while in the other state; and

Workers' compensation benefits for injuries and occupational diseases arising out of the temporary employment in the other state are payable under the workers' compensation law of the state the contract of employment arose in, and that state's workers' compensation law provides the exclusive remedy available to the injured worker.

Any Washington employer while performing work in the state of North Dakota will be subject to the safety codes of the state of North Dakota. Any North Dakota employer while performing work in the state of Washington will be subject to the safety codes of the state of Washington.

**EXCLUSION FROM THE BASIC RULE:**

This agreement does not apply to Washington workers of North Dakota employers while working in the state of Washington or to North Dakota workers of Washington employers while working in the state of North Dakota.

**CERTIFICATES OF COVERAGE:**

Upon request, each state will issue certificates of extra-territorial coverage to the other when appropriate. The issuing state may cancel these certificates at any time.

**AGREEMENT:**

This agreement is effective March 1, 2001, and will remain in effect unless terminated, modified, or amended in writing between the parties. Either party may terminate the agreement, without cause, by giving written notice to the other party at least thirty days in advance of such termination.

This agreement creates no rights or remedies, causes of action, or claims on behalf of any third person or entity against Washington or North Dakota, and is executed expressly and solely for the purpose of coordinating issues of workers' compensation coverage between the states.

Any communication between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile or mailing the same, postage prepaid, to the addresses or numbers set forth below on the signature pages or as subsequently modified in writing by the party to be noticed.

**• OREGON**

THE STATE OF WASHINGTON, ACTING BY AND THROUGH THE WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES AND THE STATE OF OREGON, ACTING BY AND THROUGH

ITS DEPARTMENT OF CONSUMER AND BUSINESS SERVICES, DESIRING TO RESOLVE JURISDICTIONAL ISSUES THAT ARISE WHEN WORKERS FROM ONE STATE TEMPORARILY WORK IN ANOTHER, ENTER INTO THE FOLLOWING AGREEMENT (THE "AGREEMENT"):

**WHO IS AFFECTED BY THIS AGREEMENT?**

This agreement affects the rights of workers and their employers when the contract of employment arises in Washington and the worker is temporarily working in Oregon, or when the contract of employment arises in Oregon and the worker is temporarily working in Washington. To be covered by this agreement, an employer must be considered an employer under both Washington's and Oregon's workers' compensation laws, and workers must be considered workers under both Washington's and Oregon's workers' compensation laws.

**BASIC RULE:**

When a contract of employment arises in Washington and the worker is temporarily working in Oregon or when the contract of employment arises in Oregon and the worker is temporarily working in Washington:

Employers shall be required to secure the payment of workers' compensation benefits under the workers' compensation law of the state the contract of employment arose in, and pay premiums or be self-insured in that state for the work performed while in the other state; and

Workers' compensation benefits for injuries and occupational diseases arising out of the temporary employment in the other state shall be payable under the workers' compensation law of the state the contract of employment arose in, and that state's workers' compensation law provides the exclusive remedy available to the injured worker.

In determining whether a worker is temporarily working in another state, Washington and Oregon agree to consider:

1. The extent to which the worker's work within the state is of a temporary duration;

2. The intent of the employer in regard to the worker's employment status;

3. The understanding of the worker in regard to the employment status with the employer;

4. The permanent location of the employer and its permanent facilities;

5. The extent to which the employer's contract in the state is of a temporary duration, established by a beginning date and expected ending date of the employer's contract;

6. The circumstances and directives surrounding the worker's work assignment;

7. The state laws and regulations to which the employer is otherwise subject;

8. The residence of the worker; and

9. Other information relevant to the determination.

- Washington and Oregon both agree to notify the other state of any changes to their law that may affect this agreement within thirty days of that law change.

- Any Washington employer while performing work in the state of Oregon will be subject to the safety codes of the state of Oregon. Any Oregon employer while performing work in the state of Washington will be subject to the safety codes of the state of Washington.

**EXCLUSION FROM THE BASIC RULE:**

This agreement does not apply to any Washington worker of an Oregon employer while working in the state of Washington nor to any Oregon worker of a Washington employer while working in the state of Oregon. It is understood that an employer from either Oregon or Washington may have a contract in the other state where they may have both Oregon and Washington workers which may require obtaining coverage in both states for that same contract.

This agreement does not apply to employees of an employer working for stevedoring or steamship companies.

This agreement does not supersede separate agreements made regarding workers employed in the construction or maintenance of interstate structures such as dams, bridges, trestles, etc. between Oregon and Washington.

#### CERTIFICATES OF COVERAGE:

Upon request, each state will issue certificates of extra-territorial coverage to the other when appropriate. The issuing state may cancel these certificates at any time.

#### MERGER:

This agreement replaces and supersedes the previous agreement on the same subject matter entered into between Washington and Oregon in effect since October 5, 1997.

#### EFFECTIVE DATE:

This agreement shall take effect immediately upon completion of all of the following requirements:

- (1) Execution by both parties;
- (2) Public notification in compliance with Oregon law; and
- (3) Adoption as a rule in compliance with Washington law. This agreement will remain in effect unless terminated, modified, amended or replaced in writing between the parties.

#### TERMINATION:

Either party may terminate the agreement, without cause, by giving written notice to the other party at least thirty days in advance of such termination.

#### NOTICE:

Any communication between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile or mailing the same, postage prepaid, to the addresses or numbers set forth below on the signature pages or as subsequently modified in writing by the party to be noticed.

#### • SOUTH DAKOTA

THE WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES AND THE SOUTH DAKOTA DEPARTMENT OF LABOR, DESIRING TO RESOLVE JURISDICTIONAL ISSUES THAT ARISE WHEN WORKERS FROM ONE STATE TEMPORARILY WORK IN ANOTHER, ENTER INTO THE FOLLOWING AGREEMENT:

#### WHO IS AFFECTED BY THIS AGREEMENT?

This agreement affects the rights of workers and their employers when the contract of employment arises in one state and the worker is temporarily working in the other. To be covered by this agreement, an employer must be considered an employer under both Washington's and South Dakota's workers' compensation laws, and workers must be considered workers under both Washington's and South Dakota's workers' compensation laws.

#### BASIC RULE:

When a worker's contract of hire arises in one state and the worker is temporarily working in the other state:

Employers are required to secure the payment of workers' compensation benefits under the workers' compensation law of the state the contracts of employment arose in, and pay premiums if not self-insured for the work performed while in the other state; and

Workers' compensation benefits for injuries and occupational diseases arising out of the temporary employment in the other state are payable under the workers' compensation law of the state the contract of employment arose in, and that state's workers' compensation law provides the exclusive remedy available to the injured worker.

Any Washington employer while performing work in the state of South Dakota will be subject to the safety codes of the state of South Dakota. Any South Dakota employer while performing work in the state of Washington will be subject to the safety codes of the state of Washington.

#### EXCLUSION FROM THE BASIC RULE:

This agreement does not apply to Washington workers of South Dakota employers while working in the state of Washington or to South Dakota workers of Washington employers while working in the state of South Dakota.

#### CERTIFICATES OF COVERAGE:

Upon request, each state will issue certificates of extra-territorial coverage to the other when appropriate. The issuing state may cancel these certificates at any time.

#### AGREEMENT:

This agreement is effective March 1, 2001 and will remain in effect unless terminated, modified, or amended in writing between the parties. Either party may terminate the agreement, without cause, by giving written notice to the other party at least thirty days in advance of such termination.

This agreement creates no rights or remedies, causes of action, or claims on behalf of any third person or entity against Washington or South Dakota, and is executed expressly and solely for the purpose of coordinating issues of workers' compensation coverage between the states.

Any communication between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile or mailing the same, postage prepaid, to the addresses or numbers set forth below on the signature pages or as subsequently modified in writing by the party to be noticed.

#### • UTAH

THE WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES AND THE UTAH LABOR COMMISSION, DESIRING TO RESOLVE JURISDICTIONAL ISSUES THAT ARISE WHEN WORKERS FROM ONE STATE TEMPORARILY WORK IN ANOTHER, ENTER INTO THE FOLLOWING AGREEMENT:

#### WHO IS AFFECTED BY THIS AGREEMENT?

This agreement affects the rights of workers and their employers when the contract of employment arises in one state and the worker is temporarily working in the other. To be covered by this agreement, an employer must be considered an employer under both Washington's and Utah's workers' compensation laws, and workers must be considered workers under both Washington's and Utah's workers' compensation laws.

**BASIC RULE:**

When a worker's contract of hire arises in one state and the worker is temporarily working in the other state:

Employers are required to secure the payment of workers' compensation benefits under the workers' compensation law of the state the contracts of employment arose in, and pay premiums if not self-insured for the work performed while in the other state; and

Workers' compensation benefits for injuries and occupational diseases arising out of the temporary employment in the other state are payable under the workers' compensation law of the state the contract of employment arose in, and that state's workers' compensation law provides the exclusive remedy available to the injured worker.

Any Washington employer while performing work in the state of Utah will be subject to the safety codes of the state of Utah. Any Utah employer while performing work in the state of Washington will be subject to the safety codes of the state of Washington.

Washington and Utah both agree to notify the other state in writing of any changes to their law that may affect this agreement within thirty days of that law change.

**EXCLUSION FROM THE BASIC RULE:**

This agreement does not apply to Washington workers of Utah employers while working in the state of Washington nor to Utah workers of Washington employers while working in the state of Utah.

**CERTIFICATES OF COVERAGE:**

Upon request, each state will issue certificates of extraterritorial coverage to the other when appropriate. The issuing state may cancel these certificates at any time.

**AGREEMENT:**

This agreement is effective March 1, 2001, and will remain in effect unless terminated, modified, or amended in writing between the parties. Either party may terminate the agreement, without cause, by giving written notice to the other party at least thirty days in advance of such termination.

This agreement creates no rights or remedies, causes of action, or claims on behalf of any third person or entity against Washington or Utah and is executed expressly and solely for the purpose of coordinating issues of workers' compensation coverage between the states.

Any communication between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile or mailing the same, postage prepaid, to the addresses or numbers set forth below on the signature pages or as subsequently modified in writing by the party to be noticed.

**• WYOMING****AGREEMENT BETWEEN THE DEPARTMENT OF LABOR AND INDUSTRIES OF THE STATE OF WASHINGTON AND THE WORKMEN'S COMPENSATION DEPARTMENT OF THE STATE OF WYOMING REGARDING EXTRATERRITORIAL RECIPROCITY**

WHEREAS, The workmen's compensation law of the state of Washington authorized the director of labor and industries to enter into agreements of reciprocity for workmen's compensation purposes with other states; and

WHEREAS, The workmen's compensation law of the state of Wyoming authorizes the workmen's compensation depart-

ment to enter into agreements of reciprocity for workmen's compensation purposes with other states; and

WHEREAS, Employers who conduct operations in the state of Washington are required on occasion to have Washington-hired workers perform services in the state of Wyoming; and

WHEREAS, Employers who conduct operations in the state of Wyoming are required on occasion to have Wyoming-hired workers perform services in the state of Washington; and

WHEREAS, The department of labor and industries of the state of Washington and the workmen's compensation department of the state of Wyoming are desirous of entering into an agreement whereby the employers and workers of each of the respective states may continue to be entitled to the protection and benefits provided by the workmen's compensation laws of their respective home states.

IT IS HEREBY AGREED BETWEEN The department of labor and industries of the state of Washington and the workmen's compensation department of the state of Wyoming:

That the department of labor and industries of the state of Washington in keeping with the provisions of the Washington workmen's compensation law will provide protection for any Washington employer under its jurisdiction and benefits to any of his/her workers who may be hired in the state of Washington and injured in the course of employment while working temporarily in the state of Wyoming. In the event of injury to one of these workers, his/her exclusive remedy would be that provided by the workmen's compensation law of the state of Washington.

That the workmen's compensation department of the state of Wyoming in keeping with the provision of the Wyoming workmen's compensation law will provide protection for any Wyoming employer under its jurisdiction, and benefits to any of his/her workers who may be hired in the state of Wyoming and injured in the course of employment while working temporarily in the state of Washington. In the event of injury to one of these workers, his/her exclusive remedy would be that provided by the workmen's compensation law of the state of Wyoming.

That for the purpose of this agreement "temporary" shall mean a period not to exceed six months.

That the department of labor and industries of the state of Washington will, upon request and on behalf of the Washington employer, issue a certificate of extraterritorial coverage to the workmen's compensation department of the state of Wyoming, and that the workmen's compensation department of the state of Wyoming will, upon request and on behalf of the Wyoming employers, issue a certificate of extraterritorial coverage to the department of labor and industries of the state of Washington.

That these certificates of extraterritorial coverage shall be issued for a maximum period of six months subject to renewal upon request by the affected employers and at the discretion of the Washington department of labor and industries, or the Wyoming workmen's compensation department.

That the Wyoming employer and his/her workers while performing work in the state of Washington under this agreement will be subject to the safety codes of the state of Washington, and that the Washington employer and his/her work-

**PROPOSED**

ers while performing work in the state of Wyoming under this agreement will be subject to the safety codes of the state of Wyoming.

IT IS MUTUALLY UNDERSTOOD That this agreement will not apply to workers of the Washington employer who may be hired in the state of Wyoming, nor to the workers of the Wyoming employer who may be hired in the state of Washington.

IT IS ALSO MUTUALLY UNDERSTOOD That premium payments on the out-of-state earnings of Washington-hired workers will be made to the Washington department of labor and industries, and that premium payments on the out-of-state earning of Wyoming-hired workers will be made to the workmen's compensation department of the state of Wyoming.

IT IS FURTHER AGREED That this agreement of extraterritorial reciprocity shall become effective on July 15, 1963, and shall remain in full force and effect until superseded or modified by the parties to this agreement.

#### AMENDATORY SECTION (Amending WSR 01-23-059, filed 11/20/01, effective 1/1/02)

#### **WAC 296-17-31013 Building construction. (1) Does this same classification approach apply to building and construction contractors?**

Yes, but it may not appear that way without further explanation. We classify contractors by phase and type of construction since it is common for each contract to vary in scope.

*Example: A contractor who builds and remodels private residences may frame the structure and work on no other phases of the project. On another job the same contractor may do only the interior finish carpentry. On still another job the contractor may install a wood deck or build a garden arbor. Each of these carpentry activities is covered by a different classification code. To ensure that contractor businesses receive the same treatment as other businesses, we assign classifications according to the phases and types of construction they contract to perform. Since some contractors specialize in one area of construction, such as plumbing, roofing, insulation, or electrical services, this classification approach mirrors that of nonbuilding contractor businesses. The policy of assigning several basic classifications to contractors engaged in multiple phases of construction may seem to be in conflict with the classification approach used for nonbuilding contractor businesses, but we have simply used the multiple business classification approach.*

If we have assigned multiple classifications to your construction business you should take special care in maintaining the records required in the auditing and recordkeeping section of this manual. If we discover that you have failed to keep the required records we will assign all worker hours for which the records were not maintained to the highest rated classification applicable to the work that was performed.

#### **(2) Who does this rule apply to?**

If you are a building, construction or erection contractor and we have assigned one or more of the following classifications to your business, this rule applies to you: 0101, 0103, 0104, 0105, 0107, 0108, 0201, 0202, 0210, 0212, 0214, 0217,

0219, 0301, 0302, 0303, 0306, 0307, 0403, 0502, 0504, 0506, 0507, 0508, 0509, 0510, 0511, 0512, 0513, 0514, 0516, 0517, 0518, 0519, 0521, 0540, 0541, 0550, 0551, 0601, 0602, 0603, 0607, 0608, and 0701.

#### **(3) Can I have a single classification assigned to my business to cover a specific construction project?**

Yes, to simplify recordkeeping and reporting requirements we will assign a single classification to cover an entire project.

#### **(4) How do I request the single classification for one of my construction projects?**

You should send your request to the attention of your (policy) account manager at the address below:

Department of Labor and Industries  
P.O. Box 44144  
Olympia, Washington 98504-4144

#### **(5) If I have asked for a single classification on one of my construction projects, how do you determine which classification will apply?**

You must supply us with a description of the project and a break down of the total number of hours of exposure by phase of construction that you are responsible for.

*Example: You notify us that your company will be responsible for all plumbing and iron erection work on a commercial building site. You have requested a single classification for this project. In your request you tell us that you estimate that it will take one thousand work hours to perform all the plumbing work and five hundred work hours to do the steel erection work.*

With this information we will estimate the premiums by classification.

*Example: We determine that the plumbing work is covered under classification 0306 and the steel erection work is covered under classification 0518. Assume that classification 0306 has an hourly premium rate of \$1.50 and classification 0518 has an hourly premium rate of \$2.55. We estimate the total premium on this job to be \$2,775 (1,000 hours x \$1.50 = \$1,500 + 500 hours x \$2.55 = \$1,275).*

Our next step in this process is to develop an average hourly rate for the project. We will use this information to select the single classification which will apply to this project.

*Example: We will take the estimated premium (\$2,775) and divide this number by the estimated hours (1,500) and arrive at an average hourly rate of \$1.85.*

To select the single classification that will apply to a construction project, we will compare the average hourly rate that we have computed to the rates of the classifications applicable to the project. We will select the classification whose hourly rate is the closest to the average hourly rate that we computed from the information you supplied us with.

*Example: From the information you supplied, we have determined that the average hourly rate for this project is \$1.85. We also know that the rate for the plumbing classification (0306) is \$1.50 per hour and the rate for steel erection is \$2.55 per hour. We would assign classification 0306 as the single classification applicable to this project.*

#### **(6) How will I know what classification will apply to my construction project?**

We will send you a written notice which will specify the basic classification and premium rate that will apply to this project.

**(7) If I have asked for a single classification to cover one of my construction projects, am I required to use the single classification which you gave me?**

No, but you should call your ((policy)) account manager to verify what other classifications would apply to the project. The name and phone number of your ((policy)) account manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at ((())360((()))-902-4817 and we will put you in contact with your assigned ((policy)) account manager.

**(8) I am a general construction or erection contractor, I subcontract all my work and have no employees of my own. Do I have to report to the department of labor and industries?**

No, since you do not have employees, you do not need to report to the department of labor and industries. You should be aware that the workers' compensation insurance laws of Washington include certain independent contractors as workers. If we determine that an independent contractor that you used qualifies as a covered worker, you will be responsible for the premium due for their work time. You can also be held responsible for premiums due to labor and industries if you subcontract with an unregistered contractor and they fail to pay premiums on behalf of their employees. It is in your best interest to make sure that your subcontractors are registered contractors by contacting us at 1-800-647-0982.

**(9) Am I required to keep any special records of subcontractors that I use?**

Yes, you are required to keep certain information about the subcontractors that you use. The information required is:

- Subcontractor's legal name;
- Contractor registration number and expiration date;
- UBI number (or labor and industries account ID number).

If you supply materials to a subcontractor, also keep a record of the:

- Amount of material supplied;
- Project name or location;
- Date material was supplied; and
- Completion date of contracted work.

Failure to maintain these records may result in the subcontractor being considered a covered worker for whom you must report hours.

**AMENDATORY SECTION** (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-31014 Farming and agriculture. (1) Does this same classification approach apply to farming or agricultural operations?**

Yes, but it may not appear so without further explanation. We classify farming and agricultural operations by type of crop or livestock raised. This is done because each type of grower will use different processes and grow or raise multiple crops and livestock which have different levels of hazards. It is common for farmers and ranchers to have several basic classifications assigned to their account covering vari-

ous types of crops or livestock. If you fail to keep the records required in the auditing recordkeeping section of this manual, and we discover this, we will assign all worker hours for which records were not maintained to the highest rated classification applicable to the work performed.

**(2) I am involved in diversified farming and have several basic classifications assigned to my business. Can I have one classification assigned to my account to cover the different types of farming I am involved in?**

Yes, your ((policy)) account manager can assist you in determining the single classification that will apply to your business. The name and phone number of your ((policy)) account manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at ((())360((()))-902-4817 and we will put you in contact with your assigned ((policy)) account manager.

**(3) How do you determine what single farming classification will be assigned to my business?**

The approach used to assign a single classification to a farming business is much the same as we use for construction or erection contractors. To do this, we will need a break down of exposure (*estimate of hours to be worked by your employees*) by type of crop or livestock being cared for (*classification*). This information will be used to estimate the premium which would be paid using multiple classifications. The total premium is then divided by the total estimated hours to produce an average rate per hour. We will select the classification assigned to your business which carries the hourly premium rate which is the closest to the average rate that we produced from the estimated hours. Classification 4806 is not to be assigned to any grower as the single farming classification.

**(4) How will I know what single farming classification you have assigned to my business?**

We will send you a written notice of the basic classification that will apply to your business.

**(5) If I requested a single classification for my farming operation can I change my mind and use multiple classifications?**

Yes, but you will need to call your ((policy)) account manager to verify the applicable classifications.

The name and phone number of your ((policy)) account manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at ((())360((()))-902-4817 and we will put you in contact with your assigned ((policy)) account manager.

**(6) I am a farm labor contractor. How is my business classified?**

If you are a farm labor contractor we will assign the basic classification that applies to the type of crop being grown, or livestock being cared for. If you contract to supply both machine operators and machinery on a project, all operations are to be assigned to classification 4808.

**AMENDATORY SECTION** (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-31024 Classification rates. (1) How do you determine what rate to charge me?**

Each classification has a corresponding base rate. The base rate assigned to your business will depend on the basic classification or classifications assigned to your business.

**(2) What do you mean by a base rate?**

The base rate is a comparison of losses (*claims*) and exposure to produce a cost per unit of exposure. The base rate is an unmodified rate that all employers with an experience factor of 1.000 will pay in a specific classification.

**(3) Do all employers in the same classification pay the base rate?**

In practice, only a few employers pay the *base rate*. If you are a new employer, you will pay the base rate until you have reported worker hours during the current *experience period*. After you have reported hours during an experience period, your rate will be modified as of January 1, of the next calendar year. We refer to that modified rate as your *experience rate*. Your experience rate is the base rate adjusted by your own company's claims losses (*experience factor*). It can produce a premium higher or lower than the *base rate*. This means that employers with few claims will pay less than employers in the same classification who have many claims. Experience rating encourages strong safety and accident prevention programs. Details of how experience rating affects your premium are outlined in WAC 296-17-850 through 296-17-875. Your ((*policy*)) account manager can also answer questions about your individual experience factor. The name and phone number of your ((*policy*)) account manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at ((*(*)))360((*)*)-902-4817 and we will put you in contact with your assigned ((*policy*)) account manager.

**AMENDATORY SECTION** (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-31025 Change in business operations. If I change the type of business I operate, or add a new operation, should I call you?** Yes, we rely on you to update us about changes in your business operations. We provide a place on your quarterly premium reports to let us know about any changes you have made. If you need help determining if changes to your account are necessary, you can call your ((*policy*)) account manager. Depending on the type of change you are making, you may need to complete a new master application. The name and phone number of your ((*policy*)) account manager can be found on your quarterly premium report or annual rate notice. For your convenience you can call us at ((*(*)))360((*)*)-902-4817 and we will put you in contact with your assigned ((*policy*)) account manager.

**AMENDATORY SECTION** (Amending WSR 03-23-025, filed 11/12/03, effective 1/1/04)

**WAC 296-17-527 Classification 0607.**

**0607-11 Household appliances: Installation, service and/or repair by nonstore service or repair company; dealers of used household appliances**

Applies to establishments engaged in the installation, service and/or repair of electrical or gas household appliances and to dealers of used electrical or gas household appliances.

Many establishments covered by this classification have small retail store operations where they offer reconditioned or second hand appliances for sale, a parts department, and an area where appliances brought into the shop are repaired. Although this classification deals primarily with service away from the shop, the store, parts department and shop operations are included within the scope of this classification. The term "household appliances" includes, but is not limited to, stoves, ovens, ranges, dishwashers, refrigerators, trash compactors, television sets, residential type garage door openers, washing machines, and clothes dryers. This classification also applies to the installation, service or repair of automated teller machines. Repair services provided by establishments subject to this classification may also include related smaller appliances such as video players, portable television sets, stereo systems, microwave and toaster ovens, blenders, coffee makers and mixers. The *servicing* of water softening systems, coffee and juice machines, and beer taps is also included in this classification.

This classification excludes dealers of new household appliances who are to be reported separately in classification 6306; installation, service, and/or repair of commercial appliances such as those used in laundries, bakeries, and restaurants which is to be reported separately in classification 0603; installation, service, and repair of commercial garage doors and openers which is to be reported separately in classification 0603; installation of water softening systems which is to be reported separately in classification 0306; and small table top or counter top appliance stores which are to be reported separately in classification 6406.

**Special note:** Classification 0607 is distinguishable from classification 6306-02 operations in that appliance stores covered in classification 6306-02 are engaged primarily in the sales of new appliances. Although classification 6306 includes repair of appliances, most repairs are related to warranty work and represent a minor part of the business. By contrast, the repair of appliances in classification 0607 is the primary activity of the business.

**0607-16 Television antenna or satellite dish: Installation, removal, service and/or repair**

Applies to establishments engaged in the installation, removal, service and/or repair of television antennas or satellite dish receiving units. Operations contemplated by this classification are limited to rooftop installation of television antennas or ground or rooftop-mounted satellite dish reception units. Establishments covered by this classification will generally employ technicians and installers to install systems and trouble shoot reception problems. Equipment is limited primarily to delivery trucks, vans, ladders, and small power and/or hand tools.

This classification excludes specialty contractors who install, remove, service or repair antennas, dish units, and/or other transmitting/receiving apparatus to a structure covered by classification 0508, who are to be reported separately in classification 0508; and establishments engaged in the sale of new console type and big screen televisions who also sell and install antennas which are to be reported separately in classification 6306.

### **0607-17A Safes or vaults, private mail boxes, or safe deposit boxes: Installation, removal, service and/or repair**

Applies to contractors engaged in the installation, removal, service and/or repair of all types of safes or vaults regardless of size or application, private mail or postal boxes, or safe deposit box units within buildings. Safes and vaults are found in businesses such as, but not limited to, banks, jewelry stores, rare coin and stamp stores, grocery stores, and gasoline service stations, as well as in private residences. Services contemplated by this classification include, but are not limited to, safe opening services.

### **0607-17B Lock sets and/or dead bolt locks: New installation**

Applies to the *new installation* of lock sets and/or dead bolt locks on buildings or structures by contractor or by employees of a locksmith. The term new installation applies to installing a lock set (locking doorknob) or a dead bolt where none previously existed. The process consists of measuring and marking where the unit is to be placed on the door, boring holes into the door to accept the lock set or dead bolt lock, and installing the lock set unit using a power drill and basic hand tools.

This classification excludes the installation of a *replacement* lock set or dead bolt lock unit by employees of a locksmith, and locksmith store operations which are to be reported separately in classification 6309.

### **0607-18A Window/door blinds, shades, curtains and drapes: Installation**

Applies to contractors and employees of store operations who are engaged in the installation of indoor or outdoor window coverings, such as, but not limited to, blinds, shades, screens, exterior roll shutters and draperies or curtains, but does not include awnings. The process consists of marking the location of covering on the frame or opening, securing brackets or hardware, rods and poles, and installing the covering.

This classification excludes the installation of window and door awnings which is to be reported separately in the applicable classification, and the manufacture of coverings which is to be reported in the applicable classification.

**Special note:** Care should be taken when considering the assignment of a store classification to an establishment engaged in the installation of coverings to verify that a store exists. It is common for establishments subject to this classification to have show rooms to help customers visualize covering products available for sale. These establishments have little or no product available for immediate sale, as most items are special order from the manufacturer. A bona fide window/door covering store will have a large assortment of coverings, as well as related home interior products such as, but not limited to, pillows, small rugs, and accent pieces, readily available for sale to customers.

### **0607-19 Advertising or merchandise display: Set up or removal within buildings by nonstore employees**

Applies to contractors engaged in the set up or removal of advertising or merchandise displays within buildings for retail or wholesale store customers. Operations contemplated by this classification will vary from seasonal panoramas with

extensive carpentry, painting, and art work to dressing mannequins to be displayed in store windows.

This classification also applies to establishments engaged in providing merchandising services, not covered by another classification, (N.O.C.), (for certain products) without the responsibility of delivering ((them)) products to the customer's place of business. ((Customers of these types of services are generally retail businesses assigned classifications 6304, 6305, or 6406 such as, but not limited to, gift, variety or department stores, dry goods stores, drug stores, news stands, book or video stores, and cosmetic stores.)) Merchandising services contemplated by this classification include, but are not limited to, taking inventory of goods on hand, restocking, reordering, removing outdated or damaged merchandise from shelves, and/or assembling temporary displays.

This classification excludes employees of store operations engaged in setting up displays who are to be reported separately in the applicable store classification as this is a common store activity, and merchandising establishments or employees who deliver products to their customer's place of business, and may also perform related merchandising functions, who are to be reported separately in classification 1101.

((**Special note:** The distinguishing factor between merchandising employees who may be reported in this classification and those who are to be reported in classification 1101-17 is the delivery of products to the customer's place of business. Any employee who delivers merchandise to the customer's place of business is to be reported in classification 1101.))

### **0607-21 Meat slicer or grinder: Installation, service and/or repair**

Applies to contractors and employees of equipment manufacturers engaged in the installation service and/or repair of meat cutting, slicing, or grinding equipment within stores, restaurants, or processing plants. Repair may be performed at the customer's location or in a shop operated by an employer subject to this classification. This classification includes repair shops, field technicians, installers, and warehouse or parts department employees.

**Special note:** Establishments subject to this classification generally do not have store operations. Equipment is generally ordered from the manufacturer or distributor and shipped to the customer's location where it will be installed. In the event that an establishment subject to this classification has a store operation it is included within classification 0607.

### **0607-22 Protective bumpers: Installation**

Applies to contractors engaged in the installation of protective bumpers on structures such as, but not limited to, store loading docks for freight or cargo. Operations contemplated by this classification are limited to measuring the dock to be fitted with a rubber bumper, finish cutting or otherwise fabricating the rubber pieces to fit the required application, and fastening the dock bumper with the use of hand tools. Dock bumpers are made of rubber from recycled tires or similar pliable materials.

**PROPOSED**

This classification excludes the manufacture of loading dock bumpers which is to be reported separately in the applicable manufacturing classification.

#### **0607-23 Cellular phone systems or audio components: Installation in vehicles, service and repair**

Applies to establishments engaged in the installation of cellular phone systems and/or audio components in vehicles. Audio components include, but are not limited to, radios and stereo systems, speakers and amplifiers, alarm systems, television units, antennas, two-way radio systems. This classification applies to installation employees of stores that sell products as well as to auto service centers that specialize in the installation of products covered by this classification.

This classification excludes retail and wholesale store operations which are to be reported separately in the applicable store classification.

**AMENDATORY SECTION** (Amending WSR 03-23-025, filed 11/12/03, effective 1/1/04)

#### **WAC 296-17-64999 Classification 4900.**

##### **4900-00 Construction: Superintendent or project manager**

Applies to those employees, of general or specialty construction contractors, whose job duties are exclusively that of construction superintendents or project managers. Construction superintendents spend some time in an office and spend the remainder of time visiting various job sites to confer with construction foreman to keep track of the progress occurring at each construction site or project location. Project managers are generally stationed at the construction site or project location and confined to a temporary type of office to schedule activities and arrival of supplies such as the delivery of iron, steel, rebar, lumber, concrete ready mix, concrete pump truck services, and cranes.

This classification excludes construction superintendents or project managers who are employed by a business that specializes in offering construction management and consulting services. These businesses do not do any of the actual construction or erection activities and are to be reported separately in classification 4901.

**Special notes:** This classification is a special exception classification and as such is not treated as nor subject to normal rules of the construction classifications. This classification is applicable *only* to construction superintendents or project managers who have no direct control over work crews and do not perform construction labor at the construction site or project location. A superintendent or project manager performing duties subject to this classification who also is engaged in operating equipment, performing manual labor, or who directly supervises a work crew at the construction site or project location is excluded from this classification. They are to be reported separately in the applicable construction or erection classification assigned to their employer without any division of hours. *A division of hours is not permitted between classification 4900 and any other classification.* Under no circumstances can this be the only classification assigned to a contractor, as a basic construction classification must also be assigned.

PROPOSED

**AMENDATORY SECTION** (Amending WSR 03-23-025, filed 11/12/03, effective 1/1/04)

#### **WAC 296-17-72202 Classification 6511.**

##### **6511-00 Chore services/home care assistants**

Applies to establishments engaged in providing chore services/home care assistants to private individuals. Chore services performed by the chore workers/home care assistants include, but are not limited to, general household chores, meal planning and preparation, shopping and errands either with or without the client, personal care such as bathing, body care, dressing, and help with ambulating, as well as companionship. Frequently the recipients of service are funded by DSHS or some other community service agency; however, the services are also available to those who pay privately. This classification also applies to ((supportive)) supported living, tenant support, and intensive tenant support services.

This classification excludes individuals working under a welfare special works training program who are to be reported separately in classification 6505; domestic (residential) cleaning or janitorial services which are to be reported separately in classification 6602; and skilled or semiskilled nursing care which is to be reported separately in classification 6110. This classification also excludes home care providers covered under the home care quality authority who are to be reported separately under classification 6511-01.

##### **6511-01 Home care services/home care quality authority (HCQA)**

Applies to persons who are employed by ill, disabled, or vulnerable individuals to provide home care services that enable those individuals to remain in their own homes. Services provided may include, but not be limited to: Personal care such as assistance with dressing, feeding, personal hygiene to facilitate self-care; household tasks, such as housekeeping, shopping, meal planning and preparation, and transportation; and/or delegated tasks of nursing under RCW 18.79.260 (3)(e).

**Special note:** Premiums are paid by the home care quality authority (HCQA) on behalf of the persons who provide the home care services.

WSR 04-13-134

PROPOSED RULES

DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed June 22, 2004, 3:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-08-085.

Title of Rule and Other Identifying Information: WAC 388-478-0080 Supplemental security income (SSI) standards, SSI-related categorically needy income level (CNIL), and countable resource standards.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA, on July 27, 2004, at 10:00 a.m.

Date of Intended Adoption: Not sooner than July 28, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail [fernaax@dshs.wa.gov](mailto:fernaax@dshs.wa.gov), fax (360) 664-6185, by 5:00 p.m., July 27, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by July 23, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The amendment updates the categorically needy income level (CNIL) SSI-related standards based on a federal standard increase. This rule now includes the SSI standards since these were removed from WAC 388-478-0055.

Reasons Supporting Proposal: A change in federal standards as published in Federal Register February 13, 2004 (Vol. 69, No. 30).

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, and 74.08.090.

Statute Being Implemented: RCW 74.09.500, 42 U.S.C. 9902(2).

Rule is necessary because of federal law, 42 U.S.C. 9902(2).

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Wendy Forslin, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1343.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule revision does not affect small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. This DSHS rule related to client medical and financial eligibility is exempt from the provisions of RCW 34.05.328.

June 18, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

#### AMENDATORY SECTION (Amending WSR 02-10-116, filed 4/30/02, effective 5/31/02)

**WAC 388-478-0080 Supplemental security income (SSI) standards; SSI-related categorically needy income level (CNIL); and countable resource standards.** (1) The SSI payment standards, also known as the federal benefit rate (FBR), beginning January 1, 2004 are:

(a) Living alone (in own home or alternate care, does not include nursing homes or medical situations)

Individual \$564

Individual with an ineligible spouse \$564

Couple \$846

(b) Shared living (in the home of another)

Individual \$376

<u>Individual with an ineligible spouse</u>	<u>\$376</u>
<u>Couple</u>	<u>\$564</u>

#### (c) Living in an institution

<u>Individual</u>	<u>\$30</u>
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(2) See WAC 388-478-0055 for the amount of the state supplemental payments (SSP) for SSI recipients.

(3) The SSI-related CNIL standard ((is the same as the SSI monthly payment standard based upon the area of the state where the person lives)) varies in area 1 and area 2 for a single person. Area 1 is defined as the following counties: King, Pierce, Snohomish, Thurston, and Kitsap. ((Area 2 is) All other counties((Beginning January 1, 2002, the CNIL monthly income standards are as follows)) are area 2. The SSI-related CNIL standards are:

	Area 1	Area 2
(a) Single person	\$570.90	<u>\$((550.45))</u> <u>564.00</u>
(b) ((A legally married couple who are both eligible))	<u>((\\$836.90))</u>	<u>((\\$817.00))</u>
<u>Married couple - both eligible</u>	<u>846.00</u>	<u>846.00</u>
(c) Supplied shelter -single person	<u>((\\$367.05))</u>	<u>((\\$367.05))</u>
<u>(d) Supplied shelter couple - both eligible</u>	<u>376.00</u>	<u>376.00</u>
	<u>564.00</u>	<u>564.00</u>

((2))) (4) The countable resource standards for ((the)) SSI and SSI-related CN medical ((program)) programs are:

(a) One person	\$2,000
(b) A legally married couple	\$3,000

#### WSR 04-13-135 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Medical Assistance Administration)

[Filed June 22, 2004, 3:11 p.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 03-08-081.

Title of Rule and Other Identifying Information: WAC 388-478-0085 Medicare savings program—Monthly income and countable resource standards.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA, on July 27, 2004, at 10:00 a.m.

Date of Intended Adoption: Not sooner than July 28, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail [fernaax@dshs.wa.gov](mailto:fernaax@dshs.wa.gov), fax (360) 664-6185, by 5:00 p.m., July 27, 2004.

**PROPOSED**

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by July 23, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rule updates the standards for the Medicare savings programs due to a change in federal rules. The change was effective April 1, 2004.

Reasons Supporting Proposal: A change in federal standards as published in the Federal Register February 13, 2004 (Vol. 69, No. 30).

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, and 74.08.090.

Statute Being Implemented: RCW 74.09.500, 42 U.S.C. 9902(2).

Rule is necessary because of federal law, 42 U.S.C. 9902(2).

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Wendy Forslin, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1343.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule revision does not affect small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. This DSHS rule related to client medical and financial eligibility is exempt from the provisions of RCW 34.05.328.

June 18, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

#### AMENDATORY SECTION (Amending WSR 01-18-056, filed 8/30/01, effective 9/30/01)

**WAC 388-478-0085 Medicare ((cost sharing)) savings programs—Monthly income and countable resources standards.** (1) The qualified Medicare beneficiary (QMB) program income standard is up to one hundred percent of the Federal Poverty Level (FPL). Beginning April 1, ((2004)) 2004, the QMB program's income standards are:

(a) One person	\$((746)) <u>776</u>
(b) Two persons	\$((968)) <u>1041</u>

(2) The special low-income Medicare beneficiary (SLMB) program income standard is over one hundred percent of FPL, but ((under)) not more than one hundred twenty percent of FPL. Beginning April 1, ((2004)) 2004, the SLMB program's income standards are:

	Minimum	Maximum
(a) One person	\$((716.01)) <u>776.01</u>	\$((859)) <u>931</u>
(b) Two persons	\$((968.01)) <u>1041.01</u>	\$((1161)) <u>1249</u>

(3) The ((expanded special low-income Medicare beneficiary (ESLMB))) qualified individual (QI-1) program income standard is over one hundred twenty percent of FPL, but ((under)) not more than one hundred thirty-five percent of FPL. Beginning April 1, ((2004)) 2004, the ((ESLMB)) QI-1 program's income standards are:

	Minimum	Maximum
(a) One person	\$((859.01)) <u>931.01</u>	\$((967)) <u>1048</u>
(b) Two persons	\$((1161.01)) <u>1249.01</u>	\$((1307)) <u>1406</u>

(4) The qualified disabled working individual (QDWI) program income standard is ((up to)) two hundred percent of FPL. Beginning April 1, ((2004)) 2004, the QDWI program's income standards are:

(a) One person	\$((1432)) <u>1552</u>
(b) Two persons	\$((1935)) <u>2082</u>

(5) ((The qualified individual (QI) program income standard is over one hundred thirty-five percent of FPL, but under one hundred seventy-five percent of FPL. Beginning April 1, 2001, the QI program's income standards are:))

	Minimum	Maximum
(a) One person	\$967.01	\$1253
(b) Two persons	\$1307.01	\$1694

(6)) The resource standard for the Medicare ((cost sharing)) savings programs in this section is:

(a) One person	\$4000
(b) Two persons	\$6000

#### WSR 04-13-138

#### PROPOSED RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed June 22, 2004, 3:12 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-17-064.

Title of Rule and Other Identifying Information: WAC 388-71-0100 through 388-17-01280, adult protective services.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA, on July 27, 2004, at 10:00 a.m.

Date of Intended Adoption: Not earlier than July 28, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail [fernaax@dshs.wa.gov](mailto:fernaax@dshs.wa.gov), fax (360) 664-6185, by 5:00 p.m., July 27, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by July 23, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amending and adding new sections to WAC 388-71-0100 through 388-71-01280, adult protective services, to implement procedures for due process and update rules for clarity.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW.

Statute Being Implemented: RCW 34.05.020, 74.39A.-050, chapter 74.34 RCW.

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

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lori Melchiori, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2531.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed these proposed rules and determined that no new costs will be imposed on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rules are not "significant legislative rules" under RCW 34.05.328 (5)(c). New WAC 388-71-01205 through 388-71-01280 are procedural rules. Amended WAC 388-71-0100, 388-71-0105, 388-71-0110, 388-71-0115, and new WAC 388-71-0121 are interpretive rules. Procedural and interpretive rules do not require a cost-benefit analysis.

June 18, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

#### AMENDATORY SECTION (Amending WSR 00-03-029, filed 1/11/00, effective 2/11/00)

**WAC 388-71-0100 What are the statutory references for WAC 388-71-0100 through ((388-71-0155)) 388-71-01280?** The statutory references for WAC 388-71-0100 through WAC ((388-71-0155)) 388-71-01280 are:

- (1) Chapter 74.34 RCW;
- (2) Chapter 74.39A RCW; and
- (3) Chapter 74.39 RCW.

#### AMENDATORY SECTION (Amending WSR 00-03-029, filed 1/11/00, effective 2/11/00)

**WAC 388-71-0105 What definitions apply to adult protective services ((and the personal aide registry))?** In addition to the definitions found in chapter 74.34 RCW, the following definitions apply:

**"ADSA"** means DSHS aging and disability services administration.

**"ALJ"** means an administrative law judge. An impartial decision-maker who is an attorney and presides at an administrative hearing. The office of administrative hearings (OAH), which is a state agency, employs the ALJs. ALJs are not DSHS employees or DSHS representatives.

**"APS"** means adult protective services.

**"Basic necessities of life"** means food, water, shelter, clothing, and medically necessary health care, including but not limited to health-related treatment or activities, hygiene, oxygen, and medication.

**"BOA"** means the DSHS board of appeals.

**"DSHS"** means the department of social and health services.

**"Entity"** means any agency, corporation, partnership, association, limited liability company, sole proprietorship, for-profit or not-for-profit business that provides care and/or services to vulnerable adults under a license, certification or contract issued by DSHS or DSHS' contractor, or who is required to be licensed as a boarding home under chapter 18.20 RCW or an adult family home under chapter 70.128 RCW.

**"Final finding"** means the department's substantiated finding of abandonment, abuse, financial exploitation, neglect or self-neglect is upheld through the administrative appeal process specified in WAC 388-71-01205 through 388-71-01280, or is not appealed within thirty days.

**"Finding"** means a determination made by the department upon investigation of an allegation of abandonment, abuse, financial exploitation, neglect or self-neglect.

(1) If the department determines it is more likely than not the incident occurred, the department shall document the finding as "substantiated."

(2) If the department determines it is more likely than not the incident did not occur, the department shall document the finding as "unsubstantiated."

(3) If the department cannot make a determination about whether the incident occurred or did not occur on a more probable than not basis, the department shall document the finding as "inconclusive."

**"Legal representative"** means a guardian appointed under chapter 11.88 RCW ((or individual named in a durable power of attorney as the attorney-in-fact as defined under chapter 11.94 RCW)).

**"Person or entity with a duty of care"** includes, but is not limited to, the following:

(1) A guardian appointed under chapter 11.88 RCW; or  
(2) An individual named in a durable power of attorney as the attorney-in-fact as defined under chapter 11.94 RCW.

(3) A person or entity providing the basic necessities of life to vulnerable adults where:

(a) The person or entity is employed by or on behalf of the vulnerable adult; or

(b) The person or entity voluntarily agrees to provide, or has been providing, the basic necessities of life to the vulnerable adult on a continuing basis.

**"Personal aide"** as found in RCW 74.39.007.

**"Self-directed care"** as found in RCW 74.39.007.

**"Willful"** means the nonaccidental action or inaction by an alleged perpetrator that he/she knew or reasonably should have known could cause harm, injury or a negative outcome.

## PART A—PROGRAM DESCRIPTION

### AMENDATORY SECTION (Amending WSR 00-03-029, filed 1/11/00, effective 2/11/00)

**WAC 388-71-0110 What is the purpose of an adult protective services investigation?** The purpose of an adult protective services investigation is to:

(1) ((Determine if)) Investigate allegations of abandonment, abuse, financial exploitation, neglect, or self-neglect ((are valid)).

(2) Provide protective services ((on valid reports)) with the consent of the vulnerable adult or his or her legal representative when the allegation is substantiated, or prior to substantiation when it appears abandonment, abuse, financial exploitation, neglect or self-neglect may be occurring and protective services could assist in ending or preventing harm to the vulnerable adult.

(3) ((Determine if other vulnerable adults are at risk of being harmed by individual who has abused, neglected, abandoned or financially exploited the vulnerable adult.

(4) Inform the program or facility providing care for the vulnerable adult that the reported incident of abandonment, abuse, financial exploitation, or neglect occurred. The information provided to the facility or program is required to be consistent with confidentiality requirements concerning the vulnerable adult, witnesses, and complainants)) When an allegation is substantiated, APS may investigate if other vulnerable adults may be at current risk of abuse, neglect, abandonment or financial exploitation by the individual or entity.

### AMENDATORY SECTION (Amending WSR 00-03-029, filed 1/11/00, effective 2/11/00)

**WAC 388-71-0115 When is an investigation conducted?** The department determines when an investigation is conducted. The following criteria must be met:

(1) The reported circumstances fit the definition of abandonment, abuse, financial exploitation, neglect, or self-neglect found in chapter 74.34 RCW; and

(2) The alleged victim is a vulnerable adult as defined in chapter 74.34 RCW.

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

### NEW SECTION

**WAC 388-71-0121 What state-only funded services may be offered to a vulnerable adult victim of abandonment, abuse, financial exploitation, neglect or self-neglect?** (1) Subject to available funding, state-only funded in-home personal care/household services and state-only funded placement in a department licensed and contracted adult family home, boarding home or nursing facility may be offered without regard to the vulnerable adult's functional status or income/resources, if:

(a) The vulnerable adult is the subject of an open APS case involving an allegation of abandonment, abuse, financial exploitation, neglect, and/or self-neglect;

(b) The services would help protect the vulnerable adult from harm;

(c) APS cannot verify alternative resources or options for payment for services available to the vulnerable adult at the time;

(d) Services are provided in the least restrictive and most cost effective setting available to appropriately meet the needs of the vulnerable adult;

(e) APS is actively pursuing other service alternatives and/or resolution of the issues that resulted in the need for protective services; and

(f) The state-only funded services are temporary and provided with the consent of the vulnerable adult or legal representative only until the situation has stabilized.

(2) State-only funded services to an individual vulnerable adult shall be based on assessed need and limited to:

(a) Up to one hundred forty-three hours of in-home personal care/household services per month; and

(b) A cumulative maximum total of ninety days service in any twelve-month period of time, with nursing facility services not exceeding thirty days of the ninety-day total. An exception to rule cannot be used to grant an extension.

## PART B—NOTIFICATION AND ADMINISTRATIVE APPEAL OF A SUBSTANTIATED FINDING

### NEW SECTION

**WAC 388-71-01205 When does APS notify the alleged perpetrator of the results of an APS investigation?** APS will notify the alleged perpetrator in writing within ten working days of making a substantiated finding of abandonment, abuse, financial exploitation or neglect of a vulnerable adult.

### NEW SECTION

**WAC 388-71-01210 How may APS give the alleged perpetrator notice of the substantiated finding?** (1) APS shall notify the alleged perpetrator of a substantiated finding by sending a letter certified mail/return receipt requested and regular mail to the alleged perpetrator's last known place of residence. APS shall make a reasonable, good faith effort to determine the address of the last known place of residence of the alleged perpetrator; or

(2) APS shall have the written notice delivered or personally served upon the alleged perpetrator.

### NEW SECTION

**WAC 388-71-01215 When is notice to the alleged perpetrator complete?** Notice is complete when:

(1) Personal service is made;

(2) Mail is properly stamped, addressed and deposited in the United States mail;

(3) A parcel is delivered to a commercial delivery service with charges prepaid; or

(4) A parcel is delivered to a legal messenger service with charges prepaid.

**NEW SECTION**

**WAC 388-71-01220 What proves that APS provided notice of the substantiated finding to the alleged perpetrator? APS may prove notice was provided to the alleged perpetrator by any of the following:**

- (1) A sworn statement or declaration of personal service;
- (2) The certified mail receipt signed by the recipient;
- (3) An affidavit or certificate of mailing; or
- (4) A signed receipt from the person who accepted the commercial delivery service or legal messenger service package.

**NEW SECTION**

**WAC 388-71-01225 What information must not be in the APS finding notice to the alleged perpetrator? The identities of the alleged victim, reporter, and witnesses must not be included in the APS finding notice to the alleged perpetrator.**

**NEW SECTION**

**WAC 388-71-01230 Will APS notify anyone other than the alleged perpetrator of the finding of abandonment, abuse, financial exploitation or neglect? In a manner consistent with confidentiality requirements concerning the vulnerable adult, witnesses, and reporter, APS may provide notification of a substantiated finding to:**

- (1) Other divisions within the department;
- (2) The agency or program identified under RCW 74.34.068 with which the alleged perpetrator is associated as an employee, volunteer or contractor;
- (3) Law enforcement;
- (4) Other investigative authority consistent with chapter 74.34 RCW; and
- (5) The facility in which the incident occurred.

**NEW SECTION**

**WAC 388-71-01235 Can an alleged perpetrator challenge an APS finding of abandonment, abuse, financial exploitation or neglect? An alleged perpetrator of abandonment, abuse, financial exploitation or neglect may request an administrative hearing to challenge a substantiated finding made by APS on or after the effective date of this rule.**

**NEW SECTION**

**WAC 388-71-01240 How does an alleged perpetrator request an administrative hearing to challenge an APS finding of abandonment, abuse, financial exploitation or neglect? (1) To request an administrative hearing the alleged perpetrator must send, deliver, or fax a written request to the office of administrative hearings within thirty calendar days of the date of the department's letter of notice is mailed or personally served upon the alleged perpetrator, whichever occurs first. If the alleged perpetrator requests a hearing by fax, the alleged perpetrator must also mail a copy of the request to the office of administrative hearings on the same day.**

(2) The alleged perpetrator must complete and submit the form to request an administrative hearing provided by APS or submit a written request for a hearing that includes:

- (a) The full legal name, current address and phone number of the alleged perpetrator;
- (b) A brief explanation of why the alleged perpetrator disagrees with the substantiated finding;
- (c) A description of any assistance needed in the administrative appeal process by the alleged perpetrator, including a foreign or sign language interpreter or any accommodation for a disability.

**PROPOSED****NEW SECTION**

**WAC 388-71-01245 What laws and rules will control the administrative hearings held regarding substantiated APS findings? Chapters 34.05 and 74.34 RCW, chapter 388-02 WAC, and the provisions of this chapter govern any administrative hearing regarding a substantiated APS finding. In the event of a conflict between the provisions of this chapter and chapter 388-02 WAC, the provisions of this chapter shall prevail.**

**NEW SECTION**

**WAC 388-71-01250 How is confidential information protected in the appeal process? (1) All information and documents provided by the department to the appellant shall be used by the appellant only to challenge the findings in the administrative hearing.**

(2) Confidential information such as the name and other personally identifying information of the reporter and the vulnerable adult shall be redacted from documents and the parties shall use means in testimony to protect the identify of such persons, unless otherwise ordered by the ALJ consistent with chapter 74.34 RCW and other applicable state and federal laws.

**NEW SECTION**

**WAC 388-71-01255 How does the administrative law judge make a decision regarding the substantiated APS finding? (1) The ALJ shall decide if a preponderance of the evidence in the hearing record supports a determination that the alleged perpetrator committed an act of abandonment, abuse, financial exploitation or neglect of a vulnerable adult.**

(2) If the ALJ determines that a preponderance of the evidence in the hearing record supports the substantiated APS finding, the ALJ shall uphold the finding.

(3) If the ALJ determines that the substantiated APS finding is not supported by a preponderance of the evidence in the hearing record, the ALJ shall remand the matter to the department to modify the finding consistent with the initial decision of the ALJ.

**NEW SECTION**

**WAC 388-71-01260 How is the alleged perpetrator notified of the administrative law judge's decision? After the administrative hearing, the ALJ will send a written deci-**

sion to the alleged perpetrator and the department within ninety calendar days after the record is closed.

#### NEW SECTION

**WAC 388-71-01265 What if the alleged perpetrator or the department disagrees with the decision?** If the alleged perpetrator or the department disagrees with the ALJ's decision, either party may challenge this decision by filing a request for review with the department's board of appeals consistent with the procedures contained in chapter 34.05 RCW and chapter 388-02 WAC.

#### NEW SECTION

**WAC 388-71-01270 What happens if the administrative law judge rules against the department?** If the department appeals the ALJ's decision, the department will not modify the finding in the department's records until the finding is final. If the department does not appeal the ALJ's initial decision, the department will modify the finding in the department's records to "unsubstantiated" and document the ALJ's decision in the record.

#### NEW SECTION

**WAC 388-71-01275 When does the APS substantiated finding become a final finding?** A substantiated finding becomes a final finding when:

(1) The alleged perpetrator does not request an administrative hearing as set forth in WAC 388-71-01240; or

(2) The ALJ issues an initial order upholding the substantiated finding and the alleged perpetrator fails to file a request for review of the ALJ's initial decision with the department's board of appeals consistent with the procedures contained in chapter 34.05 RCW and chapter 388-02 WAC; or

(3) The board of appeals issues a final order upholding the substantiated finding when a request for review to the department's board of appeals is made consistent with the procedures contained in chapter 34.05 RCW and chapter 388-02 WAC.

#### NEW SECTION

**WAC 388-71-01280 Does the department disclose information about findings of abuse, abandonment, neglect and financial exploitation?** (1) The department will maintain a registry of final findings and, upon request, the department may disclose the identity of a person or entity with a final finding of abandonment, abuse, financial exploitation or neglect.

(2) The department may consider an APS substantiated finding in determining:

(a) If an individual or entity is qualified to be licensed to care for children or vulnerable adults;

(b) If an individual or entity is qualified to care for or have unsupervised access to children or vulnerable adults;

(c) If an individual or entity may be authorized or funded by the department to provide care or services to children or vulnerable adults.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-71-0120

What adjunct services are provided?

WAC 388-71-0150

When is the name of a personal aide placed on a registry?

WAC 388-71-0155

Prior to placing his or her name on the registry is the personal aide notified?

**WSR 04-13-139  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Economic Services Administration)**

[Filed June 22, 2004, 3:13 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-07-062.

Title of Rule and Other Identifying Information: The DSHS Division of Child Support (DCS) is amending WAC 388-14A-1020 (definitions section), 388-14A-4100, and other related sections and adopts new rules as well. Amending WAC 388-14A-1020 What definitions apply to the rules regarding child support enforcement?, 388-14A-4040 DCS can serve some collection actions by electronic service, 388-14A-4100 How does ((Can)) the division of child support ((make me)) enforce my obligation to provide health insurance for my children?, 388-14A-4110 If my support order requires me to provide health insurance for my children, what do I have to do?, 388-14A-4120 DCS ((serves a)) uses the national medical support notice ((of enrollment)) to enforce an obligation to provide health insurance coverage, and 388-14A-4130 What must ((an employer or union who receives a notice of enrollment do)) a plan administrator do after receiving a national medical support notice from the division of child support?; and new sections WAC 388-14A-4121 Can a Washington employer assume that every national medical support notice that the employer receives is from the division of child support?, 388-14A-4122 What kind of information is included in the national medical support notice?, 388-14A-4123 What can happen if the employer fails to comply with the terms of the national medical support notice?, 388-14A-4124 Who are the parties involved with the national medical support notice?, 388-14A-4125 What must an employer do after receiving a national medical support notice?, 388-14A-4126 What kind of help is available for an employer or plan administrator who has questions about the national medical support notice?, 388-14A-4135 What must the plan administrator do when the noncustodial parent has health insurance but the children are not included in the coverage?, 388-14A-4140 What must the plan administrator do when the noncustodial parent is eligible for health insurance but is not yet

enrolled?, 388-14A-4143 What must the plan administrator do when the employer provides health insurance but the non-custodial parent is not yet eligible for coverage?, 388-14A-4145 What must the plan administrator do when the insurance plan in which the noncustodial parent is enrolled does not provide coverage which is accessible to the children?, 388-14A-4150 What must the plan administrator do when the noncustodial parent has more than one family?, 388-14A-4160 Are there any limits on the amount a noncustodial parent may be required to pay for health insurance premiums?, 388-14A-4165 What happens when a noncustodial parent does not earn enough to pay child support plus the health insurance premium?, 388-14A-4170 How long does a national medical support notice or other notice of enrollment remain in effect?, and 388-14A-4175 Is an employer obligated to notify the division of child support when insurance coverage for the children ends?

These rules describe how the DCS enforces medical child support obligations using a federal form called the national medical support notice (NMSN).

DCS has adopted emergency rules under WSR 04-07-057, effective March 22, 2004, so that we could start using the NMSN as soon as possible. We expect to file a second emergency rule in July 2004, to remain in effect until the rule-making order is filed on the regular rule-making process.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA, on August 10, 2004, at 10:00 a.m.

Date of Intended Adoption: Not earlier than August 11, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., August 10, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by August 6, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The federal government has created a new national medical support notice and has required state child support enforcement agencies to use the notice when enforcing medical support obligations. See above for a list of existing rules amended in this proposal.

Reasons Supporting Proposal: Implementing a federal requirement.

Statutory Authority for Adoption: RCW 74.08.090 and 74.20A.310.

Statute Being Implemented: RCW 26.18.170, 42 U.S.C. 666(a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31 and 303.32.

Rule is necessary because of federal law, 42 U.S.C. 666(a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31 and 303.32.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The Division of Child Support (DCS) is adopting or incorporating w/o material change federal statutes or regulations.

Name of Proponent: Department of Social and Health Services, Economic Services Administration, Division of Child Support, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Koptur, DCS HQ, P.O. Box 9162, Olympia, WA 98507-9162, (360) 664-5065.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.061 and 19.85.025, this rule is exempt from the requirement to file a small business economic impact statement because we are adopting or incorporating w/o material change federal statutes or regulations.

A cost-benefit analysis is not required under RCW 34.05.328. The rule does meet the definition of a significant legislative rule but DSHS/DCS is exempt from preparing further analysis under RCW 34.05.328 (5)(b)(iii), rules that adopt or incorporate federal statutes or rules without material change.

June 21, 2004

Jim Schnellman

for 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 04-14 issue of the Register.

**WSR 04-13-140**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)

[Filed June 22, 2004, 3:14 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-10-093.

Title of Rule and Other Identifying Information: Chapter 388-542 WAC, State children's health insurance program (SCHIP) and WAC 388-505-0211 Premium requirements for SCHIP children.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA, on July 27, 2004, at 10:00 a.m.

Date of Intended Adoption: Not sooner than July 28, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., July 27, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by July 23, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The following cost-saving changes to the SCHIP program are being proposed:

- The monthly premium for a child will increase from \$10 to \$15.
- The maximum monthly premium paid per family will increase from \$30 to \$45.
- A client's eligibility for the program will end after three consecutive months of nonpayment of premiums; the current rule allows four consecutive months.
- The wait period before CHIP coverage can be reinstated for a client, whose coverage was terminated for not paying the premiums for three consecutive months, is being reduced from four months to three months.

For simplification purposes, MAA is also repealing several sections of the SCHIP chapter 388-542 WAC that are redundant to other rules.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.522.

Statute Being Implemented: RCW 74.09.510, 74.09.522 and 74.09.450, and 2003-05 Revised Omnibus Operating Budget - 2004 Supplement (ESSB 2459, chapter 276, Laws of 2004).

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

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

Name of Agency Personnel Responsible for Drafting: Kevin Sullivan, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1344; Implementation and Enforcement: Diane Kessel, P.O. Box 45536, Olympia, WA 98504-5536, (360) 725-1715.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impact small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 (5)(b)(vii) exempts DSHS rules related to client medical eligibility.

June 18, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

### Chapter 388-542 WAC

## STATE CHILDREN'S HEALTH INSURANCE ((~~PLAN~~ (~~CHIP~~))) PROGRAM (SCHIP)

### NEW SECTION

#### **WAC 388-542-0010 Purpose and scope of SCHIP.**

The medical assistance administration (MAA) administers the state children's health insurance program (SCHIP) to provide access to medical care for children whose family income exceeds the limit for Medicaid eligibility but is not greater than two hundred fifty percent of the federal poverty level (FPL). SCHIP is authorized by Title XXI of the Social Security Act and by RCW 74.09.450.

### NEW SECTION

**WAC 388-542-0020 Other rules that apply to SCHIP.** In addition to the rules of this chapter, SCHIP clients are subject to the following rules:

(1) Chapter 388-538 WAC, Managed care (except WAC 388-538-065);

(2) WAC 388-505-0210 (3) and (8), Children's medical eligibility;

(3) WAC 388-505-0211, Premium requirements for SCHIP children;

(4) WAC 388-416-0015(10), Certification periods; and

(5) WAC 388-418-0025 (4) and (5), Change of circumstance.

### AMENDATORY SECTION (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

**WAC 388-542-0050 Definitions for ((children's health insurance program (CHIP))) SCHIP terms.** The following definitions ((and abbreviations)), as well as those found in WAC 388-538-050 and in 388-500-0005 Medical definitions, apply to ((this chapter)) the state children's health insurance program (SCHIP).

((Children's health insurance program (CHIP)) means the health insurance program authorized by Title XXI of the Social Security Act and administered by the department of social and health services (DSHS). This program also is referred to as the state children's health insurance program (SCHIP).)

"Client premium" means a monthly payment a client makes to the department of social and health services (DSHS) for CHIP coverage.)

"Creditable coverage" means most types of public and private health coverage, except Indian health services, that provides access to physicians, hospitals, laboratory services, and radiology services. This term applies to the coverage whether or not the coverage is equivalent to that offered under ((CHIP)) SCHIP. "Creditable coverage" is described in 42 U.S.C. Sec. 1397jj.

"Employer-sponsored dependent coverage" means creditable health coverage for dependents offered by a family member's employer or union, for which the employer or union may contribute in whole or part towards the premium. Extensions of such coverage (e.g., COBRA extensions) also qualify as employer-sponsored dependent coverage as long as there remains a contribution toward the premiums by the employer or union.

((Finance division)) means the division of the department of social and health services that sends out billing statements, monitors accounts, and collects the CHIP client premiums.)

### AMENDATORY SECTION (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

**WAC 388-542-0300 Waiting period for ((CHIP)) SCHIP coverage following employer coverage.** (1) The medical assistance administration (MAA) requires applicants to serve a ((full four consecutive month)) waiting period

~~((for CHIP)) of four full consecutive months before SCHIP coverage if the client or family:~~

(a) Chooses to end employer sponsored dependent coverage. The waiting period begins the day after the employment-based coverage ends~~((, and ends on the last day of the fourth full month of noncoverage)); or~~

(b) Fails to exercise an optional coverage extension (e.g., COBRA) that meets the following conditions. The waiting period begins on the day there is a documented refusal of the coverage extension when the extended coverage is:

(i) Subsidized in part or in whole by the employer or union;

(ii) Available and accessible to the applicant or family; and

(iii) At a monthly cost to the family meeting the limitation of subsection (2)(b)(iv).

(2) MAA does not require a waiting period prior to ~~((CHIP)) SCHIP coverage when:~~

(a) The client or family member has a medical condition that, without treatment, would be life-threatening or cause serious disability or loss of function; or

(b) The loss of employer sponsored dependent coverage is due to any of the following:

(i) Loss of employment with no post-employment subsidized coverage as described in subsection (1)(b);

(ii) Death of the employee;

(iii) The employer discontinues employer-sponsored dependent coverage;

(iv) The family's total out-of-pocket maximum for employer-sponsored dependent coverage is fifty dollars per month or more;

(v) The plan terminates employer-sponsored dependent coverage for the client because the client reached the maximum lifetime coverage amount;

(vi) Coverage under a COBRA extension period expired;

(vii) Employer-sponsored dependent coverage is not reasonably available (e.g., client would have to travel to another city or state to access care); or

(viii) Domestic violence caused the loss of coverage for the victim.

## REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-542-0100	CHIP scope of care.
WAC 388-542-0125	Access to care.
WAC 388-542-0150	Client eligibility requirements for CHIP.
WAC 388-542-0200	CHIP enrollment.
WAC 388-542-0220	Ending CHIP client eligibility.
WAC 388-542-0250	CHIP client costs.
WAC 388-542-0275	Reimbursement.
WAC 388-542-0500	Managed care rules that apply to CHIP.

AMENDATORY SECTION (Amending WSR 04-08-125, filed 4/7/04, effective 5/8/04)

**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.

(e)) "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))

(3) A 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~~((:~~

(c) A child whose assistance unit's net available income is equal to or less than one hundred fifty percent FPL. An optional child exempted from the premium requirement under this subsection is treated as if the child is a mandatory child)).

((7)) (4) 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)) (5) 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) Zero dollars per month when the assistance unit's net available income is above one hundred percent FPL and equal to or less than one hundred fifty percent FPL; or

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~~(b) Ten dollars per month when the assistance unit's net available income is above one hundred fifty percent FPL and equal to or less than two hundred percent FPL.~~

((10))) (6) The premium amount for each SCHIP child is fifteen dollars per month.

((11))) (7) The department bills the family for the lesser of:

- (a) A maximum of forty-five dollars per month; or
- (b) The total of the highest premiums, for up to three children in the assistance unit.

((12))) (8) Premium payment is a condition of eligibility for assistance units that include ((optional)) SCHIP children. All ((optional)) SCHIP 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))) (9) When the department terminates the medical coverage of ((an optional)) a SCHIP 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)) SCHIP child has a change in circumstances such that the child becomes ((a mandatory child)) eligible for Medicaid. The department cannot rescind the three-month period of ineligibility for reasons other than the criteria described in this subsection ((13) of this section).

((14))) (10) The department writes off past-due premiums after twelve months.

((15))) (11) 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)) a child can become eligible for ((medical coverage)) SCHIP.

((16))) (12) 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.

((17))) (13) A change that affects the premium amount is effective the month after the change is reported and processed.

((18))) (14) 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))) (9) of this section; or

(b) Obligation of the head of household to pay past-due premiums.

**PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**  
[Filed June 22, 2004, 3:32 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-068.

Title of Rule and Other Identifying Information: Repeal of stream obstruction hearings procedures.

Hearing Location(s): Embassy Suites Hotel, 20610 44th Avenue West, Lynnwood, WA, on August 6-7, 2004, begins at 8:00 a.m., August 6.

Date of Intended Adoption: August 6, 2004.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail jacobesj@dfw.wa.gov, fax (360) 902-2155, by August 4, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by July 26, 2004, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal repeals the stream obstruction hearings procedures that were established in 1985 to govern abatement actions by the Department of Fisheries. Subsequent developments, including the Endangered Species Act, critical habitat assessments, and increased reliance on best management practices for stock recovery are at odds with the delays built into the obstruction hearings procedures. Instead of a standard practice for all obstructions, the department will consider each case on an individual bases. When endangered fish are immediately threatened by an illegal obstruction, the department's intent is to offer post-remedial review of abatement action. Other obstructions may not rise to the level where immediate abatement action is necessary, and these cases will be heard prior to taking abatement action.

Reasons Supporting Proposal: Timely abatement of illegal obstructions and protection of fish life.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, (360) 902-2930; Implementation: Greg Hueckel, 1111 Washington Street, Olympia, WA, (360) 902-2416; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, WA, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The stream obstruction hearings procedures deal with abatement of illegal stream obstructions, and removal of illegal blockages. There are no small businesses that routinely build illegal dams, and thus no impact on small businesses. Where a small business is the affected party (such as an illegal dam to create a stock watering pond for livestock), it will be a factor in considering, on a

case by case basis, whether a hearing should be offered previous to or after obstruction removal.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

June 22, 2004

Evan Jacoby  
Rules Coordinator

## REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 220-120 WAC	Stream obstruction hearings procedure
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### **WSR 04-13-143**

#### **PROPOSED RULES**

#### **DEPARTMENT OF LICENSING**

[Filed June 22, 2004, 3:37 p.m.]

##### **Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-06-030.

Title of Rule and Other Identifying Information: WAC 308-13-150 Landscape architect fees.

Hearing Location(s): Department of Licensing, 405 Black Lake Boulevard, Olympia, WA 98502, on August 5, 2004, at 9 a.m.

Date of Intended Adoption: August 5, 2004.

Submit Written Comments to: Joan Robinson, P.O. Box 9045, Olympia, WA, e-mail [jorobinson@dol.wa.gov](mailto:jorobinson@dol.wa.gov), fax (360) 664-2551.

Assistance for Persons with Disabilities: Contact Joan Robinson by July 21, 2004, TTY (360) 664-8885 or (360) 664-1387.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule is needed to increase the charge that candidates pay for the landscape architect registration examination (LARE) and the department collects on the vendor's behalf.

Statutory Authority for Adoption: RCW 18.96.080 Applications—Contents—Fees.

Statute Being Implemented: RCW 43.24.086 Fee policy for professions, occupations and businesses; requires fees to be at a sufficient level to defray the costs of administering the program.

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

Name of Proponent: Board of Registration for Landscape Architects, Department of Licensing, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Joan Robinson, Olympia, Washington, (360) 664-1387; and Enforcement: Rick Notestine, Olympia, Washington, (360) 664-1386.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This increase in charges is to individual applicants not business enterprises. The ven-

dor will provide the tests only at these prices. The costs are not negotiable.

Without these increases in examination charges the refund account would be a deficit with the first examination session.

A cost-benefit analysis is not required under RCW 34.05.328. This section of regulations is not a "significant legislative rule" as defined by RCW 34.05.328 (5)(C)(iii) and is exempt under the provisions of RCW 34.05.328 (5)(b)(vi).

June 22, 2004

Rick Notestine  
Administrator

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**AMENDATORY SECTION** (Amending WSR 03-11-074, filed 5/20/03, effective 6/20/03)

**WAC 308-13-150 Landscape architect fees and charges.** The following fees will be collected from the candidates:

<b>Title of Fee</b>	<b>Fee</b>
Application fee	\$150.00
Reexamination administration fee	50.00
Exam proctor	100.00
Renewal (2 years)	300.00
Late renewal penalty	100.00
Duplicate license	25.00
Initial registration (2 years)	300.00
Reciprocity application fee	200.00
Certification	45.00
Replacement wall certificate	20.00

((These charges)) The following charges assessed by the Council of Landscape Architectural Registration Boards (CLARB), collected from candidates for the costs of the examinations shall be paid to CLARB.

<b>Examination and Sections</b>	<b>Charges</b>
Entire examination	(((\$770.00))) <u>\$470.00</u>
<b>((Examination sections:</b>	
Section A: Legal and administrative aspects of practice	65.00
Section B: Analytical aspects of practice	105.00))
Section C:	
Planning and site design	((215.00)) <u>235.00</u>
<b>((Section D:</b>	
Structural considerations and materials and methods of construction	170.00))
Section E:	
Grading, drainage and storm water management	((215.00)) <u>235.00</u>

The following sections of the examination will only be administered by CLARB:

**Section A:**

Legal and administrative aspects of practice

**Section B:**

Analytical aspects of practice

**Section D:**

Structural considerations and materials and methods of construction

**WSR 04-13-144  
PROPOSED RULES  
DEPARTMENT OF LICENSING**

[Filed June 22, 2004, 4:29 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-09-009.

Title of Rule and Other Identifying Information: Chapter 36-12 WAC, Professional boxing, amending WAC 36-12-011 Definitions and new section WAC 36-12-500 Amateur organization recognition.

Chapter 36-14 WAC, Professional martial arts, new sections WAC 36-14-010 Definitions, 36-14-200 Duration of rounds, 36-14-300 Requirements for ring or enclosed area, and 36-14-500 Amateur organization recognition.

Hearing Location(s): Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard S.W., Building 2, Conference Room 209, Olympia, WA 98504, on July 27, 2004, at 9:30 a.m.

Date of Intended Adoption: July 28, 2004.

Submit Written Comments to: Randy Renfrow, Professional Athletic Program, P.O. Box 9026, Olympia, WA 98507-9026, e-mail rrenfrow@dol.wa.gov, fax (360) 570-4956, by July 26, 2004.

Assistance for Persons with Disabilities: Contact Randy Renfrow by July 26, 2004, TTY (360) 664-8885 or (360) 664-6644.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To amend, retain, repeal current rules and add new sections. To clarify laws that were passed during the 2004 legislative session (SB 6103, chapter 149, Laws of 2004) which further defines amateur sports and makes certain types of extreme fighting illegal.

The new and amended rules define "recognized amateur boxing, kickboxing or martial arts organization" and requires certain documents and items to be submitted to the Department of Licensing prior to a scheduled amateur event.

Chapter 36-14 WAC includes new sections added clarifying "duration of rounds" and "requirements for ring or enclosed areas."

Reasons Supporting Proposal: The amended and new rules are intended to help ensure the health, safety and welfare of the participants.

Statutory Authority for Adoption: RCW 67.08.017 and 43.24.023.

Statute Being Implemented: RCW 67.08.017.

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

Name of Proponent: Department of Licensing, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randy Renfrow, 405 Black Lake Boulevard S.W., Building 2, Olympia, WA, (360) 664-6644.

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.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to this rule adoption.

June 22, 2004

Trudie Touchette  
Administrator

**AMENDATORY SECTION** (Amending WSR 02-20-094, filed 10/1/02, effective 1/1/03)

**WAC 36-12-011 Definitions.** The following definitions will be used throughout this WAC:

(1) "Purse" will be defined as the sum of money or other compensation by way of guarantee, percentage or otherwise, paid to a boxer.

(2) "Knockdown" is defined as when a boxer is knocked to the ring canvas by fair blows, hangs helplessly on the ropes, or the ropes prevent his/her fall, or any part of the body other than the soles of the feet touches the ring canvas.

(3) The "outcome of a contest" occurs when the contest has concluded, a determination has been made described in WAC 36-12-130, and the report to the boxing registry required by the federal Boxing Safety Act of 1996 has been submitted.

(4) "Neutral corner" is defined as one of the two corners of a ring that are not assigned to a boxer for a contest.

(5) A "count" is the audible measure of time signaled by the referee to a boxer who has been knocked to the ring canvas by fair blows or to a standing boxer who, in the referee's judgment, is momentarily unable to defend him/herself.

(6) "Scorecard" is defined as the document used by judges to score a contest.

(7) "Ten-point-must system" of scoring is defined as the scoring system used by judges giving ten points to the boxer winning a round and a lesser number of points to the boxer losing a round.

(8) "Foul" is defined as an action by a boxer, identified by the referee that does not meet the definition of "boxing" as described in RCW 67.08.002. Fouls may include, but are not limited to, the following types of contact or acts:

(a) Hitting, a low blow, below the navel or behind the ear;

(b) Hitting an opponent who is knocked down;

(c) Holding an opponent with one hand and hitting with the other;

(d) Holding or deliberately maintaining a clinch;

- (e) Wrestling, kicking or roughing;
- (f) Pushing an opponent about the ring or into the ropes;
- (g) Butting with the head, shoulder, knee, elbow;
- (h) Hitting with the open glove, the butt or inside of the hand, or back of the hand, the elbow or the wrist;
- (i) Purposely falling down onto the canvas of the ring without being hit or for the purpose of avoiding a blow;
- (j) Striking deliberately at that part of the body over the kidneys;
- (k) Using the pivot blow (pivoting while throwing a punch) or the rabbit punch (punches thrown to the back of the head and neck areas);
  - (l) Jabbing the eyes with the thumb of the glove;
  - (m) Use of abusive language;
- (n) Unsportsmanlike conduct causing injury to an opponent that does not meet the definition of "boxing" in RCW 67.08.002;
- (o) Hitting on the break;
- (p) Intentionally spitting out the mouthpiece;
- (q) Hitting on or out of the ropes;
- (r) Holding rope and hitting;
- (s) Biting/spitting;
- (t) Not following referee's instructions;
- (u) Stepping on opponent;
- (v) Crouching below opponent's belt;
- (w) Leaving neutral corner; and
- (x) Corner second shouting.

(9) "Fair blow" is defined as an exchange of blows delivered with the padded knuckle part of the glove to the front or sides of the head and body above the navel.

(10) "Event official" is defined as an official licensed under RCW 67.08.100 as a judge, referee, timekeeper, event physician, and/or inspector and appointed by the department to provide services at a boxing event.

(11) "Manager" is defined as a person licensed under RCW 67.08.100 who contracts with a boxer to receive compensation for service as an agent or representative.

(12) "Second" is defined as a person licensed under RCW 67.08.100 who assists a boxer during a contest.

(13) "Matchmaker" is defined as a person licensed under RCW 67.08.100 who works for a promoter to propose, select or arrange for boxers to participate in a boxing contest.

(14) "Announcer" is defined as a person licensed under RCW 67.08.100 who works for a promoter announcing information to the audience at a boxing event.

(15) "Referee" is defined as an event official and is the chief official supervising a boxing contest.

(16) "Timekeeper" is defined as an event official who keeps the official timing of a contest.

(17) "Judge" is defined as an event official who scores a boxing contest.

(18) "Inspector" is defined as the event official who reports directly to the department and provides overall management of a boxing event.

(19) "Advance notice" is defined as a list of matches for an event submitted by the promoter to the department for approval that includes the names of proposed boxers for a contest, his/her manager or managers and other information that may be required by the department.

(20) "Boxing registry" is defined as the entity certified by the Association of Boxing Commissions for the purposes of maintaining records and identification of boxers and required under the federal "Professional Boxing Safety Act of 1996."

(21) "Contest" is defined as a fight scheduled between boxers appearing at an event.

(22) "Round" is defined as a two- or three-minute time period during which boxers compete in a boxing contest.

(23) "Net gate proceeds" is defined as the total dollar amount received from the face value of all tickets sold with complimentary tickets excluded.

(24) "Televised" is defined as any simultaneous or delayed visual broadcast of an event delivered through electronic means for viewing.

(25) "Recognized amateur boxing organization" means any amateur boxing organization recognized by the department who has not been exempted by statute and provides written documented proof required by WAC 36-12-500.

## NEW SECTION

### **WAC 36-12-500 Amateur organization recognition.**

The following items shall be provided to the department at least thirty days prior to a scheduled event when requesting recognition and permission to conduct an amateur boxing event by any organization not exempted in chapter 67.08 RCW:

(1) Proof of all business licenses required in the jurisdiction where the event is to be conducted:

- (a) State master business license.
- (b) City business license (if applicable).
- (c) County business license (if applicable).
- (d) State liquor license (if applicable).

(2) Contract between the organization and venue site or letter:

- (a) Date and time.
- (b) Location.
- (c) Organization/promoter responsibilities.
- (d) Venue site responsibilities.

(3) Proof of nonprofit status:

- (a) Federal Internal Revenue Code 501 (c)(3).
- (b) Washington state nonprofit corporation as verified through the secretary of state.

(4) Rules of competition to be used for the event, which shall include, but not be limited to:

- (a) Boxing weight classes, weight difference, and glove weight.
- (b) Conducting the weigh-in.
- (c) Ring and equipment.
- (d) Gloves.
- (e) Hand-wraps.
- (f) Officials.
- (g) Referee's responsibilities/authority.
- (h) Outcome of a contest.
- (i) Method of counting over a boxer.
- (j) When a boxer falls from or leaves the ring during a round.
- (k) Fees paid by the boxer.
- (l) Official's certification.

- (m) General boxer instructions.
- (n) Medical requirement.
- (o) Conduct of managers and seconds.
- (p) Timekeeper duties.
- (q) Announcer duties.
- (r) Judges.
- (s) Event physician.
- (t) Suspensions.
- (u) Promoter responsibilities.
- (v) General boxing rules, fouls, round conduct.

(5) Report as to how all proceeds are to be distributed and the identity of each entity and proof of their nonprofit status.

#### NEW SECTION

**WAC 36-14-010 Definitions.** The following definition(s) will be used throughout this WAC:

"Recognized amateur kickboxing or martial arts organization" means any amateur kickboxing or martial arts organization recognized by the department who has not been exempted by statute and provides written documented proof required by WAC 36-14-500.

#### NEW SECTION

**WAC 36-14-200 Duration of rounds.** Except with the approval of the department or the on-site representative:

- (1) A nonchampionship contest or exhibition of mixed martial arts shall not exceed three rounds in duration.
- (2) A championship contest of mixed martial arts shall not exceed five rounds in duration.

(3) A round in a contest or exhibition of mixed martial arts shall not exceed five minutes in duration. A period of rest in the contest or exhibition of mixed martial arts shall not exceed one minute in duration.

#### NEW SECTION

**WAC 36-14-300 Requirements for ring or enclosed area.** (1) Mixed martial arts contests and exhibitions may be held in a ring or in an enclosed area.

(2) A ring used for a contest or exhibition of mixed martial arts must meet the following requirements:

(a) The ring must be no smaller than sixteen feet square within the ropes.

(b) The ring floor must extend at least twenty-four inches beyond the ropes. The ring floor must be padded with ensolite or another similar closed-cell foam, with at least a one-inch layer of foam padding. Padding must extend beyond the ring ropes and over the edge of the platform, with a top covering of canvas, duck or similar material tightly stretched and laced to the ring platform.

(c) The ring platform must not be more than four feet above the floor of the building and must have suitable steps for the use of the participants.

(d) Ring posts must be made of metal, not more than three inches in diameter, extending from the floor of the building to a minimum height of fifty-eight inches above the ring floor, and must be properly padded in a manner

approved by the department. Ring posts must be at least twenty-four inches away from the ring ropes.

(e) There may be no more than five ring ropes, not less than one inch in diameter and wrapped in soft material. The lowest ring rope must be at least twelve inches above the ring floor.

(f) There must not be any obstruction or object on any part of the ring floor.

(g) An enclosed area used in a contest or exhibition of mixed martial arts must meet the following requirements:

(a) The enclosed area must be circular or have at least four equal sides and must be no smaller than twenty feet wide.

(b) The floor of the enclosed area must be padded with ensolite or another similar closed-cell foam, with at least a one-inch layer of foam padding, with a top covering of canvas, duck or similar material tightly stretched and laced to the platform of the enclosed area.

(c) The platform of the enclosed area must not be more than four feet above the floor of the building and must have suitable steps for the use of the participants.

(d) Enclosure posts must be made of metal, not more than six inches in diameter, extending from the floor of the building to between five and seven feet above the floor of the enclosed area, and must be properly padded in a manner approved by the department.

(e) The material used to construct the enclosed area must be made of a material that will prevent an unarmed combatant from falling out of the enclosed area or breaking through the enclosed area onto the floor of the building or onto the spectators, including, without limitation, chain link fence coated with vinyl.

(f) Any metal material used in the enclosed area must be covered and padded in a manner approved by the department and must not be abrasive to the participants.

(g) The enclosed area must have at least three entrances.

(h) There must not be any obstruction on any part of the enclosure surrounding the area in which the participants are to be competing.

#### NEW SECTION

**WAC 36-14-500 Amateur organization recognition.** The following items shall be provided to the department at least thirty days prior to a scheduled event when requesting recognition and permission to conduct an amateur kickboxing or martial arts event by any organization not exempted in chapter 67.08 RCW:

(1) Proof of all business licenses required in the jurisdiction where the event is to be conducted:

- (a) State master business license.
- (b) City business license (if applicable).
- (c) County business license (if applicable).
- (d) State liquor license (if applicable).

(2) Contract between the organization and venue site or letter:

- (a) Date and time.
- (b) Location.
- (c) Organization/promoter responsibilities.
- (d) Venue site responsibilities.

(3) Proof of nonprofit status:  
 (a) Federal Internal Revenue Code 501 (c)(3).  
 (b) Washington state nonprofit corporation as verified through the secretary of state.

(4) Rules of competition to be used for the event, which shall include, but not be limited to:

- (a) Weight classes, weight difference, and glove weight.
- (b) Conducting the weigh-in.
- (c) Ring and equipment.
- (d) Gloves.
- (e) Hand-wraps.
- (f) Officials.
- (g) Referee's responsibilities/authority.
- (h) Outcome of a contest.
- (i) Method of counting over the participant.
- (j) When a participant falls from or leaves the ring during a round.
- (k) Fees paid by the participant.
- (l) Official's certification.
- (m) General participant instructions.
- (n) Medical requirement.
- (o) Conduct of managers and seconds.
- (p) Timekeeper duties.
- (q) Announcer duties.
- (r) Judges.
- (s) Event physician.
- (t) Suspensions.
- (u) Promoter responsibilities.
- (v) General kickboxing or martial arts rules, fouls, round conduct.

(5) Report as to how all excess proceeds are to be distributed and the identity of each entity and their proof of non-profit status.

**WSR 04-13-146  
PROPOSED RULES  
DEPARTMENT OF AGRICULTURE**

[Filed June 23, 2004, 8:52 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-09-079.

**Title of Rule and Other Identifying Information:** WAC 16-401-027 Schedule of fees and charges—Applicable rates and charges, this proposal increases the nursery inspection fees by the Office of Financial Management (OFM) fiscal growth factor for fiscal year 2005 of 3.03%.

**Hearing Location(s):** Washington State Department of Agriculture, 1111 Washington Street S.E., Natural Resources Building, 2nd Floor, Conference Room 205, Olympia, WA 98504-2560, on July 28, 2004, at 2:00 p.m.

**Date of Intended Adoption:** August 10, 2004.

**Submit Written Comments to:** Henri Gonzales, P.O. Box 42560, Olympia, WA 98504-2560, e-mail hgonzales@agr.wa.gov, fax (360) 902-2094, by July 28, 2004.

**Assistance for Persons with Disabilities:** Contact Henri Gonzales by July 14, 2004, TTY (360) 902-1996.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** This rule estab-

lishes the fees charged by the plant services program for activities authorized in chapter 15.13 RCW. This proposal increases the nursery inspection fees by 3.03%, which is the OFM fiscal growth factor for fiscal year 2005. Note: The proposal does not increase the fees for retail nursery dealer licenses or wholesale nursery dealer licenses. Current nursery inspection fees are not adequate to cover the costs of providing nursery inspection services, therefore, the proposed increases are necessary to ensure that the program will remain financially solvent. RCW 15.13.260(4) and 15.14-015(11) authorize the director of the Washington State Department of Agriculture to establish fees to cover the cost of providing inspection services.

**Reasons Supporting Proposal:** Current fee levels are not adequate to cover the costs of providing nursery inspection services. The nursery advisory committee, which is appointed by the director of the Department of Agriculture to represent the interests of the nursery industry, supports the proposal.

**Statutory Authority for Adoption:** Chapters 15.13, 15.14, and 34.05 RCW.

**Statute Being Implemented:** Chapters 15.13 and 15.14 RCW.

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

**Name of Proponent:** Washington State Department of Agriculture, governmental.

**Name of Agency Personnel Responsible for Drafting:** Mary Toohey, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1907; Implementation and Enforcement: Tom Wessels, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1984.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.030 (1)(a) requires that an agency must prepare a small business economic impact statement (SBEIS) for proposed rules that impose a more than minor cost on businesses in an industry. The department has analyzed the economic effects of the proposed fee increases and has concluded that they will not impose more than minor costs on the regulated industry and, therefore, a formal SBEIS is not required.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington State Department of Agriculture is not a listed agency under RCW 34.05.328 (5)(a)(i).

June 23, 2004

Mary A. Martin Toohey  
Assistant Director

**AMENDATORY SECTION** (Amending WSR 03-21-166, filed 10/22/03, effective 11/22/03)

**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
Hourly rate—business hours	\$((30.20)) 31.10
Hourly rate—nonbusiness hours	\$((38.60)) 39.70
Certificate issued at time of inspection	No charge

Certificate issued more than twenty-four hours after the inspection	\$((+4.40)) <u>14.80</u>
Additional certificates	\$((4.60)) <u>4.70</u>
Fumigation lot or container fee	\$((+2.05)) <u>12.40</u>
Certificate of plant health for noncommercial movement	\$((6.00)) <u>6.10</u>
Compliance agreement	\$((30.20)) <u>31.10</u>
Inspection tags or stickers (lots of 250)	\$((6.00)) <u>6.10 per lot</u>
Inspection tags or stickers (minimum 10)	\$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.

## WSR 04-13-147 PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed June 23, 2004, 8:53 a.m.]

### Original Notice.

Preproposal statement of inquiry was filed as WSR 04-09-078.

Title of Rule and Other Identifying Information: Chapter 16-481 WAC, Grape phylloxera, this proposal adds the

vine mealybug to the current grape phylloxera quarantine, retitles the chapter so the title more accurately describes the chapter's contents, repeals the violations - penalties section, and clarifies existing language so that it is easier to read and understand.

Hearing Location(s): Washington State Department of Agriculture, 21 North 1st Avenue, Conference Room 238, Yakima, WA 98902, on July 27, 2004, at 1:00 p.m.

Date of Intended Adoption: August 10, 2004.

Submit Written Comments to: Henri Gonzales, P.O. Box 42560, Olympia, WA 98504-2560, e-mail hgonzales@agr.wa.gov, fax (360) 902-2094, by July 27, 2004.

Assistance for Persons with Disabilities: Contact Henri Gonzales by July 13, 2004, TTY (360) 902-1996.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal adds the vine mealybug to the current grape phylloxera quarantine, retitles the chapter so the title more accurately describes the chapter's contents, repeals the violations - penalties section (WAC 16-481-075), since penalties are addressed in the enabling statute (chapter 17.24 RCW), and clarifies existing language so that it is easier to read and understand. The vine mealybug injures grapevines by damaging grape bunches and transmitting grape viruses. Introductions of this pest into the state of Washington through infested grapevines, rootstock, and plant cuttings or on contaminated grape cultivation or harvesting equipment could have a severe negative economic impact on the Washington grape industry.

Reasons Supporting Proposal: The vine mealybug has a number of attributes that make it a formidable pest - it reproduces rapidly, feeds on all parts of the grapevine throughout the year, overwinters underneath the bark of the trunk or underground on the roots (which protects it from most foliar insecticides), and it vectors viral and bacterial diseases of grapevines. These attributes create a pest that reduces the productivity of the grapevine, which could have a sever economic impact on the Washington grape industry. The Washington Association of Wine Grape Growers supports this proposal.

Statutory Authority for Adoption: Chapters 15.13, 17.24, and 34.05 RCW.

Statute Being Implemented: Chapters 15.13 and 17.24 RCW.

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

Name of Proponent: Washington Association of Wine Grape Growers, private.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1907; Implementation and Enforcement: Tom Wessels, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1984.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.030 (1)(a) requires that an agency must prepare a small business economic impact statement (SBEIS) for proposed rules that impose a more than minor cost on businesses in an industry. Analysis of the economic effects of the proposed rule amendments demonstrate that the changes will not have a more than

minor cost impact on the regulated industry and, therefore, an SBEIS is not required. However, failure to adopt these proposed amendments could result in a large adverse economic impact on the regulated industry.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington State Department of Agriculture is not a listed agency under RCW 34.05.328 (5)(a)(i).

June 23, 2004

Mary A. Martin Toohey  
Assistant Director

## Chapter 16-481 WAC

### **GRAPE ((PHYLLOXERA)) INSECT PESTS**

**AMENDATORY SECTION** (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

**WAC 16-481-010 Establishing quarantine.** Grape phylloxera ((*Daktulosphaira vitifoliae* (Fitch))) is an)) and the vine mealybug are insect pests injurious to ((grape plants that)) grapevines. Grape phylloxera can cause severe reductions in grape yield and ultimately the death of the ((grape plant)) grapevine. This pest is widely distributed throughout the United States and the world. ((Introductions of the pest into the state of Washington through infested grape plants, rootstock, and plant cuttings or on contaminated grape cultivation or harvesting equipment could have a severe economic impact on the Washington grape industry. To prevent this)) The vine mealybug injures grapevines by damaging grape bunches and transmitting grape viruses. Introductions of these pests into the state of Washington through infested grapevines, rootstock, and plant cuttings or on contaminated grape cultivation or harvesting equipment could have a severe economic impact on the Washington grape industry. The director, under the authority provided in chapters 17.24 and 15.13 RCW, has established a quarantine to prevent ((the)) their introduction ((of this pest)) into the state.

**AMENDATORY SECTION** (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

**WAC 16-481-015 Definitions.** ((1)) "Pest" means the insect of the order Homoptera and family Phylloxeridae, grape phylloxera (*Daktulosphaira vitifoliae* (Fitch)).

((2)) "Infested area" means all states and territories of the United States and all areas outside the United States.

((3)) "Area known to be free of grape phylloxera" means a specific property of a person or firm or a specific nursery stock growing ground surveyed by the department of agriculture of the shipping state.

((4))) "Department" means the Washington state department of agriculture.

((5))) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

((6))) "Grape phylloxera" means the insect *Daktulosphaira vitifoliae* (Fitch) of the order Homoptera and family Phylloxeridae.

"Hardwood cutting" means a cutting from a ((grape plant)) grapevine taken during the period of dormancy and not including portions of the trunk of the plant produced during previous growing seasons.

((7))) "Infested area" means all states and territories of the United States and all areas outside the United States.

"Softwood cutting" means any cutting taken when the grape plant is not fully dormant.

((8)) "Susceptible varieties" means grape plants that may serve as host to grape phylloxera and which show symptoms of decline when infested.

((9)) "Nonsusceptible varieties" means grape plants that may serve as host to grape phylloxera but which do not show symptoms of decline when infested. Nonsusceptible varieties include concord varieties and vinifera varieties on resistant rootstock.)) "Vine mealybug" means the insect *Planococcus ficus* (Signoret) of the order Homoptera and family Pseudococcidae.

**AMENDATORY SECTION** (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

**WAC 16-481-020 Quarantine area.** There is established under this chapter, an external quarantine area for grape phylloxera and vine mealybug including all states and territories of the United States and all territories outside the United States.

**AMENDATORY SECTION** (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

**WAC 16-481-025 Regulated products.** Products regulated under the grape ((phylloxera)) insect pests quarantine include:

(1) All ((grape plants)) grapevines, rootstock, and softwood cuttings, rooted or not. Hardwood cuttings meeting the definition in WAC 16-481-016((6))) and dried ((grape vines)) grapevines used for ornamental purposes are exempt from the requirements in this chapter.

(2) All equipment that has been used for cultivation or harvesting of grapes in a quarantine area.

**AMENDATORY SECTION** (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

**WAC 16-481-030 Conditions governing shipments—External.** (1) Each shipment of ((grape plants)) grapevines, grape rootstock and/or softwood cuttings from an infested area must be accompanied by a certificate ((signed by a duly authorized inspector of the department of agriculture of the state of origin of the shipment, or by a duly authorized inspector of the United States Department of Agriculture, Animal and Plant Health Inspection Service,)) issued by the plant protection organization in the state or country of origin stating that:

(a) The ((grape plants)) grapevines, rootstock and/or softwood cuttings were grown in and shipped from an area known to be free from grape phylloxera and vine mealybug; or

(b) The ((grape plants)) grapevines, rootstock or softwood cuttings were grown under an approved sterile media system; or

(c) For small shipments (five hundred articles or less), softwood cuttings were carefully inspected by an authorized inspector and were found to be free from grape phylloxera and vine mealybug; or

(d) The ((grape plants)) grapevines, rootstock, and/or softwood cuttings were subject to one of the two treatments outlined in subsection (2) of this section or such additional methods as may be determined to be effective and are approved in writing by the director and were stored in a manner after treatment that would prevent reinestation.

(2) Acceptable treatments shall include:

(a) Hot water treatment. Dormant, rooted ((grape plants)) grapevines or rootstock shall be washed to remove all soil or other propagative media. Dormant rooted plants or rootstock shall be immersed in a hot water bath for a period of not less than three minutes nor more than five minutes at a temperature of not less than 125 degrees F. (52 degrees C.) nor more than 130 degrees F. (55 degrees C.) at any time during immersion; or

(b) Methyl bromide fumigation. ((Grape plants)) Grape-vines, rootstock or softwood cuttings may be treated by methyl bromide fumigation. Fumigation shall be in an approved gastight fumigation chamber, equipped with a heating unit, fan for dispersal of gas and clearing the chamber of gas after fumigation, and interior thermometer readable from the outside. Fumigation shall be with a dosage of two pounds (0.908 kg.) of methyl bromide per one thousand cubic feet (twenty-eight cubic meters) for a period of three hours at a temperature of between 65 degrees F. (18.3 degrees C.) and 70 degrees F. (21.1 degrees C.). The fan shall be operated for a period of ten minutes after the injection of the gas.

(3) All shipments of ((grape plants)) grapevines, rootstock and/or softwood cuttings from an infested area shall be plainly marked with the contents on the outside of the package or container as "((grape plants)) grapevines," "grape rootstock," or "grape cuttings."

(4) Notification requirements of WAC 16-481-060 are met.

**AMENDATORY SECTION** (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

**WAC 16-481-050 Equipment cleaning requirements.**  
 (1) All equipment used for cultivation or harvesting of grapes in grape ((phylloxera)) insect pests quarantine areas outside the state or infested properties within the state must be thoroughly washed or steam cleaned to remove all soil and plant material prior to entry into the state of Washington. Such equipment shall be subject to inspection by authorized inspectors of the department of agriculture.

(2) Any equipment found to be in violation of the ((sanitation)) cleaning requirement shall be subject to detention by the department until such equipment is thoroughly cleaned at the expense of the owner or shipper or provision made to transport the equipment directly out of the state.

**AMENDATORY SECTION** (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

**WAC 16-481-060 Notification requirements.** The plant ((services)) protection division of the department of agriculture shall be notified by United States mail or ((tele-fax)) telefacsimile to: Plant Protection Division, Washington State Department of Agriculture, 1111 Washington St. S.E., P.O. Box 42560, Olympia, WA 98504-2560; fax 360-902-2094, prior to the shipment of ((grape plants)) grapevines and/or cuttings under the grape ((phylloxera)) insect pests quarantine into this state from an infested area. Such notice shall include, but not be limited to, the approximate number of the ((grape plants)) grapevines, rootstock and/or softwood cuttings; the shipper; the consignee; the method of treatment used, if applicable; and the approximate date of delivery.

**AMENDATORY SECTION** (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

**WAC 16-481-070 Disposition of products shipped in violation of this quarantine—Violations.** Any shipment of ((grape plants)) grapevines, rootstock, and/or softwood shipped into or entering the state of Washington from an infested area and not accompanied by the required certificate and/or not complying with the ((noticee)) notification requirement in WAC 16-481-060 shall be returned to the point of origin, or destroyed at the option and expense of the owner or owners, or their responsible agent or agents.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-481-075

Violations—Penalties.

#### WSR 04-13-148

#### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed June 23, 2004, 8:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-09-080.

Title of Rule and Other Identifying Information: WAC 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, this proposal increases the plant pathology laboratory diagnostic fees, hourly fees, and post entry inspection fee within the Office of Financial Management fiscal growth factor for fiscal year 2005 (3.03%).

Hearing Location(s): Washington State Department of Agriculture, 1111 Washington Street S.E., Natural Resources Building, 2nd Floor, Conference Room 205, Olympia, WA 98504-2560, on July 28, 2004, at 2:00 p.m.

Date of Intended Adoption: August 10, 2004.

Submit Written Comments to: Henri Gonzales, P.O. Box 42560, Olympia, WA 98504-2560, e-mail hgonzales@agr.wa.gov, fax (360) 902-2094, by July 28, 2004.

Assistance for Persons with Disabilities: Contact Henri Gonzales by July 14, 2004, TTY (360) 902-1996.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** This proposal increases the plant pathology laboratory diagnostic fees, hourly fees, and post entry inspection fee by the fiscal growth factor of 3.03% for fiscal year 2005. This fee increase is necessary because current fee levels do not cover the costs of providing plant pathology laboratory and post entry inspection services. RCW 17.24.131 mandates that the department support these activities through fees for services. With these modest increases, the department anticipates that the program will be able to remain financially solvent.

**Reasons Supporting Proposal:** Current fee levels are not adequate to cover the costs of providing plant pathology laboratory and post entry inspection services.

**Statutory Authority for Adoption:** Chapters 17.24 and 34.05 RCW.

**Statute Being Implemented:** Chapter 17.24 RCW.

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

**Name of Proponent:** Washington State Department of Agriculture, governmental.

**Name of Agency Personnel Responsible for Drafting:** Mary Toohey, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1907; **Implementation and Enforcement:** Tom Wessels, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1984.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.030 (1)(a) requires that an agency must prepare a small business economic impact statement (SBEIS) for proposed rules that impose a more than minor cost on businesses in an industry. The department has analyzed the economic effects of the proposed fee increases and has concluded that they will not impose more than minor costs on the regulated industry and, therefore, a formal SBEIS is not required.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington State Department of Agriculture is not a listed agency under RCW 34.05.328 (5)(a)(i).

June 23, 2004

Mary A. Martin Toohey  
Assistant Director

#### AMENDATORY SECTION (Amending WSR 03-21-166, filed 10/22/03, effective 11/22/03)

#### **WAC 16-470-912 Schedule of fees and charges—Applicable fees and charges. (1) Hourly rate.**

	((Effective July 1, 2003))
Hourly rate - business hours	\$((30.20)) <u>31.10</u>
Hourly rate - nonbusiness hours	\$((38.60)) <u>39.70</u>

(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 July 1, 2003

Identity Determination	1 sample	5 samples	10 samples	50 samples	100+ samples
virus (ELISA)			\$((10.00))	\$((5.00))	\$((2.99))
	At cost	At cost	<u>10.30 ea</u>	<u>5.10 ea</u>	<u>2.95 ea</u>
bacteria	((40.05))	((38.65))	((36.25))	((35.05))	((35.05))
	<u>41.20 ea</u>	<u>39.80 ea</u>	<u>37.30 ea</u>	<u>36.10 ea</u>	<u>36.10 ea</u>
fungus	((42.35))	((36.25))	((35.05))	((33.85))	((31.40))
	<u>43.60 ea</u>	<u>37.30 ea</u>	<u>36.10 ea</u>	<u>34.80 ea</u>	<u>32.30 ea</u>
nematode	((31.40))	((28.95))	((26.55))	((25.90))	((24.15))
	<u>32.30 ea</u>	<u>29.80 ea</u>	<u>27.30 ea</u>	<u>26.60 ea</u>	<u>24.80 ea</u>

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 03-21-166, filed 10/22/03, effective 11/22/03)

#### **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(:

**Effective July 1, 2003).** . . . . . \$((60.50)) 62.30

(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.

#### **WSR 04-13-149 PROPOSED RULES DEPARTMENT OF AGRICULTURE**

[Filed June 23, 2004, 8:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-09-081.

Title of Rule and Other Identifying Information: WAC 16-333-041 Caneberry planting stock certification fees, this proposal increases the caneberry planting stock certification

PROPOSED

hourly inspection fee and slightly decreases the caneberry planting stock certification application fee.

**Hearing Location(s):** Washington State Department of Agriculture, 1111 Washington Street S.E., Natural Resources Building, 2nd Floor, Conference Room 205, Olympia, WA 98504-2560, on July 28, 2004, at 2:00 p.m.

Date of Intended Adoption: August 10, 2004.

Submit Written Comments to: Henri Gonzales, P.O. Box 42560, Olympia, WA 98504-2560, e-mail hgonzales@agr.wa.gov, fax (360) 902-2094, by July 28, 2004.

Assistance for Persons with Disabilities: Contact Henri Gonzales by July 14, 2004, TTY (360) 902-1996.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** This proposal increases the hourly inspection fee for caneberry planting stock certification to equal the hourly inspection fee for other nursery services and slightly decreases the caneberry certification application fee. During the 2003 legislative session, the Washington state legislature authorized the Washington State Department of Agriculture to increase fees in excess of the Office of Financial Management fiscal growth factor in order to ensure that fees charged for services covered the full cost of operating department programs (see chapter 25, Laws of 2003 1st sp.s. (ESSB 5404)). Participation in the production of certified planting stock is entirely voluntary for any producer of caneberry plants. The intent of this voluntary fee-for-service program is to produce a known, high-quality agricultural product that is apparently free of specified diseases and other pests, which will normally command a premium market price. Currently, five nurseries participate in the caneberry planting stock certification program.

**Reasons Supporting Proposal:** Current fee levels are not adequate to cover the costs of providing caneberry planting stock certification services.

**Statutory Authority for Adoption:** Chapters 15.13, 15.14 and 34.05 RCW.

**Statute Being Implemented:** Chapters 15.13 and 15.14 RCW.

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

**Name of Proponent:** Washington State Department of Agriculture, governmental.

**Name of Agency Personnel Responsible for Drafting:** Mary Toohey, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1907; **Implementation and Enforcement:** Tom Wessels, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1984.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.030 (1)(a) requires that an agency must prepare a small business economic impact statement (SBEIS) for proposed rules that impose a more than minor cost on businesses in an industry. The department has analyzed the economic effects of the proposed fee increases and has concluded that they will not impose more than minor costs on the regulated industry and, therefore, a formal SBEIS is not required.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington State Department of Agriculture is not a listed agency under RCW 34.05.328 (5)(a)(i).

June 23, 2004

Mary A. Martin Toohey  
Assistant Director

**AMENDATORY SECTION** (Amending WSR 03-21-166, filed 10/22/03, effective 11/22/03)

**WAC 16-333-041 Caneberry certification fees.** The caneberry certification fees are as follows:

	((Effective July 1, 2003))
<b>Application fee</b>	\$140.70
<b>Hourly inspection rate</b>	\$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 of \$140.00.

(2) Inspection fees. The department will conduct certification inspections at the hourly inspection rate established in chapter 16-401 WAC, 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.

**WSR 04-13-150  
PROPOSED RULES  
DEPARTMENT OF AGRICULTURE**

[Filed June 23, 2004, 8:56 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-09-082.

**Title of Rule and Other Identifying Information:** WAC 16-328-011 Strawberry plant certification fees, this proposal increases the strawberry planting stock certification hourly inspection fee and slightly decreases the strawberry planting stock certification application fee.

**Hearing Location(s):** Washington State Department of Agriculture, 1111 Washington Street S.E., Natural Resources

Building, 2nd Floor, Conference Room 205, Olympia, WA 98504-2560, on July 28, 2004, at 2:00 p.m.

Date of Intended Adoption: August 10, 2004.

Submit Written Comments to: Henri Gonzales, P.O. Box 42560, Olympia, WA 98504-2560, e-mail hgonzales@agr.wa.gov, fax (360) 902-2094, by July 28, 2004.

Assistance for Persons with Disabilities: Contact Henri Gonzales by July 14, 2004, TTY (360) 902-1996.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** This proposal increases the hourly inspection fee for strawberry planting stock certification to equal the hourly inspection fee for other nursery services and slightly decreases the strawberry certification application fee. During the 2003 legislative session, the Washington state legislature authorized the Washington State Department of Agriculture to increase fees in excess of the Office of Financial Management fiscal growth factor in order to ensure that fees charged for services covered the full cost of operating department programs (see chapter 25, Laws of 2003 1st sp.s. (ESSB 5404)). Participation in the production of certified planting stock is entirely voluntary for any producer of strawberry plants. The intent of this voluntary fee-for-service program is to produce a known, high-quality agricultural product that is apparently free of specified diseases and other pests, which will normally command a premium market price. Currently, there is only one nursery that participates in the strawberry planting stock certification program.

**Reasons Supporting Proposal:** Current fee levels are not adequate to cover the costs of providing strawberry planting stock certification services.

**Statutory Authority for Adoption:** Chapters 15.14 and 34.05 RCW.

**Statute Being Implemented:** Chapter 15.14 RCW.

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

**Name of Proponent:** Washington State Department of Agriculture, governmental.

**Name of Agency Personnel Responsible for Drafting:** Mary Toohey, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1907; **Implementation and Enforcement:** Tom Wessels, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1984.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.030 (1)(a) requires that an agency must prepare a small business economic impact statement (SBEIS) for proposed rules that impose a more than minor cost on businesses in an industry. The department has analyzed the economic effects of the proposed fee increases and has concluded that they will not impose more than minor costs on the regulated industry and, therefore, a formal SBEIS is not required.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington State Department of Agriculture is not a listed agency under RCW 34.05.328 (5)(a)(i).

June 23, 2004

Mary A. Martin Toohey  
Assistant Director

**AMENDATORY SECTION** (Amending WSR 03-21-166, filed 10/22/03, effective 11/22/03)

**WAC 16-328-011 Strawberry plant certification fees.**  
The strawberry plant certification fees are as follows:

	((Effective July 1, 2003
Application fee	\$140.70
Hourly inspection rate	\$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 of \$140.00.

(2) Inspection fees. The department will conduct certification inspections at the hourly inspection rate established in chapter 16-401 WAC, 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.

**WSR 04-13-154**  
**PROPOSED RULES**  
**ENERGY FACILITY SITE**  
**EVALUATION COUNCIL**

[Filed June 23, 2004, 9:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-13-084.

**Title of Rule and Other Identifying Information:** Title 463 WAC, rules relating to siting energy facilities. Adopt new rules, and/or revise existing rules that would set standards and/or application requirements for siting new electrical generation facilities in the following areas: (1) Seismicity, (2) noise, (3) fish and wildlife, (4) wetlands, (5) water quality, (6) air quality, (7) socioeconomics, and (8) water quantity. Adopt new rules for mediation, stipulations and settlements. Adopt new/revised existing rules for site certification agreement issuance, amendment, monitoring, and term of certification. Update NPDES rules for consistency with federal requirements. Reorganize Title 463 WAC for clarity.

Hearing Location(s): WSU Energy Building, 925 Plum Street S.E., Building 4, Conference Room 308, Olympia, WA 98504-3172, on August 10, 2003 [2004], at 2:00 p.m.

Date of Intended Adoption: October 10, 2004.

Submit Written Comments to: Allen Fiksdal, EFSEC Manager, EFSEC, P.O. Box 43172, Olympia, WA 98504-3172, e-mail efsec@ep.cted.wa.gov, fax (360) 956-2158, by August 13, 2004.

Assistance for Persons with Disabilities: Contact Mariah Laamb by August 3, 2004, TTY (360) 586-4224 or (360) 956-2121.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making is being conducted in response to:

(1) Changes to Energy Facility Site Evaluation Council (EFSEC) statute resulting from EHB 2247;

(2) A report on EFSEC reform requested by Governor Locke entitled "Improving Washington Energy Facility Site Evaluation Council" by Charlie Earl, President of Everett Community College that included suggested changes to EFSEC including rule making to improve the application and review process; and

(3) Governor's directive to establish clear and objective criteria for new energy facilities.

This rule making will give direction to future applicants to EFSEC regarding application content and levels of mitigation required resulting in streamlining the processing of the applications for large energy facilities.

The following chapters will be revised and/or added. Certain existing sections are consolidated into new chapters for clarity. The title will be reorganized for clarity.

Existing chapters that will be revised: Chapters 463-06, 463-10, 463-14, 463-18, 463-22, 463-26, 463-28, 463-30, 463-34, 463-36, 463-38, 463-39, 463-40, 463-42, 463-43, 463-47, 463-50, 463-54, and 463-58 WAC.

New chapters that have been created: Chapters 463-62, 463-64, 463-68, and 463-72 WAC.

Statutory Authority for Adoption: Chapter 80.50 RCW.

Statute Being Implemented: Chapter 80.50 RCW, chapter 90.48 RCW (NPDES rules chapter 463-38 WAC).

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

Name of Proponent: Energy Facility Site Evaluation Council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Allen J. Fiksdal, EFSEC Manager, 925 Plum Street S.E., Building 4, Olympia, WA 98504-3172, (360) 956-2152; and Enforcement: Mike Mills, Compliance Manager, 925 Plum Street S.E., Building 4, Olympia, WA 98504-3172, (360) 956-2151.

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

#### Small Business Economic Impact Statement

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-14 issue of the Register.

A copy of the statement may be obtained by contacting Allen J. Fiksdal, EFSEC Manager, EFSEC, P.O. Box 43172,

Olympia, WA 98504-3172, phone (360) 956-2152, fax (360) 956-2158, e-mail efsec@ep.cted.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328: EFSEC is not a listed agency under RCW 34.05-328 (5)(a)(i).

June 23, 2004

Allen J. Fiksdal

EFSEC Manager

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 04-14 issue of the Register.

#### WSR 04-13-156

#### PROPOSED RULES

#### HEALTH CARE AUTHORITY

[Order 04-01—Filed June 23, 2004, 9:37 a.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 04-07-079.

Title of Rule and Other Identifying Information: Rules affecting the administration of and eligibility for Public Employees' Benefits Board (PEBB)-sponsored insurance coverages. HCA reviewed chapters 182-08 and 182-12 WAC, as well as WAC 182-16-040 and 182-16-050. Many of the amendments and new sections are proposed to clarify current rules or to communicate rules regarding administration of and eligibility for PEBB programs in a more user-friendly manner. Some of these amendments and new sections represent rules that had been codified in chapter 182-08 WAC and that will be readopted in chapter 182-12 WAC, and visa [vice] versa. The HCA proposes that these amendments will be effective January 1, 2005.

Hearing Location(s): Health Care Authority, 676 Woodland Square Loop S.E., Meeting Room E101 A&B, Olympia, WA, on July 27, 2004, at 1:30 p.m.

Date of Intended Adoption: August 4, 2004.

Submit Written Comments to: Barbara Scott, 676 Woodland Square Loop S.E., Olympia, WA 98504-2684, e-mail besco107@hca.wa.gov, fax (360) 923-2602, by July 27, 2004.

Assistance for Persons with Disabilities: Contact Nikki Johnson by July 20, 2004, TTY (888) 923-5622 or (360) 923-2805.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HCA reviewed chapters 182-08 and 182-12 WAC and is proposing amendments and new sections in order to clarify administrative and eligibility rules affecting PEBB-sponsored insurance coverages for active and retired public employees. These proposed amendments and proposed new rules are intended to add logical structure and clearer language.

WAC 182-08-180: HCA is proposing a change to PEBB rules to permit refunds of up to twelve months of adjusted premiums where extraordinary circumstances prevented notification of a change in eligibility.

WAC 182-12-128: HCA is proposing a change to the length of time an employee, following a loss of other coverage, is allowed to make application for reenrollment in previ-

ously waived PEBB medical or dental coverage. The proposed change is consistent with other PEBB application periods and would extend the length of time from thirty-one to sixty days.

**WAC 182-12-133:** This amendment would eliminate current limits on the number of months an employee may self-pay for coverage by the number of months the employee was covered under approved family and medical leave.

**WAC 182-12-138:** This amendment would delete unnecessary and duplicative language that currently allows agencies to recover premiums paid to maintain employee coverage during approved family and medical leave if the employee does not return when the leave expires. This provision is included in the federal Family and Medical Leave Act and need not be repeated in state rules. Also, HCA is proposing to terminate coverage continued during family and medical leave if the employee is delinquent in paying employee premiums for affected coverage during the leave period.

**WAC 182-12-171 (7)(b):** HCA is proposing a change to PEBB retiree rules to permit the PEBB Assistant Administrator to allow payment of missed or underpaid premiums where extraordinary circumstances preventing the payment of the premiums are demonstrated, rather than terminate the coverage.

**WAC 182-16-040:** HCA is proposing amendments to support requirements of RCW 48.43.500(4).

**WAC 182-16-050:** These amendments clarify PEBB appeals practices.

**Reasons Supporting Proposal:** These proposed amendments and new proposed rules are designed to clarify administrative rules and eligibility affecting PEBB-sponsored insurance coverages.

**Statutory Authority for Adoption:** RCW 41.05.160 and 41.05.165.

**Statute Being Implemented:** RCW 41.05.021, 41.05.050, 41.05.065, 41.05.080, 41.05.085, 41.05.090, and 48.43.500.

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

**Name of Proponent:** Pete Cutler, Acting Administrator, Health Care Authority, governmental.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Barbara Scott, Health Care Authority, 676 Woodland Square Loop S.E., Olympia, WA, (360) 923-2642; and **Enforcement:** Katie Rogers, Health Care Authority, 676 Woodland Square Loop S.E., Olympia, WA, (360) 923-2735.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required. The Joint Administrative Rules Review Committee has not requested the filing of a small business economic impact statement, and there will be no costs to small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to Health Care Authority rules unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

June 23, 2004

Melodie Bankers, Director  
Legal and Contract Services

#### AMENDATORY SECTION (Amending WSR 97-21-128, filed 10/21/97, effective 11/21/97)

**WAC 182-16-040 Appeals—Notice of appeal contents.** Any person aggrieved by a decision of the ((health care authority)) PEBB may appeal that decision by filing a notice of appeal with the ((health care authority's appeals committee)) PEBB. The notice of appeal must contain:

- (1) The name and mailing address of the enrollee;
- (2) The name and mailing address of the appealing party;
- (3) The name and mailing address of the appealing party's representative, if any;
- (4) A statement identifying the specific portion of the decision being appealed making it clear what it is that is believed to be unlawful or unjust;
- (5) A clear and concise statement of facts in support of appealing party's position;
- (6) Any and all information or documentation that the aggrieved person would like considered and feels substantiates why the claim or request for coverage should be covered (information or documentation submitted at a later date, unless specifically requested by ((the appeals committee)) PEBB, may not be considered in the appeal decision);
- (7) A copy of the ((plan's)) health carrier's response to the issue the appellant has raised;
- (8) The type of relief sought;
- (9) A statement that the appealing party has read the notice of appeal and believes the contents to be true, followed by his((f)) or her signature and the signature of his((f)) or her representative, if any;

(10) The appealing party shall file, personally or by mail, with the ((health care authority)) PEBB the original notice of appeal. The notice of appeal must be received by the ((health care authority)) PEBB within sixty days after the decision of the ((agency staff)) health carrier or insurer was mailed to the appealing party. The ((agency)) PEBB shall acknowledge receipt of the copies filed with the ((agency)) PEBB, within five days;

(11) ((Within thirty days after receipt of notice of appeal, the agency shall notify the appellant of any obvious errors or omissions, and request any additional information.))

(12)) The ((appeals committee)) PEBB will render a written decision within ((sixty)) thirty days ((of)) after receipt of the complete appeal file.

#### AMENDATORY SECTION (Amending WSR 97-21-128, filed 10/21/97, effective 11/21/97)

**WAC 182-16-050 Appeals—Hearings.** (1) If the ((health care authority's)) PEBB appeals ((ecommittee)) officer upholds the original denial, the enrollee may request ((a)) an administrative hearing ((by)) in writing ((to the health care authority's appeals manager)). The ((health care authority)) HCA must receive the written request for a hearing within fifteen days ((of)) after the date the PEBB appeals ((ecommittee's)) officer's decision was mailed to the ((appellant)) enrollee.

(2) The agency shall set the time and place of the hearing and give not less than seven days notice to all parties and persons who have filed written petitions to intervene.

(3) The administrator or his((f)) or her designee shall preside at all hearings resulting from the filings of a request for an administrative appeal((s)).

(4) All hearings shall be conducted in compliance with these rules, chapter 34.05 RCW and chapter 10-08 WAC, as applicable.

(5) Within ninety days ((ef)) after conclusion of the hearing, the administrator or his((f)) or her designee shall render a decision which shall be the final decision of the agency. A copy of that decision accompanied by a written statement of the reasons for the decision shall be served on all parties and persons who have intervened.

#### AMENDATORY SECTION (Amending Order 02-07, filed 8/14/03, effective 9/14/03)

**WAC 182-08-015 Definitions.** The following definitions apply throughout this ((Title 182 WAC)) chapter unless the context clearly indicates other meaning:

((1)) "Administrator" means the administrator of the health care authority (HCA) or designee.

((2)) "Board" means the public employees' benefits board established under provisions of RCW 41.05.055. ((The board is created within the HCA and the administrator of the HCA shall serve as the chair of the board.)

(3) "Open enrollment" means a time period designated by the administrator during which enrollees may apply to transfer their enrollment from one health plan to another, enroll in a medical plan if the enrollee had previously waived coverage or add dependents.

(4) "Enrollee" means a person who meets all eligibility requirements defined in chapter 182-12 WAC, who is enrolled in a PEBB plan, and for whom applicable premium payments have been made.

(5) "Subscriber" or "insured" means the enrollee who has been designated by the HCA as the individual to whom the HCA and the health plan will issue all notices, information, requests and premium bills on behalf of all enrolled family members.

(6) "Effective date of enrollment" means the first date on which an enrollee is entitled to receive covered services.

(7) "PEBB plan" means one or more insurance programs established by the public employees' benefits board for eligible enrollees and their dependents.) "Defer" means to postpone enrollment or interrupt enrollment in PEBB sponsored medical insurance by a retiree or surviving dependent.

"Dependent" means a person who meets eligibility requirements set forth in WAC 182-12-260.

"Enrollee" means a person who meets all eligibility requirements defined in chapter 182-12 WAC, who is enrolled in PEBB benefits, and for whom applicable premium payments have been made.

"Effective date of enrollment" means the first date on which an enrollee is entitled to receive covered benefits.

"Extended dependent" means a dependent child who is not the child of an enrollee through birth, adoption, marriage, or a qualified same sex domestic partnership. Some examples of extended dependents include, but are not limited to, a grandchild or a niece or nephew for whom the enrollee is the legal guardian or the enrollee has legal custody.

"Health carrier" has the meaning set forth at RCW 48.43.005(18) for purposes of administering this Title 182 WAC only, it includes the uniform medical plan and uniform dental plan.

"Health plan" or "plan" means medical and dental coverage.

"Insurance coverage" means any health plan, life or long-term disability insurance plan administered as a PEBB benefit.

"LTD insurance" includes basic long-term disability insurance paid for by the employer and long-term disability insurance offered to employees on an optional basis.

"Life insurance" includes basic life insurance paid for by the employer and life insurance offered to employees on an optional basis.

"Open enrollment" means a time period designated by the administrator during which enrollees may apply to transfer their enrollment from one health carrier to another, enroll in medical coverage if the enrollee had previously waived such coverage, or add dependents.

"PEBB plan" or "PEBB benefits" means one or more insurance coverages approved by the public employees' benefits board for eligible enrollees and their dependents.

"Subscriber" or "insured" means the employee, retiree, COBRA beneficiary or surviving dependent who has been designated by the HCA as the individual to whom the HCA and the health carrier will issue all notices, information, requests and premium bills on behalf of enrolled dependents.

"Waive" means to interrupt enrollment or postpone enrollment in a PEBB sponsored health plan by an employee (as defined in WAC 182-12-115) or a dependent who meets eligibility requirements set forth in WAC 182-12-260.

#### AMENDATORY SECTION (Amending Order 02-07, filed 8/14/03, effective 9/14/03)

**WAC 182-08-120 ((Employer contribution.)) How can the employer contribution be used?** The employers' contribution must be used solely to provide coverage for the basic life insurance benefit, a basic long-term disability benefit, medical coverage, and dental coverage, and to establish a reserve for any remaining balance. There is no employer contribution available for any other insurance coverages.

#### AMENDATORY SECTION (Amending Order 02-07, filed 8/14/03, effective 9/14/03)

**WAC 182-08-180 Premium payments and refunds.** PEBB premiums will be refunded using the following method:

(1) ((Within ninety days after an event)) When a PEBB subscriber submits an enrollment change affecting eligibility, ((the subscriber or a dependent or beneficiary of a subscriber must notify HCA of any change in eligibility status.)) such as for example: Death, divorce, or when no longer a dependent as defined at ((WAC 182-12-119. Premium paid after such an event will be refunded in accordance with subsection (4) of this section.))

(2) Premiums miscalculated will be adjusted by returning the excess charged premium, if any, to the employer, subscriber, or beneficiary, as appropriate.)) WAC 182-12-260 no

more than three months of accounting adjustments and any excess premium paid will be refunded to any individual or agency except as provided in WAC 182-12-148(3).

(2) The PEBB assistant administrator or designee may approve a refund which does not exceed twelve months of premium provided both of the following occur:

(a) The PEBB subscriber or a dependent or beneficiary of a subscriber submits a written appeal to the HCA; and

(b) Proof is provided that extraordinary circumstances beyond the control of the subscriber, dependent or beneficiary made it virtually impossible to submit the necessary information to accomplish an enrollment change within sixty days after the event that created a change of premium.

(3) Errors ((producing)) resulting in an underpayment to HCA must be reimbursed by the employer or subscriber to the HCA. Upon request of an employer, subscriber, or beneficiary, as appropriate, the HCA will develop a repayment plan designed not to create undue hardship on the employer or subscriber.

((3))) (4) HCA errors will be adjusted by returning the excess premium paid, if any, to the employer, subscriber, or beneficiary, as appropriate.

(5) Premium is due for the entire month of coverage and will not be prorated during the month of death or loss of eligibility of the enrollee except when eligible for life insurance conversion.

((4) Premium refunds requested by a subscriber or a dependent or beneficiary must be presented to HCA within ninety days of the event. Refunds will not be made for more than three months of premium. Examples of such events include, but are not limited to, divorcee, death of an employee or retiree, or death of a dependent of an employee or retiree, or situations where premium was paid on behalf of enrollees or dependents.))

**AMENDATORY SECTION** (Amending Order 02-07, filed 8/14/03, effective 9/14/03)

**WAC 182-08-190 ((Employer contribution.)) The employer contribution shall be set by the HCA and paid to the HCA for all eligible employees.** ((1))) Every department, division, or agency of state government, and such county, municipal or other political subdivision((s-as-are)), K-12 school district or educational service district that are covered under ((the)) PEBB ((plans)) insurance coverage, shall pay premium contributions to the HCA for insurance ((benefits)) coverage for all ((of its insurance--))eligible employees and their dependents.

((a))) (1) Employer contributions shall be set by the HCA and are subject to the approval of the governor.

((b))) (2) Employer contributions shall include an amount determined by the HCA to pay administrative costs to administer ((the plans)) insurance coverage for employees of these groups.

((c))) (3) Each eligible employee in pay status ((for)) eight or more hours during a calendar month ((or-for)) and each eligible employee on ((family and medical)) leave under the federal Family and Medical Leave Act (FMLA) shall be eligible for the employer contribution. The entire employer

contribution is due and payable to HCA even if medical coverage is waived.

((d))) (4) PEBB insurance coverage for any county, municipality or other political subdivision or any K-12 school district or educational service district may be terminated by HCA if the premium contributions are delinquent more than ninety days.

((2) For the period of July 1, 2002, to June 30, 2003, eligible state employees placed on temporary unpaid leave in order to implement the 2002 supplemental appropriations act are not required to have eight hours of pay status in order to maintain eligibility for the employer contribution for each month that they are on mandatory leave.))

**AMENDATORY SECTION** (Amending Order 02-07, filed 8/14/03, effective 9/14/03)

**WAC 182-08-196 What happens if my health ((plan no longer available.)) carrier becomes unavailable?**

Active employees and retirees for whom the chosen health ((plan)) carrier becomes unavailable must select a new health ((plan)) carrier within thirty-one days after notification by HCA. Any person that fails to select a new plan within the prescribed time period will be enrolled in the Uniform Medical Plan by default. Any person defaulted to the Uniform Medical Plan may not change the health ((plans)) carrier until the next open enrollment.

**AMENDATORY SECTION** (Amending WSR 96-08-042, filed 3/29/96, effective 4/29/96)

**WAC 182-08-200 ((Payment of)) Which agency is responsible to pay the employer contribution for eligible employees changing agency employment((,))?** When an eligible employee's employment ceases with an agency at any time prior to the end of the month for which a premium contribution is due and that employee transfers to another agency, the losing agency is responsible for the payment of the contribution for that employee for that month. The receiving agency would not be liable for any employer contribution for that eligible employee until the month following the transfer.

#### **NEW SECTION**

**WAC 182-08-230 Employer groups.** This section applies to all employer groups, K-12 school districts and educational service districts participating in PEBB insurance coverages.

((1) For purposes of this section, "employer group" means those employee organizations representing state civil service employees, blind vendors, county, municipality, and political subdivisions that meet the participation requirements of WAC 182-12-111 (2), (3) and (4) and that participate in PEBB insurance coverages.

((2)(a) Each employer group shall determine an employee's eligibility for PEBB insurance coverage in accordance with the applicable sections of chapter 182-12 WAC, RCW 41.04.205, and chapter 41.05 RCW.

((b) Each employer group, K-12 school district and educational service district applying for participation in PEBB

insurance coverage shall submit required documentation and meet all participation requirements set forth in the then-current *Introduction to PEBB Coverage K-12 and Employer Groups* booklet(s).

(3)(a) Each employer group, K-12 school district or educational service district applying for participation in PEBB insurance coverage shall sign an interlocal agreement with the HCA.

(b) Each interlocal agreement shall be renewed no less frequently than once in every two-year period.

(4) At least twenty days prior to the premium due date, the HCA shall cause each employer group, K-12 school district or educational service district to be sent a monthly billing statement. The statement of premium due will be based upon the enrollment information provided by the employer group, K-12 school district or educational service district.

(a) Changes in enrollment status shall be submitted to the HCA prior to the twentieth day of the month during which the change occurs. Changes submitted after the twentieth day of each month may not be reflected on the billing statement until the following month.

(b) Changes submitted more than one month late shall be accompanied by a full explanation of the circumstances of the late notification.

(5) An employer group, K-12 school district or educational service district shall remit the monthly premium as billed or as reconciled by it.

(a) If an employer group, K-12 school district or educational service district determines that the invoiced amount requires one or more changes, they may adjust the remittance only if an insurance eligibility adjustment form detailing the adjustment accompanies the remittance. The proper form for reporting adjustments will be attached to the interlocal agreement as Exhibit A.

(b) Each employer group, K-12 school district or educational service district is solely responsible for the accuracy of the amount remitted and the completeness and accuracy of the insurance eligibility adjustment form.

(6) Each employer group, K-12 school district or educational service district shall remit the entire monthly premium due including the employee share, if any. The employer group, K-12 school district or educational service district is solely responsible for the collection of any employee share of the premium. The employer shall not withhold portions of the monthly premium due because it has failed to collect the entire employee share.

(7) Nonpayment of the full premium when due will subject the employer group, K-12 school district or educational service district to disenrollment and termination of each employee of the group.

(a) Prior to termination for nonpayment of premium, the HCA shall cause a notice of overdue premium to be sent to the employer group, K-12 school district or educational service district which notice will provide a one-month grace period for payment of all overdue premium.

(b) An employer group, K-12 school district or educational service district that does not remit the entirety of its overdue premium no later than the last day of the grace period will be disenrolled effective the last day of the last month for which premium has been paid in full.

(c) Upon disenrollment, notification will be sent to both the employer group, K-12 school district or educational service district and each affected employee.

(d) Employer groups, K-12 school districts or educational service districts disenrolled due to nonpayment of premium shall have the right to a dispute resolution hearing in accordance with the terms of the interlocal agreement.

(e) Employees terminated due to the nonpayment of premium by the employer group, K-12 school district or educational service district are not eligible for continuation of group health plan coverage according to the terms of the Consolidated Omnibus Budget Reconciliation Act (COBRA). Terminated employees shall have conversion rights to an individual insurance policy as provided for by the employer group, K-12 school district or educational service district.

(f) Claims incurred by terminated employees of a disenrolled group after the effective date of disenrollment will not be covered.

(g) The employer group, K-12 school district or educational service district is solely responsible for refunding any employee share paid by the employee to the employer group, K-12 school district or educational service district and not remitted to the HCA.

(8) A disenrolled employer group, K-12 school district or educational service district may apply for reinstatement in PEBB insurance coverages under the following conditions:

(a) Reinstatement must be requested and all delinquent premium paid in full no later than ninety days after the date the delinquent premium was first due, as well as a reinstatement fee of one thousand dollars.

(b) Reinstatement requested more than ninety days after the effective date of disenrollment will be denied.

(c) Employer groups, K-12 school districts or educational service districts may be reinstated only once in any two-year period and will be subject to immediate disenrollment if, after the effective date of any such reinstatement, subsequent premiums become more than thirty days delinquent.

(9) Upon written petition by the employer group, K-12 school district or educational service district disenrollment of an employer group, K-12 school district or educational service district or denial of reinstatement may be waived by the administrator upon a showing of good cause.

## REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 182-08-095

Waiver of coverage for active employees.

WAC 182-08-125

PEBB-sponsored medical and dental benefit is limited to one enrollment per individual member.

WAC 182-08-160

Group coverage when not in pay status.

WAC 182-08-165

Other group coverage option.

WAC 182-08-175	Group coverage while on family and medical leave.
WAC 182-08-210	Termination of employer paid insurance benefit programs.

**NEW SECTION**

**WAC 182-12-108 Purpose.** The purpose of this chapter is to establish eligibility criteria of employee eligibility for and effective date of enrollment in the public employees' benefits board (PEBB) approved benefits.

**NEW SECTION**

**WAC 182-12-109 Definitions.** The following definitions apply throughout this chapter unless the context clearly indicates another meaning:

"Administrator" means the administrator of the HCA or designee.

"Board" means the public employees' benefits board established under provisions of RCW 41.05.055.

"Defer" means to postpone enrollment or interrupt enrollment in PEBB sponsored medical coverage by a retiree or surviving dependent.

"Dependent" means a person who meets eligibility requirements set forth in WAC 182-12-260.

"Effective date of enrollment" means the first date on which an enrollee is entitled to receive covered benefits.

"Enrollee" means a person who meets all eligibility requirements defined in chapter 182-12 WAC, who is enrolled in PEBB benefits, and for whom applicable premium payments have been made.

"Extended dependent" means a dependent child who is not the child of an enrollee through birth, adoption, marriage, or a qualified same sex domestic partnership. Some examples of extended dependents include, but are not limited to, a grandchild or a niece or nephew for whom the enrollee is the legal guardian or the enrollee has legal custody.

"Health carrier" has the meaning set forth at RCW 43.43.005(18) for purposes of administering this Title 182 WAC only, it includes the uniform medical plan and the uniform dental plan.

"Health plan" or "plan" means medical and dental coverages.

"Insurance coverage" means any health plan, life, or long-term disability insurance plan administered as a PEBB benefit.

"LTD insurance" includes basic long-term disability insurance paid for by the employer and long-term disability insurance offered to employees on an optional basis.

"Life insurance" includes basic life insurance paid for by the employer and life insurance offered to employees on an optional basis.

"Open enrollment" means a time period designated by the administrator during which enrollees may apply to transfer their enrollment from one health carrier to another, enroll in medical coverage if the enrollee had previously waived such coverage or add dependents.

"PEBB plan" or "PEBB benefits" means one or more insurance coverages approved by the public employees' benefits board for eligible enrollees and their dependents.

"Subscriber" or "insured" means the employee, retiree, COBRA beneficiary or surviving dependent who has been designated by the HCA as the individual to whom the HCA and the health carrier will issue all notices, information, requests and premium bills on behalf of enrolled dependents.

"Waive" means to interrupt enrollment or postpone enrollment in a PEBB sponsored health plan by an employee (as set forth in WAC 182-12-115) or a dependent who meets eligibility requirements set forth in WAC 182-12-260.

**AMENDATORY SECTION (Amending Order 02-07, filed 8/14/03, effective 9/14/03)**

**WAC 182-12-111 Eligible entities and individuals.** The following entities and individuals shall be eligible to participate in PEBB insurance ((plans)) coverages subject to the terms and conditions set forth below:

(1) State agencies. Every department, division, or separate agency of state government, including all state higher education institutions, the higher education coordinating board, and the state board for community and technical colleges is required to participate in all PEBB approved ((plans)) insurance coverage. Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270.

(a) Employees of technical colleges previously enrolled in a benefits trust may terminate PEBB insurance coverage by January 1, 1996, or the expiration of the current collective bargaining agreements, whichever is later. Employees electing to terminate PEBB coverage have a one-time reenrollment option after a five year wait. Employees of a bargaining unit may terminate PEBB participation only as an entire bargaining unit. All administrative or managerial employees may terminate PEBB participation only as an entire unit.

(b) Community and technical colleges with employees enrolled in a benefits trust shall remit to the HCA a retiree remittance as specified in the omnibus appropriations act, for each full-time employee equivalent. The remittance may be prorated for employees receiving a prorated portion of benefits.

(2) Employee organizations. Employee organizations representing state civil service employees((;)) and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, may participate in PEBB((-))sponsored ((benefits)) insurance coverages at the option of each employee organization provided all of the following requirements are met:

(a) All eligible employees of the entity must transfer to PEBB ((plan)) insurance coverage as a unit. If the group meets the minimum size standards established by HCA, bargaining units may elect to participate separately from the whole group, and the nonrepresented employees may elect to participate separately from the whole group provided all non-represented employees join as a group.

(b) The PEBB ((medical)) health plan((s)) must be the only employer sponsored ((medical)) health plan((s)) available to eligible employees.

(c) The legislative authority or the board of directors of the entity must submit to the HCA an application together with employee census data and, if available, prior claims experience of the entity. The application to participate in ((the)) PEBB ((plans)) insurance coverage is subject to the approval of the HCA.

(d) The legislative authority or the board of directors must maintain its PEBB plan participation for a minimum of one full year, and may terminate participation only at the end of a plan year.

(e) The terms and conditions for the payment of the insurance premiums shall be set forth in the provisions of the bargaining agreement or terms of employment and shall comply with the employer contribution requirements specified in the appropriate governing statute. These provisions, including eligibility, shall be subject to review and approval by the HCA at the time of application for participation. Any substantive changes must be submitted to HCA.

(f) The eligibility requirements for dependents must be the same as the requirements for dependents of the state employees and retirees as ((defined)) set forth in WAC ((182-12-119)) 182-12-260.

(g) The legislative authority or the board of directors shall provide the HCA with written notice of its intent to terminate PEBB plan participation no fewer than thirty days prior to the effective date of termination. If the employee organization terminates coverage in PEBB insurance ((plans)) coverage, retired and disabled employees who began participating after September 15, 1991, are not eligible to participate in PEBB insurance ((plans)) coverage beyond the mandatory extension requirements specified in WAC ((182-12-215)) 182-12-146.

(3) Blind vendors means a "licensee" as defined in RCW 74.18.200: Vendors actively operating a business enterprise program facility in the state of Washington and deemed eligible by the department of services for the blind may voluntarily participate in PEBB insurance ((programs)) coverage.

(a) Vendors that do not enroll when first eligible may enroll only during the annual open enrollment period offered by the ((health care authority)) HCA or the first day of the month following loss of other insurance coverage.

(b) Department of services for the blind will notify eligible vendors of their eligibility in advance of the date that they are eligible to apply for enrollment in PEBB insurance ((programs)) coverage.

(c) The eligibility requirements for dependents of blind vendors shall be the same as the requirements for dependents of the state employees and retirees as ((defined)) set forth in WAC ((182-12-119)) 182-12-260.

(4) Local governments: Employees of a county, municipality, or other political subdivision of the state may participate in PEBB insurance ((programs)) coverage provided all of the following requirements are met:

(a) All eligible employees of the entity must transfer to PEBB ((plan)) insurance coverage as a unit. If the ((employer)) group meets the minimum size standards established by HCA, bargaining units may elect to participate separately from the whole group, and the nonrepresented employees may elect to participate separately from the whole group provided all nonrepresented employees join as a group.

(b) The PEBB ((medical)) health plan(s) must be the only employer sponsored ((medical)) health plan(s) available to eligible employees.

(c) The legislative authority or the board of directors of the entity must submit to the HCA an application together with employee census data and, if available, prior claims experience of the entity. The application to participate in ((the)) PEBB ((plans)) insurance coverage is subject to the approval of the HCA.

(d) The legislative authority or the board of directors must maintain its PEBB plan participation for a minimum of one full year, and may terminate participation only at the end of the plan year.

(e) The terms and conditions for the payment of the insurance premiums must be set forth in the provisions of the bargaining agreement or terms of employment and shall comply with the employer contribution requirements specified in the appropriate governing statute. These provisions, including eligibility, shall be subject to review and approval by the HCA at the time of application for participation. Any substantive changes must be submitted to HCA.

(f) The eligibility requirements for dependents of local government employees must be the same as the requirements for dependents of ((the)) state employees and retirees as ((defined)) set forth in WAC ((182-12-119)) 182-12-260.

(g) The legislative authority or the board of directors shall provide the HCA with written notice of its intent to terminate PEBB plan participation no fewer than thirty days prior to the effective date of termination. If a county, municipality, or political subdivision terminates coverage in PEBB insurance ((plans)) coverage, retired and disabled employees who began participating after September 15, 1991, are not eligible to participate in PEBB insurance ((plans)) coverage beyond the mandatory extension requirements specified in WAC ((182-12-215)) 182-12-146.

(5) K-12 school districts and educational service districts: Employees of school districts or educational service districts may participate in PEBB insurance programs provided all of the following requirements are met:

(a) All eligible employees of the entity must transfer to PEBB ((plan)) insurance coverage as a unit. If the K-12 school district or educational service district meets the minimum size standards established by HCA, bargaining units may elect to participate separately from the whole group. For the purpose of enrolling by bargaining unit, all nonrepresented employees will be considered a single bargaining unit.

(b) The school district or educational service district must submit an application together with employee census data and, if available, prior claims experience of the entity to the HCA. The application to participate in the PEBB ((plans)) insurance coverage is subject to the approval of the HCA.

(c) The school district or educational service district must agree to participate in all PEBB insurance ((plans)) coverage. The PEBB ((medical)) health plan(s) must be the only employer sponsored ((medical)) health plan(s) available to eligible employees.

(d) The school district or educational service district must maintain its PEBB plan participation for a minimum of one full year, and may terminate participation only at the end of the plan year.

(e) Beginning September 1, 2003, the ((~~health care authority~~) HCA) will collect an amount equal to the composite rate charged to state agencies plus an amount equal to the employee premium by ((~~plan~~) health carrier) and family size as would be charged to state employees for each participating school district or educational service district. Each participating school district or educational service district must agree to collect an employee premium by ((~~plan~~) health carrier) and family size that is not less than that paid by state employees. The eligibility requirements for employees will be the same as those for state employees as defined in WAC 182-12-115.

(f) The eligibility requirements for dependents of K-12 school district and educational service district employees must be the same as the requirements for dependents of the state employees and retirees as ((defined)) set forth in WAC ((182-12-119)) 182-12-260.

(g) The school district or educational district must provide the HCA with written notice of its intent to terminate PEBB plan participation no fewer than thirty days prior to the effective date of termination, and may terminate participation only at the end of a plan year.

(6) Eligible nonemployees:

(a) Dislocated forest products workers enrolled in the employment and career orientation program pursuant to chapter 50.70 RCW shall be eligible for PEBB ((~~medical and dental~~) health) plan coverage while enrolled in that program.

(b) School board members or students eligible to participate under RCW 28A.400.350 may participate in PEBB insurance coverage as long as they remain eligible under that section.

#### NEW SECTION

**WAC 182-12-112 Insurance eligibility for higher education.** For the purpose of insurance eligibility, the HCA considers the higher education personnel board, the council for postsecondary education, and the state board for community colleges to be higher education agencies.

#### AMENDATORY SECTION (Amending Order 5-79, filed 12/27/79)

**WAC 182-12-121 Does a change in position or job affect eligibility status((?))?** Employees who voluntarily move from an eligible to an otherwise noneligible position shall retain their eligibility for the employer contribution each month in which they are in pay status eight ((~~hours~~)) or more hours, provided, (1) the new position is one in which the employee is scheduled to work half time or more, and (2) the employee did not terminate state service before taking the new position. Layoff because of reduction in force is not considered termination of state service. Proviso (1) above does not apply to employees who are on reduction in force status.

#### NEW SECTION

**WAC 182-12-123 Dual eligibility is prohibited.** Health plan coverage is limited to a single enrollment per individual.

(1) Effective January 1, 2002, individuals that have more than one source of eligibility for enrollment in PEBB health

coverage (called "dual eligibility") are limited to one enrollment.

(2) One insurance-eligible employee may waive medical coverage for himself or herself and enroll as a spouse or dependent on the coverage of his or her eligible spouse. This waiver option is not available for other insurance coverages.

(3) The following examples describe typical situations of dual eligibility. These are not the only situations where dual eligibility may arise. These examples are provided as illustrations only.

(a) A husband and wife who are both insurance-eligible and employed by PEBB-participating employers, such as state agencies, may enroll only in a health plan as an employee but not also as a dependent. That is, the husband may enroll only under his employing agency and the wife may enroll only under her employing agency but not also as dependents of each other. In the alternative, one spouse may waive medical coverage as an employee and enroll as a dependent on the medical coverage of the other spouse.

(b) A dependent child that is eligible for coverage under two or more parents or stepparents who are employed by PEBB-participating employers, may be enrolled as a dependent under the health plan coverage of one parent or stepparent, but not more than one.

(c) An employee employed in an insurance-eligible position by more than one PEBB-participating employer may enroll only under one employer. The employee may choose to enroll in a health plan under the employer that:

(i) Offers the most favorable cost-sharing arrangement; or

(ii) Employed the employee for the longer period of time.

#### NEW SECTION

**WAC 182-12-128 May an employee waive enrollment in PEBB insurance coverage?** (1) Employees eligible for PEBB insurance coverage have the option of waiving health plan coverage if they are covered by other health plan coverage. If an employee waives health plan coverage, such coverage is automatically waived for all eligible dependents. An employee may choose to enroll only himself or herself, and waive either the medical or dental portion of the health plan coverage, or both, for any or all dependents. In order to waive enrollment, the employee must complete an enrollment form and list all enrollees for whom coverage is being waived.

(2) An employee may only waive the medical portion of health plan coverage. The employee must remain enrolled in the dental, life and LTD insurance coverages.

(3) If the medical portion of the health plan coverage is waived, an otherwise eligible enrollee may not rescind the waiver and reenroll in the medical portion of the health plan coverage except during the following times:

(a) The next open enrollment period; or

(b) Within sixty days of loss of other medical coverage if proof of enrollment in other comprehensive group medical coverage is submitted and demonstrates that:

(i) Enrollment in other medical coverage was continuous from the most recent open enrollment period for which PEBB medical coverage was waived; and

(ii) The period between loss of the other medical coverage and application for PEBB medical coverage is sixty days or less.

(4) If the dental portion of the health plan coverage is waived, an otherwise eligible dependent may not enroll in PEBB dental coverage except during the following times:

(a) The next open enrollment period; or

(b) Within sixty days after loss of other dental coverage if proof of enrollment in other dental coverage is submitted and demonstrates that:

(i) Enrollment in the other dental coverage was continuous from the most recent open enrollment period for which dental was waived; and

(ii) The period between loss of the other dental and application for PEBB dental coverage is sixty days or less.

(5) The employee and eligible dependents may have an additional opportunity to reenroll only as a result of addition of a new dependent due to marriage, birth, adoption, or placement for adoption, provided that advice of such enrollment is provided to HCA within thirty-one days after the marriage or within sixty days after the birth, adoption or placement for adoption of a child.

#### NEW SECTION

**WAC 182-12-131 When does employer paid insurance coverage end?** PEBB medical, dental and life insurance coverages for a terminated employee, spouse, qualified same sex domestic partner or dependent child ceases at 12:00 midnight, the last day of the month in which the employee or dependent is eligible. Basic long term disability coverage ceases at 12:00 midnight the date employment terminates or immediately upon the death of the employee.

#### NEW SECTION

**WAC 182-12-133 What options for continuing coverage are available to employees when they are no longer eligible for PEBB insurance coverage paid for by their employer?** Eligible employees covered by PEBB insurance coverage have options for providing continued coverage for themselves and their dependents during temporary or permanent loss of eligibility. Except in the case of approved family and medical leave, and except as otherwise provided, only employees in pay status eight or more hours per month are eligible to receive the employer contribution.

(1) When an employee is on leave without pay due to an event described in (a) through (f) of this subsection, insurance coverage may be continued at the group rate by self-paying premiums. Employees may self-pay for a maximum of twenty-nine months. The number of months that an employee self-pays premium during a period of leave without pay will count toward the total months of continuation coverage allowed under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA). Employees may continue any combination of medical, dental and life insurance; however, only employees on approved educational leave may continue

long term disability insurance. The following types of leave qualify to continue coverage under this provision:

(a) The employee is on authorized leave without pay;

(b) The employee is laid off because of a reduction in force (RIF);

(c) The employee is receiving time-loss benefits under workers' compensation;

(d) The employee is applying for disability retirement;

(e) The employee is called to active military duty; however, self-payment of life insurance is limited to twelve months from the date the employee is called to active duty;

(f) The employee is on approved educational leave.

(2) Part-time faculty may self-pay premium at the group rate between periods of eligibility for a maximum of eighteen months. Part-time faculty may continue any combination of medical, dental and life insurance.

(3) The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives enrollees the right to continue group medical and dental coverage for a period of eighteen to thirty-six months when they lose eligibility due to one of the following qualifying events.

(a) Termination of employment.

(b) The employee's hours are reduced to the extent of losing eligibility.

(c) The employee reverts to a previously held position that is not eligible for benefits.

(4) Employees who are approved for leave under the federal Family and Medical Leave Act (FMLA) are eligible to receive the employer contribution toward premium for up to twelve weeks, as provided in WAC 182-12-138.

#### NEW SECTION

**WAC 182-12-136 May an employee on approved educational leave waive PEBB health plan coverage?** In order to avoid duplication of group health plan coverage, the following shall apply to employees during any period of approved educational leave. Employees eligible for coverage provided in WAC 182-12-133 who obtain comprehensive health plan coverage under another group plan may waive continuance of such coverage for each full calendar month in which they maintain coverage under the other comprehensive group health plan. These employees have the right to reenroll in PEBB health plan coverage effective the first day of the month after the date the other comprehensive group health plan coverage terminates, provided proof of such other comprehensive group health plan coverage is provided to the HCA upon application for reenrollment.

#### NEW SECTION

**WAC 182-12-138 If an employee is approved family and medical leave, what PEBB insurance coverage may be continued?** Employees on leave under the federal Family and Medical Leave Act (FMLA) may continue to receive up to twelve weeks of employer-paid group medical, dental, basic life, and basic long-term disability insurance while on family and medical leave and may also continue current optional life and long-term disability. All employee premium amounts associated with insurance coverage must be paid monthly as they become due. If premiums are more than

sixty days delinquent, insurance coverage will be terminated as of the last day of the month of fully paid coverage.

#### NEW SECTION

**WAC 182-12-141 If I revert from an eligible position to an ineligible position what happens to my insurance coverage?** Employees who revert to a position that is ineligible for employer contribution toward insurance coverage may continue health plan coverage by self-paying premium for up to eighteen months (and in some cases up to twenty-nine months) under provisions of the federal Consolidated Omnibus Budget Reconciliation Act (COBRA).

#### NEW SECTION

**WAC 182-12-146 PEBB health plan coverage under COBRA.** Enrollees and eligible dependents who become ineligible for health plan coverage and who qualify for continued coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA) may continue their plan coverage by self-payment of plan premiums in accordance with COBRA statutes and regulations.

#### NEW SECTION

**WAC 182-12-148 May an employee continue PEBB insurance coverage during their appeal of dismissal?** (1) Employees awaiting hearing of a dismissal action before the personnel appeals board, higher education personnel board or any court may continue their insurance coverage by self-payment of premium on the same terms as an employee who is granted leave without pay.

(2) If the hearing board or court upholds the dismissal, all insurance coverage shall terminate at the end of the month in which the board or court's decision is entered or the date to which premiums have been paid, whichever is earlier.

(3)(a) If the hearing board or court sustains the employee in the appeal and directs reinstatement of employer paid insurance coverage retroactively, the employer must forward to HCA the full employer contribution for the period directed by the hearing board or court and collect from the employee the employee's share of premiums due, if any.

(b) HCA will refund to the employee any premiums the employee paid that may be provided for as a result of the reinstatement of the employer contribution only if the employee makes retroactive payment of any employee contribution amounts associated with the insurance coverage.

(c) All optional life and long term disability insurance which was in force at the time of dismissal shall be reinstated retroactively only if the employee makes retroactive payment of premium for any such optional coverage which was not continued by self-payment during the appeal process. If the employee chooses not to pay the retroactive premium, evidence of insurability will be required to restore such optional coverage.

#### NEW SECTION

**WAC 182-12-171 Eligible retirees.** (1) Eligible employees who terminate public employment after becoming

vested in a Washington state sponsored retirement system are eligible to continue PEBB sponsored insurance coverage as a retiree provided the following requirements are met:

(a) If the retiree or enrolled dependent(s) is entitled to Medicare and the retiree retired after July 1, 1991, the Medicare-entitled retiree or Medicare-entitled dependent must enroll in both Medicare Parts A and B; and

(b) The person must submit an application form to enroll or defer health plan coverage within sixty days after active employer or continuous Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage ends and is eligible for retiree benefits under one or more of the programs described in (c), (d), (e), (f), or (g) of this subsection;

(c) Except as provided in (c)(vii) of this subsection, the person immediately begins receiving a monthly retirement income benefit from one or more of the following retirement systems:

- (i) Law enforcement officers' and fire fighters' retirement system Plan 1 or 2;
- (ii) Public employees' retirement system Plan 1 or 2;
- (iii) School employees' retirement system Plan 2;
- (iv) State judges/judicial retirement system;
- (v) Teachers' retirement system Plan 1 or 2; or
- (vi) Washington state patrol retirement system.

(vii) Provided, however, that a lump-sum payment may be received in lieu of a monthly retiree income benefit payment under RCW 41.26.425(1), RCW 41.32.762(1), RCW 41.32.870(1), RCW 41.35.410(1), RCW 41.35.670(1), RCW 41.40.625(1) or RCW 41.40.815(1).

(d) The person is at least fifty-five years of age with at least ten years of state of Washington service credit and a member of one of the following retirement systems:

- (i) Public employees' retirement system Plan 3;
- (ii) School employees' retirement system Plan 3; or
- (iii) Teachers' retirement system Plan 3.

(e) The person is a member of a state of Washington higher education retirement plan, and is:

- (i) At least fifty-five years of age with at least ten years service; or
- (ii) At least sixty-two years of age; or
- (iii) Immediately begins receiving a monthly retirement income benefit.

(f) If not retiring under the public employees' retirement system, the person would have been eligible for a monthly retirement income benefit because of age and years of service had the person been employed under the provisions of public employees' retirement system Plan 1 or Plan 2 for the same period of employment.

(g) The person is an elected official as defined under WAC 182-12-115(6) who has voluntarily or involuntarily left a public office, whether or not the person receives a benefit from a state retirement system.

(2) Eligible employees who participate in PEBB sponsored life insurance as an active employee and meet qualifications for retiree insurance coverage as provided in subsection (1) of this section are eligible for PEBB sponsored retiree life insurance if they apply to the HCA within sixty days after the date their active PEBB life insurance terminates and their premium is not being waived for any PEBB life insurance coverage at the time of application for retiree life insurance.

PROPOSED

(3) The following retired and disabled school district and educational service district employees are eligible to participate in health plan coverage only, provided they meet all of the enrollment criteria stated below and, if they are entitled to Medicare, are also enrolled in both Medicare Parts A and B:

(a) Persons receiving a retirement allowance under chapter 41.32, 41.35 or 41.40 RCW as of September 30, 1993, and who enroll in PEBB health plan coverage not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995;

(b) Persons who separate from employment with a school district or educational service district due to a total and permanent disability and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35 or 41.40 RCW. Such persons must enroll in PEBB health plan coverage not later than the end of the open enrollment period established by the HCA for the plan year beginning January 1, 1995, or sixty days following retirement, whichever is later.

(4) With the exception of the Washington state patrol, retirees and disabled employees are not eligible for an employer premium contribution.

(5) The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the PEBB insurance coverage at the time of retirement or disability.

(6) Employees who do not elect enrollment in PEBB retiree insurance coverage within sixty days after retirement, or who terminate PEBB retiree coverage within sixty days after retirement, or who terminate PEBB retiree coverage after retirement, are not eligible to reenroll in PEBB retiree insurance coverage unless they retired and deferred PEBB retiree coverage pursuant to WAC 182-12-205 or retired and deferred PEBB retiree coverage pursuant to WAC 182-12-200.

(7)(a) If a retiree's insurance coverage terminates for any reason, coverage will not be reinstated at a later date. Examples of termination include, but are not limited to, any one or more of the following:

- (i) Failure to continue to meet eligibility requirements;
- (ii) Fraud, intentional misrepresentation or withholding of information the enrollee knew or should have known was material or necessary to accurately determine eligibility or the correct premium;
- (iii) Failure to provide information requested by the due date or knowingly providing false information;
- (iv) Abusive or offensive conduct repeatedly directed to an HCA employee, a health plan or other HCA contractor providing coverage on behalf of the PEBB program, its employees, or other persons; or
- (v) Intentional misconduct.

(b) If a retiree fails to pay the premium when due or an underpayment of premium is made, PEBB sponsored insurance coverage will terminate on the last day of the month for which the last full premium was received. The PEBB assistant administrator or designee may approve reinstatement of insurance coverage if the retiree or their dependent or beneficiary submits a written appeal and provides proof that extraordinary circumstances made it virtually impossible to

make the payment and the retiree agrees to make payment in accordance with the terms of an agreement with the HCA. No insurance coverage will be reinstated more than three times.

(8) Enrollees may not enroll in retiree dental coverage unless they also enroll in retiree medical coverage.

(9) In order to continue retiree term life insurance, an election must be made within sixty days after retirement and premiums must be paid whether or not the retiree is otherwise employed. Election of retiree term life insurance may not be waived or deferred during periods of other coverage or otherwise.

#### AMENDATORY SECTION (Amending Order 2-80, filed 4/10/80)

**WAC 182-12-190 ((~~Retirees changing medical plans~~) May a retiree change health carriers at retirement((\*))?** Retirees eligible to continue their ((medical)) insurance coverage after retirement may elect to change ((medical plans)) healthcarriers at the time of retirement.

#### AMENDATORY SECTION (Amending Order 01-00, filed 8/9/01, effective 9/9/01)

**WAC 182-12-200 May a retiree((s may change enrollment in approved)) who is enrolled in PEBB sponsored or Washington state K-12 school district sponsored health plan coverage defer enrollment in PEBB retiree health plans((\*))?** A retiree, whose spouse is enrolled as an eligible employee in a PEBB or Washington state school district((-))sponsored health plan, may defer enrollment in PEBB retiree ((medical and dental plans)) health plan coverage and enroll in the spouse's PEBB or school district((-))sponsored health plan coverage. If a retiree defers enrollment in ((a)) PEBB retiree medical ((plan)) coverage, enrollment must also be deferred for dental coverage. The retiree and eligible dependents may subsequently enroll in ((a)) PEBB retiree medical coverage, or medical and dental((-)) plan(s)) coverage if the retiree was continuously enrolled under the spouse's PEBB or school district((-))sponsored health plan coverage from the date the retiree was initially eligible for retiree insurance coverage:

(1) During any open enrollment period determined by the HCA; or

(2) Within sixty days ((ef)) after the date the spouse ceases to be enrolled in a PEBB or school district((-))sponsored health plan as an eligible employee; or

(3) Within sixty days of the date ((ef)) after the retiree's loss of eligibility as a dependent under the spouse's PEBB or school district((-))sponsored health plan coverage.

#### NEW SECTION

**WAC 182-12-205 Retirees may defer enrollment in PEBB health plan coverage at or following retirement.** (1) Beginning January 1, 2001, retirees may defer enrollment in health plan coverage at or following retirement if they are covered under:

(a) Comprehensive employer sponsored medical coverage as an active employee or as the spouse or same sex domestic partner of an active employee; or

(b) As a retiree or as the spouse or as the same sex domestic partner of an employee's retirement insurance from a federal retiree plan.

(2) If a retiree defers enrollment in PEBB health plan coverage, coverage is automatically waived for all eligible dependents.

(3) Election of retiree term life insurance coverage may not be deferred during periods of other coverage or otherwise.

(4) In order to defer health plan coverage, a retiree must submit a PEBB Retiree Medical and Dental Coverage form to the HCA requesting deferment of coverage. The notice of deferral must be received by the HCA prior to the date coverage is deferred or within sixty days after the date the retiree is eligible to apply for PEBB sponsored retiree benefits.

(5) Retirees may reenroll in PEBB coverage following the end of a deferral period under conditions listed below.

(a) Retirees who defer PEBB health plan coverage while enrolled in employer sponsored medical coverage, may reenroll in PEBB health plan coverage by submitting a PEBB Retiree Medical and Dental Coverage form and satisfactory evidence of continuous enrollment in comprehensive employer sponsored coverage to the HCA:

- (i) During an annual open enrollment period; or
- (ii) No later than sixty days after the last day of the employer sponsored coverage.

(b) Retirees who defer PEBB health plan coverage while enrolled as a retiree or dependent of a retiree in a federal retiree plan will have a one-time opportunity to reenroll in PEBB health plan coverage by submitting a PEBB Retiree Medical and Dental Coverage form and satisfactory evidence of continuous enrollment in a federal retiree medical plan to the HCA:

- (i) During an annual open enrollment period; or
- (ii) No later than sixty days after the date their federal retiree coverage ends.

(c) PEBB health plan enrollment will be effective the first day of the month following the date employer sponsored coverage or coverage under a federal retiree plan ended, except that reenrollment in PEBB insurance coverage during the annual open enrollment will become effective the first day of January following the open enrollment period.

#### NEW SECTION

**WAC 182-12-211 If department of retirement systems makes a formal determination of retroactive eligibility, may the retiree enroll in PEBB sponsored insurance coverage?** (1) When the Washington state department of retirement systems (DRS) makes a formal determination that a person is retroactively eligible for pension benefits, that person may apply for PEBB retiree health plan coverage only if application is made within sixty days after the date of notice from DRS.

(2) All premium due from the date of eligibility established by DRS or the date of the DRS decision letter, at the

option of the retiree, must be sent with the application to HCA.

(3) The administrator may make an exception to the date PEBB retiree benefits commence or payment of premiums; however, such requests must demonstrate extraordinary circumstances beyond the control of the retiree.

#### NEW SECTION

**WAC 182-12-250 Insurance eligibility for surviving dependents of emergency service personnel killed in the line of duty.** Surviving dependents of emergency service personnel who were killed in the line of duty on or after January 1, 1998, are eligible to participate in health plan coverage administered by the HCA.

(1) This section applies to the dependents of emergency service personnel "killed in the line of duty" as determined consistent with Title 51 RCW by the department of labor and industries.

(2) "Emergency service personnel" means law enforcement officers, fire fighters and reserve officers, fire fighters as defined in RCW 41.26.030 and RCW 41.24.010.

(3) "Surviving dependent" means:

(a) A lawful spouse or ex-spouse as defined in RCW 41.26.162; and

(b) Dependent children. The term "children" includes unmarried natural children, stepchildren and legally adopted children under the age of twenty or under the age of twenty-four for a dependent student attending high school or registered at an accredited secondary school, college, university, vocational school, or school of nursing. Disabled dependents as defined in RCW 41.26.030(7) are eligible at any age.

(4) Premium rates will be subsidized consistent with rates established by PEBB for non-Medicare retirees under RCW 41.05.022 and for Medicare-entitled retirees under RCW 41.05.085.

(5) Surviving dependents that are Medicare-entitled must enroll in both parts A and B of Medicare.

(6) The surviving dependent must send a completed enrollment application to PEBB no later than sixty days after:

(a) The last day of any coverage extended by the employing agency of the emergency service employee who died in the line of duty; or

(b) The last day of coverage extended through the Consolidated Omnibus Budget Reconciliation Act (COBRA) from any employing agency.

(7) Surviving dependents must choose one of the following two options for maintaining eligibility for participation under PEBB health plan coverage:

(a) Enroll in PEBB health plan coverage:

(i) Enrollment in the medical portion of PEBB health plan coverage is required.

(ii) Enrollment in the dental portion of PEBB health plan coverage is optional. Once enrolled in dental coverage the person must maintain enrollment in dental coverage for a minimum of two years before dental coverage can be dropped.

(iii) Dental only coverage is not available.

(b) Defer enrollment:

(i) Surviving dependents may defer enrollment in PEBB health plan coverage if they are enrolled in employer sponsored medical through their employment.

(ii) Surviving dependents may enroll in PEBB health plan coverage when their employer sponsored coverage ends. Proof of continuous enrollment in other comprehensive employer sponsored coverage must be submitted with the application for enrollment to the HCA within sixty days after the date that their coverage ended.

(8) Enrollees may change their health carrier selection during open enrollment. In addition to open enrollment, enrollees may change health carriers if they move out of their health carrier's service area or into a service area where a health carrier that was not previously offered is now available.

(9) Surviving dependents will forfeit their right to enroll in PEBB health plan coverage if they:

(a) Do not make application to PEBB before the date specified in subsection (6) of this section; or

(b) Do not maintain continuous comprehensive employer sponsored medical coverage during the deferral period, as provided in subsection (7)(b)(i) of this section.

#### NEW SECTION

**WAC 182-12-260 Eligible dependents defined.** The following are eligible as dependents under the PEBB eligibility rules:

(1) Lawful spouse.

(2) A same sex domestic partner qualified through the declaration certificate issued by PEBB.

(3) Dependent children through age nineteen. The term "children" includes the subscriber's biological children, step-children, legally adopted children, children for whom the subscriber has assumed a legal obligation for total or partial support of a child in anticipation of adoption of the child, children of the subscriber's qualified same sex domestic partner, or children specified in a court order or divorce decree. Married children who qualify as dependents of the subscriber under the Internal Revenue Code, and extended dependents approved by PEBB are included. To qualify for PEBB approval, the subscriber must demonstrate legal custody for the child with a court order, and the child:

(a) Must be living with the subscriber in a parent-child relationship; and

(b) Must not be a foster child for whom support payments are made to the subscriber through the state department of social and health services (DSS) foster care program.

(4) Dependent children age twenty through age twenty-three and who are registered students at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters or two semesters and continues during the three month period following graduation provided the subscriber is covered, at the same time, the dependent has not reached age twenty-four, and the dependent meets all other eligibility requirements.

(5) Dependent children of any age with developmental disabilities, mental illness or mental retardation who are incapable of self-support, provided such condition occurs prior to age twenty or during the time the dependent was covered under PEBB health plan coverage as a registered student. Proof of such disability must be furnished prior to the dependent's attainment of age twenty or loss of eligibility for student coverage, and as periodically requested thereafter.

(6) Dependent parents.

(a) Dependent parents covered under a PEBB medical plan before July 1, 1990, may continue enrollment on a self-pay basis as long as:

(i) The parent maintains continuous coverage in PEBB sponsored medical coverage;

(ii) The parent qualifies under the Internal Revenue Code as a dependent of an eligible subscriber;

(iii) The subscriber who claimed the parent as a dependent continues enrollment in PEBB insurance coverage; and

(iv) The parent is not covered by any other group medical coverage.

(b) Dependent parents may be enrolled with a different health carrier than that selected by the eligible subscriber; however, dependent parents may not add additional dependents to their coverage.

#### NEW SECTION

**WAC 182-12-265 What options for continuing insurance coverage are available to widows, widowers and dependent children if the employee or retiree dies?** (1) Dependents that lose eligibility due to the death of an eligible employee may continue health plan coverage under a retiree plan provided they immediately begin receiving a monthly retirement benefit from any state of Washington sponsored retirement system.

(a) The employee's spouse or qualified same sex domestic partner may continue coverage until death.

(b) Other dependents may continue coverage until they lose eligibility under PEBB rules.

(c) If a surviving dependent of an eligible employee is not eligible for a monthly retirement benefit or a lump-sum payment because the monthly pension payment would be less than the minimum amount established by the department of retirement systems, the dependent may continue health plan coverage under provisions of the federal Consolidated Omnibus Budget Reconciliation Act (COBRA).

(d) The Federal Civil Service Retirement System shall be considered a Washington sponsored retirement system for Washington State University cooperative extension service employees who held a federal civil service appointment and who were covered under PEBB insurance coverage at the time of death.

(2) Dependents that lose eligibility due to the death of a PEBB eligible retiree may continue health plan coverage under a retiree plan.

(a) The retiree's spouse or qualified same sex domestic partner may continue coverage until death.

(b) Other dependents may continue coverage until they lose eligibility under PEBB rules.

(c) Dependents that are waiving PEBB insurance coverage at the time of the retiree's death are eligible to enroll or defer PEBB retiree coverage if they submit evidence of continuous enrollment in other comprehensive medical coverage within sixty days after the retiree's death.

(3) Surviving spouses or eligible dependent children of a deceased school district or educational service district employee who were not enrolled in PEBB insurance coverage at the time of the subscriber's death may enroll in PEBB sponsored health plan coverage provided the employee died on or after October 1, 1993, and the dependent(s) immediately began receiving a retirement benefit allowance under chapter 41.32, 41.35 or 41.40 RCW.

(a) The employee's spouse or qualified same-sex domestic partner may continue health plan coverage until death.

(b) Other dependents may continue coverage until they lose eligibility under PEBB rules.

(4) Application for surviving dependent coverage must be made in writing on an enrollment form approved by PEBB within sixty days after the date of death of the employee or retiree. Coverage is retroactive to the date the employee or retiree insurance coverage terminated subject to the payment of premium. In order to avoid duplication of group medical coverage, surviving dependents may defer enrollment in PEBB health plan coverage for each full calendar month in which they maintain coverage under other employer sponsored comprehensive medical coverage. Notice of intent to defer PEBB coverage must be sent in writing to the HCA within sixty days after the date of death of the subscriber.

(5) Surviving dependents that defer coverage while enrolled in an employer sponsored comprehensive medical plan must submit an application to reenroll in PEBB coverage within sixty days after the last day of coverage under the employer sponsored medical plan. Satisfactory evidence of continuous enrollment in an employer sponsored comprehensive medical coverage will be required by the HCA prior to reenrollment in a PEBB health plan.

## NEW SECTION

**WAC 182-12-270 What options are available to dependents that cease to meet the definition of dependent in WAC 182-12-260?** Dependents may continue enrollment in PEBB health plan coverage by self-paying premiums following their loss of eligibility. Options for continuing coverage are based on the reason that eligibility was lost.

(1) Dependents that lose eligibility due to the death of an employee or retiree may be eligible to continue coverage under provisions of WAC 182-12-265.

(2) Dependents of a lawful marriage that lose eligibility because they no longer meet the definition of dependent as defined in WAC 182-12-260 are eligible to continue coverage under provisions of the federal Consolidated Omnibus Budget Reconciliation Act (COBRA); or

(3) Dependents of a qualified same sex domestic partnership that no longer meet the definition of dependent as defined under COBRA may continue coverage for a maximum of thirty-six months.

## REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 182-12-110	Purpose.
WAC 182-12-117	Eligible retirees.
WAC 182-12-118	Insurance eligibility for surviving dependents of emergency service personnel killed in the line of duty.
WAC 182-12-119	Eligible dependents.
WAC 182-12-124	Determination by department of retirement systems of retroactive eligibility for PEBB pension.
WAC 182-12-132	Deferring coverage at or following retirement.
WAC 182-12-145	Insurance eligibility for higher education.
WAC 182-12-215	Continued PEBB medical/dental coverage under COBRA.
WAC 182-12-220	Eligibility during appeal of dismissal.
WAC 182-12-230	Employer groups.

## WSR 04-13-160

### PROPOSED RULES

### DEPARTMENT OF HEALTH

[Filed June 23, 2004, 9:47 a.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 04-09-054.

Title of Rule and Other Identifying Information: WAC 246-335-990 In-home service fees. During 2004 legislative session, the legislature passed ESHB 2459, granting the department authority to exceed I-601 limitations.

Hearing Location(s): Department of Health, Point Plaza East, Hearings Room (139), 310 Israel Road S.E., Tumwater, WA 98501, on August 17, 2004, at 9:00 a.m.

Date of Intended Adoption: August 31, 2004.

Submit Written Comments to: Yvette Fox, P.O. Box 47852, Olympia, WA 98504-7852, e-mail [yvette.fox@doh.wa.gov](mailto:yvette.fox@doh.wa.gov), website [www3.doh.gov/policyreview](http://www3.doh.gov/policyreview), fax (360) 236-2901, by August 17, 2004.

Assistance for Persons with Disabilities: Contact Yvette Fox by August 10, 2004, TTY (360) 833-6388 or (360) 236-2928.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule amends WAC 246-335-990 by increasing fees 27%. The increase is necessary to sufficiently cover program operating

PROPOSED

costs. The increase is anticipated to fully maintain program activities as required by statute.

**Reasons Supporting Proposal:** The increase will enable the program to operate and conduct inspections in a timely manner, ensuring public health and safety in these facilities. Sufficient revenue is necessary to fulfill the department's public health obligations.

**Statutory Authority for Adoption:** RCW 43.70.250, 70.127.090.

**Statute Being Implemented:** RCW 43.70.250.

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

**Name of Proponent:** Department of Health, governmental.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Byron Plan, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-2916; and Enforcement: Gary Bennett, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-2900.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal is exempt under RCW 19.85.025(3) and, therefore, does not require a small business economic impact statement. However, the department prepared a fee analysis which provides documentation of the need for the fee increase. To obtain a copy of fee analysis, contact Yvette Fox at address above.

A cost-benefit analysis is not required under RCW 34.05.328. A preliminary cost benefit analysis is not necessary for rules that set or adjust fees or rates pursuant to legislative standards according to RCW 34.05.328 (5)(b)(vi).

June 21, 2004

M. C. Selecky

Secretary

**AMENDATORY SECTION** (Amending WSR 03-22-020, filed 10/27/03, effective 11/27/03)

**WAC 246-335-990 Fees.** (1) A licensee or applicant shall submit to the department:

(a) An initial twelve-month license fee of one thousand ((five)) nine hundred ((forty-eight)) sixty-six dollars for each service category for new persons not currently licensed in that category to provide in-home services in Washington state, or currently licensed businesses which have had statement of charges filed against them;

(b) A twenty-four month renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, or the number of beds, as follows:

(c) For single service category licenses:

# of FTEs	Home Health	Hospice	Home Care	# of Beds	Hospice Care Center
5 or less	\$((1,548.00)) <u>1,966.00</u>	\$((774.00)) <u>983.00</u>	\$((464.49)) <u>590.00</u>	5 or less	\$((516.00)) <u>655.00</u>
6 to 15	\$((2,177.50)) <u>2,765.00</u>	\$((815.30)) <u>1,035.00</u>	\$((841.19)) <u>1,068.00</u>	6 to 10	\$((1,032.00)) <u>1,311.00</u>
16 to 50	\$((2,476.80)) <u>3,146.00</u>	\$((1,212.60)) <u>1,540.00</u>	\$((903.00)) <u>1,147.00</u>	11 to 15	\$((1,548.00)) <u>1,966.00</u>
51 to 100	\$((3,121.80)) <u>3,965.00</u>	\$((1,942.50)) <u>2,467.00</u>	\$((1,057.80)) <u>1,343.00</u>	16 to 20	\$((2,064.00)) <u>2,621.00</u>
101 or more	\$((3,214.70)) <u>4,083.00</u>	\$((2,043.40)) <u>2,595.00</u>	\$((1,135.20)) <u>1,442.00</u>		

(d) For multiple service category licenses:

(i) One hundred percent of the home health category fee and seventy-five percent of the appropriate service category fee for each additional service category (hospice, home care, hospice care center); or

(ii) One hundred percent of the hospice category fee and seventy-five percent of the appropriate service category fee for each additional service category (home care, hospice care center); and

(e) A change of ownership fee of one hundred ((fifty-four)) ninety-seven dollars ((and eighty cents)) for each licensed service category. A new license will be issued and valid for the remainder of the current license period.

(2) The department may charge and collect from a licensee a fee of ((seven)) nine hundred ((seventy-four)) eighty-three dollars for:

(a) A second on-site visit resulting from failure of the licensee to adequately respond to a statement of deficiencies:

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

(3) A licensee with deemed status shall pay fees according to this section.

(4) A licensee shall submit an additional late fee in the amount of ((twenty-five)) thirty-three dollars ((and eighty cents)) per day, not to exceed five hundred dollars, from the renewal date (which is thirty days before the current license expiration date) until the date of mailing the fee, as evidenced by the postmark.

**WSR 04-13-161**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**

[Filed June 23, 2004, 9:48 a.m.]

**Original Notice.**

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

**Title of Rule and Other Identifying Information:** Facility licensing fees for hospitals, adult residential rehabilitation centers, alcoholism treatment facilities, childbirth centers, and transient accommodations. RCW 43.70.250 authorizes the department to charge fees sufficient to cover the full cost of program operations. The proposal increases facility fees within the fiscal year (FY) 2005 fiscal growth factor of 3.03%.

**Hearing Location(s):** Department of Health, Point Plaza East, Hearings Room (139), 310 Israel Road S.E., Tumwater, WA 98501, on August 17, 2004, at 10:00 a.m.

**Date of Intended Adoption:** August 31, 2004.

Submit Written Comments to: Yvette Fox, P.O. Box 47852, Olympia, WA 98504-7852, e-mail [yvette.fox@doh.wa.gov](mailto:yvette.fox@doh.wa.gov), website [www3.doh.gov/policyreview](http://www3.doh.gov/policyreview), fax (360) 236-2901, by August 17, 2004.

**Assistance for Persons with Disabilities:** Contact Yvette Fox by August 10, 2004, TTY (360) 833-6388 or (360) 236-2928.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The proposal increases licensure fees for certain facilities. The increase is anticipated to fully maintain program activities as required by statute through fiscal year 2005. The purpose of the fee increases is to support the licensure and inspection programs within the Facilities and Services Licensing Division. The fee increases will allow these programs to continue their current level of public health activities such as licensing, surveys and complaint investigation.

The proposal increases the fees for in the following rule sections: WAC 246-230-990 Acute care hospital fees (1.01%); WAC 246-322-990 Psychiatric and alcoholism hospitals (0.98%); WAC 246-324-990 Alcoholism and chemical dependency hospitals (0.98%); WAC 246-325-990 Adult residential rehabilitation centers (3.03%); WAC 246-326-990 Alcoholism treatment facilities (3.03%); WAC 246-329-990 Childbirth centers (3.03%); and WAC 246-360-990 Transient accommodations (3.03%).

**Reasons Supporting Proposal:** The proposed increases are within I-601 limitations (3.03% for FY 2005), and will enable the program to operate and conduct inspections in a timely manner, ensuring public health and safety in these facilities. Sufficient revenue is necessary to fulfill the department's public health obligations for these programs.

**Statutory Authority for Adoption:** RCW 43.70.250, 18.46.030, 43.70.110, 71.12.470.

**Statute Being Implemented:** RCW 43.70.250.

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

**Name of Proponent:** Department of Health, government.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Lynda Furkay, 310 Israel Road S.E.,

Tumwater, WA 98501, (360) 236-2927; and Enforcement: Gary Bennett, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-2900.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal is exempt under RCW 19.85.025(3) and, therefore, does not require a small business economic impact statement. However, the department prepared a fee analysis which provides documentation of the need for the fee increase. To obtain a copy of fee analysis, contact Yvette Fox at address above.

A cost-benefit analysis is not required under RCW 34.05.328. A preliminary cost benefit analysis is not necessary for rules that set or adjust fees or rates pursuant to legislative standards according to RCW 34.05.328 (5)(b)(vi).

June 21, 2004

M. C. Selecky  
Secretary

**AMENDATORY SECTION** (Amending WSR 03-22-020, filed 10/27/03, effective 11/27/03)

**WAC 246-320-990 Fees.** Hospitals licensed under chapter 70.41 RCW shall:

(1) Submit an annual license fee of ((eighty-six)) eighty-seven dollars and eighty cents for each bed space within the licensed bed capacity of the hospital to the department;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include neonatal intensive care bassinet spaces;

(4) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The hospital currently possesses the required movable equipment and certifies this fact to the department;

(5) Exclude all normal infant bassinets;

(6) Limit licensed bed spaces as required under chapter 70.38 RCW;

(7) Submit an application for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the hospital licensed bed capacity; and

(8) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

**AMENDATORY SECTION** (Amending WSR 03-22-020, filed 10/27/03, effective 11/27/03)

**WAC 246-322-990 Private psychiatric hospital fees.** Private psychiatric hospitals licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of ((fifty-three)) fifty-four dollars and forty cents for each bed space within the licensed bed capacity of the hospital to the department;

(2) Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The private psychiatric hospital currently possesses the required movable equipment and certifies this fact to the department;

(4) Limit licensed bed spaces as required under chapter 70.38 RCW;

(5) Submit applications for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the private psychiatric hospital's licensed bed capacity; and

(6) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

**AMENDATORY SECTION** (Amending WSR 03-22-020, filed 10/27/03, effective 11/27/03)

**WAC 246-324-990 Fees.** The licensee shall submit:

(1) An initial fee of ((fifty-three)) fifty-four dollars and forty cents for each bed space within the proposed licensed bed capacity; and

(2) An annual renewal fee of ((fifty-three)) fifty-four dollars and forty cents for each licensed bed space.

**AMENDATORY SECTION** (Amending WSR 03-22-020, filed 10/27/03, effective 11/27/03)

**WAC 246-325-990 Fees.** Adult residential rehabilitation centers (ARRC) licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of one hundred ((thirty-two)) thirty-six dollars and ten cents for each bed space within the licensed bed capacity of the ARRC;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements in this chapter for client sleeping rooms; and

(3) Set up twenty-four-hour assigned client beds only within the licensed bed capacity approved by the department.

**AMENDATORY SECTION** (Amending WSR 03-22-020, filed 10/27/03, effective 11/27/03)

**WAC 246-326-990 Fees.** Alcoholism treatment facilities licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of one hundred ((thirty-two)) thirty-six dollars and ten cents for each bed space within the licensed bed capacity of the alcoholism treatment facility to the department;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements for twenty-four-hour assigned patient rooms; and

(3) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

**AMENDATORY SECTION** (Amending WSR 03-22-020, filed 10/27/03, effective 11/27/03)

**WAC 246-329-990 Fees.** Childbirth centers licensed under chapter 18.46 RCW shall submit an annual fee of five hundred ((forty-seven)) sixty-four dollars and ((eighty)) forty cents to the department unless a center is a charitable, non-profit, or government-operated institution under RCW 18.46.030.

**AMENDATORY SECTION** (Amending WSR 02-18-115, filed 9/4/02, effective 10/5/02)

**WAC 246-360-990 Fees.** (1) The licensee or applicant must submit:

(a) An annual fee according to the following schedule:

NUMBER OF LODGING UNITS	FEE
3 - 10	\$ ((150.00)) <u>154.50</u>
11 - 49	\$ ((300.00)) <u>307.10</u>
50 - over	\$ ((600.00)) <u>618.20</u>

(b) A late fee of ((fifty)) fifty-one dollars and fifty cents, in addition to the full license renewal fee, if the full license renewal fee is not delivered or mailed to the department at least thirty days prior to the license expiration date;

(c) An additional fee of ((fifty)) fifty-one dollars and fifty cents for an amended license due to changing the number of lodging units or the name of the transient accommodation.

(2) The department shall refund fees only when all the following conditions are met:

(a) A prospective new owner applies for initial licensure prior to taking ownership as required by WAC 246-360-020 (4)(b);

(b) Transfer of ownership is not finalized;

(c) The applicant requests a refund in writing; and

(d) The department receives the fee and the request for refund in the same biennium.

**WSR 04-13-163  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed June 23, 2004, 10:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-10-069.

Title of Rule and Other Identifying Information: Commercial herring reporting.

Hearing Location(s): Embassy Suites Hotel, 20610 44th Avenue West, Lynnwood, WA, on August 6-7, 2004, begins at 8:00 a.m., August 6.

Date of Intended Adoption: August 6, 2004.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail jacobesj@dfw.wa.gov, fax (360) 902-2155, by August 4, 2004.

**Assistance for Persons with Disabilities:** Contact Susan Yeager by July 26, 2004, TTY (360) 902-2207 or (360) 902-2267.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The current rules on herring reporting are being separately amended to require real time reporting on fish receiving tickets. However, fish tickets do not provide enough information to manage the herring resource. A herring logbook and year-end reporting of herring sales by dozens will allow for herring management as attempts are made to continue with herring stock rebuilding.

**Reasons Supporting Proposal:** Herring stock recovery.

**Statutory Authority for Adoption:** RCW 77.12.047.

**Statute Being Implemented:** RCW 77.12.047.

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

**Name of Proponent:** Washington Department of Fish and Wildlife, governmental.

**Name of Agency Personnel Responsible for Drafting:** Evan Jacoby, 1111 Washington Street, Olympia, WA, (360) 902-2930; **Implementation:** Lew Atkins, 1111 Washington Street, Olympia, WA, (360) 902-2561; and **Enforcement:** Bruce Bjork, 1111 Washington Street, Olympia, WA, (360) 902-2373.

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:** The business owner, who is usually a holder of a commercial herring fishing license holder or the operator of the fishing vessel will be required to enter fishery data on a logbook provided by the department. This entry must be made during the fishing operations. At the end of each month, the logbook will be mailed, faxed or otherwise delivered to the department's office in LaConner, Washington. Additionally, original receivers who sell herring as bait fish will be required to make a year-end report of sales by dozens.

**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:** The cost of compliance is estimated to be less than \$10 annually per affected business. The costs include the cost of mailing completed logbooks to the department's LaConner monthly (for months when the business conducted herring fishing activities), and the single annual mailing by herring bait fish sellers.

**4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue?** No. The proposed rule will not impact any fishing or sales activity, but rather add requirements to summarize the fishing activity on a monthly basis, and sales activity of herring bait fish on a yearly basis.

**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. Less than \$.01 per \$100.

**6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So:** During the development of the proposed rule we met with the affected industry at a public workshop and attempted to learn of their concerns. Following the workshop we designed the logbook after the logbook which has been successfully used in the commercial fishery for shrimp in Puget Sound. However, we simplified the logbook, removing data elements to minimize the time required to complete the logbook while meeting the management needs. The logbooks and herring bait fish report forms will be distributed at no cost to herring processors.

**7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule:** The agency held a workshop on the concept of the proposed rule on January 20, 2004, in Olympia, Washington. There will be an opportunity for the affected business owners to comment directly to the Fish and Wildlife Commission during the rule adoption process in August 2004. The department will send a draft copy of the proposed logbook and herring bait fish report form to business owners prior to finalization.

**8. A List of Industries That Will Be Required to Comply with the Rule:** Commercial herring fishers and original receivers who are herring bait fish sellers, of which there are approximately fourteen active businesses in Washington annually.

A copy of the statement may be obtained by contacting Evan Jacoby, 600 Capitol Way, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail jacobesj@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

June 23, 2004

Evan Jacoby

Rules Coordinator

#### AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

**WAC 220-49-023 Herring reporting.** ((It shall be unlawful for the original receiver of spawn-on-kelp product from Puget Sound Marine Fish Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, and 21B during the period April 16 through May 31 to fail to report each calendar day's receipts by noon of the following working day to the department by telephone to (360) 902-2800 or by telefacsimile to (360) 902-2944.)) (1) **Herring fishers:**

(a) All commercial herring fishers are required to obtain a department-issued herring reporting monthly logbook, and, pursuant to this section, enter the required information and remit the department's copies of the monthly logs.

(b) It is unlawful for the operator of the harvest vessel to fail to keep the logbook aboard the vessel while the vessel is engaged in herring fishing or has herring onboard. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

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(c) It is unlawful for any vessel operator engaged in herring fishing to fail to submit the department's copy of each month's log in which fishing activity occurs within ten days of the end of the month, as evidenced by the mailing date on the envelope or the fax date, except that the operator may submit all logs of monthly activity prior to the month in which fishing activity commences at one time, and, when fishing activity terminates for the year may submit the logs for the remainder of the year at one time. Harvest logs must be submitted in ascending consecutive order of log serial numbers. The logs are required to be mailed to: Department of Fish and Wildlife, Marine Resources, P.O. Box 1100, La Conner, WA 98257, or faxed to 360-466-0515. Violation of this subsection is a misdemeanor, punishable under RCW 77.15.280.

(d) Herring vessel operators responsible for submitting logs to the department must maintain the fisher's copy of all logs for one year, and have them available for inspection. It is unlawful for the vessel operator to fail to submit harvest logs for inspection upon request by fish and wildlife officers or authorized department marine fish-shellfish program employee. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.360.

(e) It is unlawful for vessel operators engaged in commercial herring fishing or possessing herring, to fail to permanently and legibly record in ink the following information within the following time constraints:

(i) Before each vessel trip, record the operator name, operator phone number, license holder name, the department issued registration number, date of fishing trip.

(ii) Immediately after the completion of each set, and prior to making a new set, record the set number, set start time, Marine Fish-Shellfish Catch Area, nearest landmark type, gear type, and weight in pounds of herring retained.

(iii) Immediately after each landing of fish, record the fish receiving ticket serial number and the names of the receivers of fish landed or pen number delivered to if the vessel operator also holds a wholesale fish dealer license and is acting in the capacity of an original receiver. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

**(2) Herring baitfish processors:**

(a) It is unlawful for original receivers who sell herring as baitfish to fail to report by January 15th of each year the total number of dozens of herring sold the previous year. The report must be made on a department supplied herring baitfish report form, and must report sales by size class. The form is required to be mailed to: Department of Fish and Wildlife, Marine Resources, P.O. Box 1100, La Conner, WA 98257, or faxed to 360-466-0515. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.-560.

(b) Herring processors responsible for submitting herring baitfish report forms must maintain the processor's copy of the form for one year, and have it available for inspection. It is unlawful for the processor to fail to submit herring baitfish report forms for inspection upon request by fish and wildlife officers or authorized department marine fish-shellfish program employee. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.360.

**WSR 04-13-165**

**PROPOSED RULES**

**DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed June 23, 2004, 10:13 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-10-081.

Title of Rule and Other Identifying Information: Amend WAC 232-28-272 2003-2004, 2004-2005, and 2005-2006 Black bear and cougar hunting seasons and regulations and 232-12-243 Public safety cougar removals.

Hearing Location(s): Embassy Suites, 20610 44th Avenue West, Lynnwood, WA 98036, (425) 775-2500, on August 6-7, 2004, at 8:00 a.m.

Date of Intended Adoption: August 6, 2004.

Submit Written Comments to: Attn: Wildlife Program Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Wildthing@dfw.wa.gov, fax (360) 902-2612, by Friday, July 16, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by August 2, 2004, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules accommodate a cougar-hunting season with the use of dogs (hound hunting) and restrict general cougar hunting seasons. These proposals are designed to improve public safety while maintaining viable cougar populations.

Reasons Supporting Proposal: The 2004 legislature passed a bill requiring the Fish and Wildlife Commission to establish a cougar-hunting season with the aid of dogs. The proposed regulations and changes are designed to provide the hound-hunting season for cougars while improving the department's ability to manage the harvest composition and the population of cougars.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Natural Resources Building, Olympia, (360) 902-2932.

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.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

June 23, 2004

Evan Jacoby

Rules Coordinator

**AMENDATORY SECTION** (Amending Order 04-98, filed 5/12/04, effective 6/12/04)

**WAC 232-28-272 2003-2004, 2004-2005, and 2005-2006 Black bear and cougar hunting seasons and regulations.**

**Fall Black Bear Seasons:**

**2003 Black bear seasons:**

**Black Bear Management**

	<b>Unit</b>	<b>Season</b>	<b>Hunt Area</b>
Coastal		Aug. 1 - Nov. 15	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound		Aug. 1 - Nov. 15	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades		Aug. 1 - Nov. 15	GMUs 418-450, 460
South Cascades		Aug. 1 - Nov. 15	GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654
Okanogan		Aug. 1 - Nov. 15	GMUs 203, 209-243
East Cascades		Aug. 1 - Nov. 15	GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588
Northeastern A		Sept. 2 - Nov. 15	GMUs 101-117
Northeastern B		Aug. 1 - Nov. 15	GMUs 121-130, 204
Blue Mountains		Sept. 2 - Nov. 15	GMUs 145-154, 162-186
Columbia Basin		Aug. 1 - Nov. 15	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
West Side		July 15 - Nov. 15	PLWMAs 401, 600
PLWMAs			
Long Island		Sept. 7 - Nov. 15	GMU 699

**2004 Black bear seasons:**

**Black Bear Management**

	<b>Unit</b>	<b>Season</b>	<b>Hunt Area</b>
Coastal		Aug. 1 - Nov. 15	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound		Aug. 1 - Nov. 15	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades		Aug. 1 - Nov. 15	GMUs 418-450, 460
South Cascades		Aug. 1 - Nov. 15	GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654
Okanogan		Aug. 1 - Nov. 15	GMUs 203, 209-243
East Cascades		Aug. 1 - Nov. 15	GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588
Northeastern A		Sept. 6 - Nov. 15	GMUs 101-117
Northeastern B		Aug. 1 - Nov. 15	GMUs 121-130, 204
Blue Mountains		Sept. 6 - Nov. 15	GMUs 145-154, 162-186

**Black Bear Management**

	<b>Unit</b>	<b>Season</b>	<b>Hunt Area</b>
Okanogan		Aug. 1 - Nov. 15	GMUs 203, 209-243
East Cascades		Aug. 1 - Nov. 15	GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588
Northeastern A		Sept. 7 - Nov. 15	GMUs 101-117
Northeastern B		Aug. 1 - Nov. 15	GMUs 121-130, 204
Blue Mountains		Sept. 7 - Nov. 15	GMUs 145-154, 162-186
Columbia Basin		Aug. 1 - Nov. 15	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
West Side		July 15 - Nov. 15	PLWMAs 401, 600
PLWMAs			
Long Island		Sept. 7 - Nov. 15	GMU 699

**2005 Black bear seasons:**

**Black Bear Management**

	<b>Unit</b>	<b>Season</b>	<b>Hunt Area</b>
Coastal		Aug. 1 - Nov. 15	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound		Aug. 1 - Nov. 15	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades		Aug. 1 - Nov. 15	GMUs 418-450, 460
South Cascades		Aug. 1 - Nov. 15	GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654
Okanogan		Aug. 1 - Nov. 15	GMUs 203, 209-243
East Cascades		Aug. 1 - Nov. 15	GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588
Northeastern A		Sept. 6 - Nov. 15	GMUs 101-117
Northeastern B		Aug. 1 - Nov. 15	GMUs 121-130, 204
Blue Mountains		Sept. 6 - Nov. 15	GMUs 145-154, 162-186

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<b>Black Bear Management Unit</b>	<b>Season</b>	<b>Hunt Area</b>
Columbia Basin	Aug. 1 - Nov. 15	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
West Side	July 15 -	PLWMAs 401,
PLWMAs	Nov. 15	600
Long Island	Sept. 6 - Nov. 15	GMU 699

**Bag Limit:** Two (2) black bear per annual hunting season only one of which may be taken in Eastern Washington.

**Area Restriction:** Special deer permit required to hunt black bear in GMU 485.

#### Spring Permit Black Bear Seasons:

##### Permit quotas for each license year:

<b>Hunt Name</b>	<b>Permit Hunt Boundary</b>	<b>Permit Level</b>
Blue Creek	GMU 154	15
Dayton	GMU 162	15
Tucannon	GMU 166	10
Wenaha	GMU 169	30
Mt. View	GMU 172	15
Lick Creek	GMU 175	15
Grande Ronde	GMU 186	5

**Who May Apply:** Anyone with a valid Washington big game license, which includes black bear.

**Bag Limit:** One (1) black bear per black bear special permit season.

**Permit Season:** April 15 - May 31. Permits are valid for the license year they are issued.

##### Requirements for Spring and Fall Black Bear Seasons:

**License Required:** A valid big game hunting license, which includes black bear as a species option, is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option. A second black bear transport tag must be purchased to take a second bear.

**Hunting Method:** Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

**Submitting Bear Teeth:** Successful bear hunters must submit the black bear premolar tooth located behind the canine tooth of the upper jaw.

##### Cougar Seasons:

**Seasons for each license year, 2003-2005:**

##### ((Cougar Management

<b>Unit</b>	<b>Season</b>	<b>Hunt Area</b>
Coastal	Aug. 1 - Mar. 15	GMUs 501, 504, 506, 530, 601-621, 636-651, 658-663, 672-684, 699
Puget Sound	Aug. 1 - Mar. 15	GMUs 407, 410, 454, 624-633, 652, 666
North Cascades	Aug. 1 - Mar. 15	GMUs 418, 426, 437, 448, 450, 460, 466, 485
South Cascades	Aug. 1 - Mar. 15	GMUs 505, 510-520, 524, 550-574, 653, 654, 667
East Cascades	Aug. 1 - Mar. 15	GMUs 203, 209-247, 249-251, 328, 329, 334-340
North	Aug. 1 - Mar. 15	GMUs 342-368, 382, 578, 588
East Cascades-South	Aug. 1 - Mar. 15	GMUs 101-133, 204
Northeastern	Aug. 1 - Mar. 15	GMUs 145-154, 162-186
Blue Mountains	Aug. 1 - Mar. 15	GMUs 136-142, 248, 254-290, 330, 371, 372, 381))
Columbia Basin	Aug. 1 - Mar. 15	GMUs 136-142, 248, 254-290, 330, 371, 372, 381))

<b>Unit</b>	<b>Season</b>	<b>Hunt Area</b>	<b>Special Restrictions</b>
Coastal	Aug. 1 - Mar. 15	GMUs 501, 504, 506, 530, 601-621, 636-651, 658-663, 672-684, 699	Any legal weapon
Puget Sound	Aug. 1 - Mar. 15	GMUs 407, 410, 454, 624-633, 652, 666	Any legal weapon
North Cascades	Aug. 1 - Mar. 15	GMUs 418, 426, 437, 448, 450, 460, 466, 485	Any legal weapon
South Cascades	Aug. 1 - Mar. 15	GMUs 505, 510-520, 524, 550-574, 653, 654, 667	Any legal weapon

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<u>Unit</u>	<u>Season</u>	<u>Hunt Area</u>	<u>Special Restrictions</u>
<u>East Cascades</u> <u>North A</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 328, 329, 334-340</u>	<u>Any legal weapon</u>
<u>East Cascades</u> <u>North B</u>	<u>Oct. 16 - Nov. 19</u>	<u>GMUs 203, 209-247, 249-251 within Chelan or Okanogan coun- ties</u>	<u>Any legal weapon</u>
<u>East Cascades</u> <u>North C</u>	<u>Sept. 1 - Nov. 30</u>	<u>GMUs 203, 209-247, 249-251 within Chelan or Okanogan coun- ties</u>	<u>Archery deer or elk hunters and muz- zleloader deer or elk hunters who pos- sess a valid big game license that includes cougar as a species option may hunt for cougar without the aid of dogs during their respective deer or elk seasons and must use equipment consistent with their deer or elk tag.</u>
<u>East Cascades South</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 342-368, 382, 578, 588</u>	<u>Any legal weapon</u>
<u>Northeastern A</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 124-133</u>	<u>Any legal weapon</u>
<u>Northeastern B</u>	<u>Oct. 16 - Nov. 19</u>	<u>GMUs 101-121 within Ferry, Stevens, or Pend Oreille counties, 204</u>	<u>Any legal weapon</u>
<u>Northeastern C</u>	<u>Sept. 1 - Nov. 30</u>	<u>GMUs 101-121 within Ferry, Stevens, or Pend Oreille counties, 204</u>	<u>Archery deer or elk hunters and muz- zleloader deer or elk hunters who pos- sess a valid big game license that includes cougar as a species option may hunt for cougar without the aid of dogs during their respective deer or elk seasons and must use equipment consistent with their deer or elk tag.</u>
<u>Blue Mountains</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 145-154, 162-186</u>	<u>Any legal weapon</u>
<u>Columbia Basin</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 136-142, 248, 254-290, 330, 371, 372, 381</u>	<u>Any legal weapon</u>

#### Requirements for Cougar Seasons:

**License Required:** A valid big game hunting license which includes cougar as a species option is required to hunt cougar.

**Bag Limit:** Two (2) cougar per license year excluding public safety cougar removals. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

**Area Restriction:** Special deer permit required to hunt cougar in GMU 485.

**Tag Information:** One cougar transport tag is included with a big game license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar.

**Hunting Method:** Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. The use of hounds to hunt cougar is prohibited except ((during)) by a public safety cougar removal permit or commission authorized hound permit.

**Cougar Pelt Sealing:** Any person who takes a cougar must notify the department within 72 hours of kill (excluding legal

state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within five days of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

#### AMENDATORY SECTION (Amending Order 03-186, filed 8/14/03, effective 9/14/03)

##### **WAC 232-12-243 Public safety cougar removals. (1)** Definitions:

As used in this section and in the context of public safety cougar removals, the following definitions apply:

(a) "Confirmed" means qualified department staff is led to believe a cougar(s) was at the scene of the incident by interview of the complainant or observation of evidence at the scene.

(b) "Human-cougar safety incident" means aggressive or unusual behavior by a cougar which presents an actual or perceived threat to an individual.

(c) "Livestock or pet depredation" means incidents where livestock and/or pets are killed and/or injured by cougar.

(d) "Marginal cougar habitat" means those areas usually dominated by urban/suburban, developed lands with relatively high human densities.

(e) "Nuisance activity" means incidents associated with property disturbance, property damage, or livestock/pet harassment.

(f) "Preferred cougar habitat" means those areas usually dominated by rural, undeveloped lands with relatively low human densities.

(g) "Public safety need" means there exists a reasonable threat to human safety or property by one or more cougar, as indicated by the level of confirmed human-cougar safety incidents or livestock/pet depredations, and confirmed cougar sightings or nuisance activities.

(h) "Removal" means the act of killing one or more cougar with the aid of dogs.

(i) "Sighting" means a direct observation of one or more cougar, in urban or rural settings, near individuals or residences; typically more than chance observations.

(j) "Human-cougar interaction" means a human-cougar safety incident, livestock or pet depredation, cougar nuisance activity, or cougar sighting event.

(k) "Dog hunter" means a person that owns and hunts with dogs that are capable of detecting, tracking and treeing a cougar.

(2) Public safety cougar removal authorization: The commission authorizes the director to issue public safety cougar removal permits consistent with this rule. Prior to issuing public safety cougar removal permits, the department shall use other practical alternatives to address a public safety need, including livestock or pet depredations. Other practical alternatives may include, but are not limited to, general cougar hunting seasons, general public information, educational programs, information to recreational hunters, cougar depredation/kill permits, and department capture and relocation/euthanasia of specific cougars.

(3) Public safety cougar removal criteria:

(a) The commission determines that when the above practical alternatives have been utilized within a game management unit, eleven confirmed human-cougar interactions per year, of which at least four must be confirmed human-cougar safety incidents or livestock/pet depredations, therein demonstrating that the practical alternatives have been inadequate to address the public safety need. The director then is authorized by the commission to remove one or more cougar, with the aid of dogs, in a selected area of that game management unit or nearby geographic area suitable for the use of dogs. The commission authorizes the director to remove one cougar per one hundred twenty square kilometers of complaint area in preferred cougar habitat, and one cougar per four hundred thirty square kilometers of complaint area in marginal cougar habitat.

(b) If warranted by conditions of this rule, public safety cougar removal(s) will be conducted annually between December 1st and March ((15th)) 31st in selected areas of game management units designated by the director to address a public safety need presented by one or more cougar except

in game management units 101 and 204, public safety cougar removal(s) will be conducted annually between January 1 and March ((15)) 31 for a cougar capture-recapture study.

(c) The department shall not target more than one hundred nine cougar during a public safety cougar removal period unless otherwise authorized by the commission.

(4) Public safety cougar removal permit issuance procedure.

(a) To participate in a public safety cougar removal, individuals must request that his/her name be placed on a list of available participants (participant list) by mailing their request to Washington Department of Fish and Wildlife, Enforcement Program - Public Safety Cougar Removal, 600 Capitol Way North, Olympia, WA 98501-1091. The request must include the individual's name, address, phone number, and game management units being applied for. Individuals may apply for no more than four game management units. An individual's request to be placed on a participant list for a removal period must be postmarked no later than October 1, or be received at the department's Olympia office no later than 5:00 p.m. on October 1, during the year the removal period begins.

(b) To be eligible for a public safety cougar removal permit (permit), the participant must be a Washington resident dog hunter who, at the time of application for a permit, possesses a valid big game license with cougar as a species option. The permit holder must use dogs while participating in a public safety cougar removal.

(c) Individuals eligible for participation in a public safety cougar removal will be randomly selected from the participant list. The department will issue a permit to the person whose name is selected from the participant list. Individuals selected will be notified by telephone or mail. Individuals selected must contact the department's enforcement program in Olympia and accept the public safety cougar removal permit within fifteen days of being notified. Failure to contact the department will result in forfeiture of the permit and the individual will be placed on the participant list for later selections. Permits may not be sold or reassigned.

(d) Permit holders and all individuals who will accompany the permit holder must complete the department's public safety cougar removal education course prior to participating in a public safety cougar removal.

(5) Public safety cougar removals: Quota system and participation in cougar removal.

(a) ((The)) Public safety cougar ((removal period)) removals will be based on a quota system, where permit holders may hunt cougar until the allotted numbers of cougar have been removed from each game management unit or March ((15)) 31, whichever is first; EXCEPT in game management units with pilot hound hunting seasons (WAC 232-28-285), where public safety cougar removal permit holders may hunt cougar until the allotted numbers of cougar have been removed, the female zone quota has been filled, the total zone quota has been filled, or March 31, whichever occurs first.

(b) Permit holders who harvest a cougar before January 15 may continue hunting for a second cougar with dogs. The permit holder must purchase an additional cougar transport tag to hunt and harvest one additional cougar and the permit holder will be issued a second permit. Permit holders who

harvest a cougar after January 15 are not eligible to harvest a second cougar with dogs.

(c) To verify if the cougar removal season is open or closed in each game management unit, the permit holders shall notify the department's enforcement program in Olympia ((at least)) within twenty-four hours prior to exercising a public safety cougar removal permit.

(d) No more than four total individuals may participate per public safety cougar removal, including the permit holder(s). Only the permit holder, whose name appears on the permit, may take a cougar.

(e) Hunters killing a cougar during a public safety cougar removal must notify the department's enforcement program in Olympia within twenty-four hours after harvesting the cougar.

(f) The department reserves the right to accompany permit holders while participating in a public safety cougar removal.

**(6) Public safety cougar removal general requirements.**

(a) A valid big game hunting license which includes cougar as a species option is required to hunt cougar. One cougar transport tag is included with a big game license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar. Individuals may participate in multiple public safety cougar removals, but must purchase a cougar transport tag for each cougar removed. Purchases in excess of two cougar transport tags must be made at department offices.

(b) It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens. Individuals selected for a public safety cougar removal permit may take one cougar per permit ((and must take the first legal cougar available)).

(c) Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. The use of dogs to hunt cougar is prohibited except during a public safety cougar removal.

(d) Any person who takes a cougar must notify the department within twenty-four hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within seventy-two hours of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

(e) The public safety cougar removal permit (permit) belongs to the state of Washington. The permit holder may be required to return to or turn over to the department the permit when, in the judgment of the department, the permit holder violates any conditions of the permit, violates trespass laws while acting under this permit, or violates any other criminal law or hunting regulation of the state while acting under this permit. If the permit holder is required to return to or turn over to the department the permit, the permit holder may request an appeal of that action in accordance with chapter 34.05 RCW. Appeal request shall be filed in writing and returned within twenty days of the date of action and be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

**WSR 04-13-166**

**PROPOSED RULES**

**DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed June 23, 2004, 10:14 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-10-081.

**Title of Rule and Other Identifying Information:** Amend WAC 232-28-515 Trapping seasons and regulations.

**Hearing Location(s):** Embassy Suites, 20610 44th Avenue West, Lynnwood, WA 98036, (425) 775-2500, on August 6-7, 2004, at 8:00 a.m.

**Date of Intended Adoption:** August 6, 2004.

**Submit Written Comments to:** Attn: Wildlife Program Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Wildthing@dfw.wa.gov, fax (360) 902-2612, by Friday, July 16, 2004.

**Assistance for Persons with Disabilities:** Contact Susan Yeager by August 2, 2004, TTY (360) 902-2207 or (360) 902-2267.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The rule establishes the 2004-2005 and 2005-2006 furbearer trapping seasons and bag limits. General seasons furbearer harvest has declined approximately 83% since the ban on body-gripping traps (I-137) in 2000. Based on the subsequent furbearer nuisance and damage activity, furbearer populations have likely increased in several areas. In an effort to reduce nuisance activity and damage by furbearers, the department is recommending liberalizing furbearer-trapping seasons. The recommended trapping season is November 1 to March 31, except for bobcat, which is the 3rd Saturday in November to February 28.

**Reasons Supporting Proposal:** Helps mitigate nuisance and damage activity.

**Statutory Authority for Adoption:** RCW 77.12.047.

**Statute Being Implemented:** RCW 77.12.047.

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

**Name of Proponent:** Washington Fish and Wildlife Commission, governmental.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Dave Brittell, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Natural Resources Building, Olympia, (360) 902-2932.

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.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

June 23, 2004

Evan Jacoby

Rules Coordinator

**AMENDATORY SECTION** (Amending Order 03-129, filed 6/12/03, effective 7/13/03)**WAC 232-28-515 Trapping seasons and regulations.**  
Trapping Regulations

To be issued your first Washington State trapping license an individual must pass the Washington State trapper education exam.

A trapping license will only be issued to a trapper that has returned the mandatory trapper report of catch postmarked on or before April 10 of the previous year. A trapper that fails to submit a report of catch must wait one year before purchasing another trapping license. False reports will be considered the same as failure to return the catch report.

It is unlawful to: Trap for wild animals before October 1, and after March 15, in western Washington, except that owners of, or persons legally controlling a property (or their designee) may trap unclassified wild animals that are causing damage or depredating on said property.

It is unlawful to: Place traps or establish drowning wires and weights prior to 7:00 a.m. on the opening date of the trapping season. All opening and closing season dates are inclusive.

**Trapping Seasons:**

**General Western Washington Trapping Seasons** (Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, Whatcom counties):

SPECIES	OPENING DATE	CLOSING DATE
Bobcat((, Red Fox, and Weasel))	November 15, 2003 November 20, 2004 November 19, 2005	February 15, 2004 February ((+5)) 28, 2005 February ((+5)) 28, 2006
Beaver, River Otter, Red Fox, Weasel, Marten, Mink, Muskrat, and Raccoon	November 15, 2003 November ((20)) 1, 2004 November ((+9)) 1, 2005	January 31, 2004 ((January)) March 31, 2005 ((January)) March 31, 2006
((Beaver and River Otter	December 12, 2003 December 11, 2004 December 10, 2005	February 15, 2004 February 15, 2005 February 15, 2006))

Exceptions to General Western Washington Trapping Seasons:

Game Management Unit 522 (Loo-wit) (Cowlitz and Skamania counties) is closed to all trapping.

**Island County**

The red fox season is closed.

**Lewis County**

Green River drainage, above and including Miners Creek drainage, is closed to all trapping except for bobcat and coyote.

**Skagit and Whatcom counties**

Ross Lake National Recreation Area is closed to all trapping. Red fox season is closed, except within the boundaries of Mount Baker-Snoqualmie and Okanogan National Forests.

**Skamania County**

The following areas are closed to all trapping, except for bobcat and coyote: Muddy River drainage, above and including Bean Creek drainage; Pine Creek drainage above USFS Road 83; and Green River drainage, above and including Miners Creek drainage.

**General Eastern Washington Trapping Seasons** (Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima counties):

SPECIES	OPENING DATE	CLOSING DATE
((Badger, Beaver,)) Bobcat((, Mink, Muskrat, Raccoon, Red Fox, and Weasel))	November 8, 2003 November ((+3)) 20, 2004 November ((+2)) 19, 2005	February 28, 2004 February 28, 2005 February 28, 2006
((Marten	December 15, 2003 December 15, 2004 December 15, 2005	January 31, 2004 January 31, 2005 January 31, 2006))
Badger, Beaver, Mink, Muskrat, Raccoon, Red Fox, Weasel, Marten, River Otter (Season Bag Limit is 6 River Otter in Eastern Washington)	November 8, 2003 November ((+3)) 1, 2004 November ((+2)) 1, 2005	February 28, 2004 ((February 28)) March 31, 2005 ((February 28)) March 31, 2006

Exceptions to General Eastern Washington Trapping Seasons:

River otter trapping season is closed in all Eastern Washington counties, except that it is open in Chelan, Ferry, Klickitat, Kittitas, Okanogan, Pend Oreille, Spokane, Stevens, and Yakima counties, as well as in the Snake and Walla Walla River drainages.

**Chelan County**

Beaver season is closed in Swakane and Mudd Creek drainages.

**Columbia County**

Trapping is not allowed on the Umatilla Tribes Rainwater Wildlife Area in Columbia County, as per their management plan.

**Kittitas County**

Beaver season is closed in the following drainages: North fork of Tarpiscan Creek and Umtanum Creek.

**Urban Trapping Areas: Special Regulations and Trap Restrictions**

The following described areas are closed to the taking of classified furbearing animals, and coyote, opossum, nutria, and skunk, by the use of body-gripping or kill traps **except by permit under WAC 232-12-141**.

Thurston County, within the established city limits (including county islands) of Lacey, Olympia, and Tumwater.

Within Snohomish, King, and Pierce counties: Beginning at the confluence of Snohomish River and Puget Sound; east up

Snohomish River to Interstate 5 (I-5); south on I-5 to Interstate 405 (I-405); south on I-405 to I-5; south on I-5 to Pioneer Way; east on Pioneer Way to Waller Road; south on Waller Road to SR 512; west on SR 512 to Highway 7; south on Highway 7 and Highway 507 to Pierce County line; north on Pierce County line to Puget Sound; north along coast to mouth of Snohomish River and point of beginning.

**WSR 04-13-167**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed June 23, 2004, 10:14 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-10-082.

Title of Rule and Other Identifying Information: Amend WAC 232-12-275 Wildlife rehabilitation permits. The facility requirements referred to by this WAC do not address the specific needs associated with oiled bird rehabilitation activities. New subsection (24) describing these special needs has been added to the rule. In addition, editorial amendments to the original rule have been made in order to integrate the new section.

Hearing Location(s): Embassy Suite Hotel, 20610 44th Avenue West, Lynnwood, WA 98036, on August 6-7, 2004, at 8:00 a.m.

Date of Intended Adoption: August 6-7, 2004.

Submit Written Comments to: Eric Larsen, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501, e-mail larseem1@dfw.wa.gov, fax (360) 920 [902]-8127, by July 28, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by August 2, 2004, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 232-12-275 currently establishes the process by which an applicant may apply for and receive a permit to rehabilitate wildlife within the state of Washington. Among other aspects of rehabilitation that are addressed this WAC establishes the minimum facility standards that must be met in order to participate in wildlife rehabilitation. This proposal adds new subsection (24) to the WAC that addresses the specialized facility needs of oiled birds. It also amends language within the existing WAC to allow for the incorporation of this new section.

Reasons Supporting Proposal: To provide wildlife rehabilitators with the current standards of care related to oiled bird rehabilitation and to ensure that these standards are implemented.

Statutory Authority for Adoption: RCW 90.56.110, 77.12.047.

Statute Being Implemented: RCW 90.56.110, 77.12.-047.

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

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Eric Larsen, Habitat Program, Olympia, (360) 902-8125; Implementation: Dave Brittell, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Enforcement Program, Olympia, (360) 902-2936.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. This rule topic is not identified as pertaining to significant legislative rules for the Department of Fish and Wildlife as identified in RCW 34.05.328.

June 23, 2004

Evan Jacoby

Rules Coordinator

**AMENDATORY SECTION** (Amending Order 97-251, filed 12/23/97, effective 1/23/98)

**WAC 232-12-275 Wildlife rehabilitation permits.** (1) For the purposes of this rule, the following definitions apply:

(a) ~~"Wildlife rehabilitation"~~ means the care and treatment of injured, diseased, or abandoned wildlife, including but not limited to capture, transporting, veterinary treatment, feeding, housing, exercise therapy, and any other treatment or training necessary for release back to the wild.

(b) ~~"Wildlife rehabilitation facility"~~ means the authorized sites as shown on the wildlife rehabilitation permit where the treatment and rehabilitation takes place.

(c) ~~"Wildlife rehabilitator"~~ means a person who conducts wildlife rehabilitation.

(d) ~~"Wildlife rehabilitation permit"~~ means a permit issued by the director that authorizes a person to conduct wildlife rehabilitation.

(e) ~~"Principal veterinarian"~~ means a licensed veterinarian who provides in writing their willingness to assist the rehabilitator in conducting wildlife rehabilitation.

(f) ~~"Public display"~~ means to place or locate wildlife so that it may be viewed by the public.

(g) ~~"Imping"~~ means a method of repairing broken feathers.

(h) ~~"Orphan imprinting"~~ means to use wildlife for the purpose of feeding, socializing, and teaching appropriate behavior to young wildlife.

(2) It is unlawful to possess wildlife for the purpose of rehabilitation without first obtaining a valid Washington state "wildlife rehabilitation permit". A wildlife rehabilitation permit may be issued to a person to conduct wildlife rehabilitation and is valid so long as the information in the permit remains current, the permit holder continues to meet the conditions and requirements of the permit, and provisions of this rule. Any change to the information on the permit must be reported in writing within 10 working days or the permit may be invalidated.

(3) The director may issue and condition a wildlife rehabilitation permit if the applicant complies with the following:

(a) The applicant is either a licensed veterinarian or can demonstrate 6 months of experience in wildlife rehabilita-

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~~tion, which must include 3 months during the spring or summer and has a principal veterinarian as a sponsor. The director may consider education in wildlife rehabilitation as a substitute for experience.~~

(b) ~~The applicant must successfully complete a wildlife rehabilitator's examination(s) as prescribed by the director.~~

(c) ~~The wildlife rehabilitation facility is inspected by the department and meets the wildlife rehabilitation care and facility standards in the Washington State Wildlife Rehabilitation Care and Facility Standards pamphlet.~~

(4) ~~The wildlife rehabilitation permit holder must maintain and upon request make available to the department a wildlife rehabilitation daily ledger. The ledger must include the date the wildlife is received, the species and nature of the illness, the location where the wildlife was found, the date and disposition of the wildlife, the release location, and if any, tags and/or band numbers. It is unlawful for a wildlife rehabilitation permit holder to fail to enter required information in the wildlife rehabilitation ledger within 24 hours of the day wildlife is received and on the day of all subsequent activities as required in the ledger.~~

(5) ~~The wildlife rehabilitation permit holder must submit to the department no later than January 31, of each year an annual report providing information as required by the director and a copy of the daily ledger.~~

(6) ~~All permits and records held pursuant to statutes and rules dealing with wildlife rehabilitation will be kept on file at the wildlife rehabilitation facility. The records will be retained for a period of five years.~~

(7) ~~A copy of the valid wildlife rehabilitation permit must be in possession of any person possessing or transporting wildlife for the wildlife rehabilitation facility.~~

(8) ~~The wildlife rehabilitation permit holder will notify the department within 24 hours of receiving a state or federally endangered or threatened species; within 72 hours of receiving a state sensitive species or marked, tagged, or banded wildlife; and prior to release of threatened or endangered species.~~

(9) ~~The wildlife rehabilitation permit holder will notify the department within 24 hours after the death of a state or federally endangered or threatened species; or as soon as an endangered or threatened species is determined to be non-releasable to the wild. Endangered or threatened species will not be disposed of or euthanized without prior department approval.~~

(10) ~~Rehabilitated wildlife may be banded or otherwise identified by the department.~~

(11) ~~The wildlife rehabilitation permit holder will notify the department, within five working days from the date of death, of any wildlife known to have died of the following diseases: avian cholera, avian pox, duck viral enteritis, environmental contaminants, ornithosis, Newcastle's disease, rabies, canine distemper or tuberculosis (in species other than birds).~~

(12) ~~Rehabilitated wildlife will be released as soon as possible into its proper habitat in the same area as recovered, except as provided by written authorization from the director.~~

(13) ~~It is unlawful to hold wildlife for longer than 180 days, except as provided by written authorization from the director.~~

(14) ~~Dead wildlife will be disposed of through deposit at an approved Washington state university or college, a permitted research project or through burial, incineration, or a licensed rendering facility.~~

(15) ~~It is unlawful to publicly display wildlife while it is undergoing rehabilitation.~~

(16) ~~It is unlawful to retain wildlife for the purpose of orphan imprinting or to retain feathers of protected or endangered wildlife for the purpose of "imping", except as provided by written authorization from the director.~~

(17) ~~It is unlawful for wildlife being held for rehabilitation to be used for propagation.~~

(18) ~~Wildlife being held for the purposes of rehabilitation must be kept separate from wildlife held under other licenses and domestic animals, except as provided by written authorization from the director.~~

(19) ~~The wildlife rehabilitation permit holder may receive from the department and possess at the wildlife rehabilitation facility, dead wildlife for the purpose of feeding wildlife being rehabilitated.~~

(20) ~~Fish and wildlife enforcement officers may inspect at reasonable times and in a reasonable manner the wildlife, permits, records, and wildlife rehabilitation facility of any wildlife rehabilitator.~~

(21) Any wildlife rehabilitation permit holder who fails to comply with any condition within the holder's permit or any provision of this rule is in violation of the permit and the permit may be revoked. Any wildlife rehabilitation permit holder found in violation of the permit may provide to the department a plan for corrective action, within 10 days, to return to compliance. Any wildlife rehabilitation permit holder with an acceptable plan for corrective action will be given a minimum of 30 days to correct a permit violation prior to revocation.

(22) All wildlife held by a wildlife rehabilitation permit holder remains the property of the state, is subject to control by the state and will not be offered for sale or sold.) (a) "Bird" means any wild animal of the class Aves.

(b) "Dedicated workspace" means the minimum amount of floor space necessary to maintain access to oiled bird rehabilitation pens.

(c) "Drying resources" mean the floor space and pen requirements associated with the removal of water from the skin and feathers of a bird.

(d) "Heating, ventilation, and air-conditioning" means the warming, exchanging, and cooling of air.

(e) "Imping" means a method of repairing broken feathers.

(f) "Indoor area" means the space within an oiled bird rehabilitation facility in which the temperature and exchange of air can be controlled and maintained. Indoor areas may consist of space for: Intake, prewash holding, wash/rinse, drying, oiled bird rehabilitation pools, morgue/necropsy, bird food preparation, storage, freezers, isolation/intensive care unit, medical laboratory, laundry, electrical, and mechanical areas.

(g) "Intake space" means the minimum amount of floor space necessary to admit live or dead birds into an oiled bird rehabilitation facility.

**(h) "Mesh size"** means the measured distance between the centers of the two opposing vertices in the same mesh of a piece of netting when pulled taut.

**(i) "Oil"** means oil of any kind and any form, such as petroleum and nonpetroleum oils including, but not limited to, crude oil and refined petroleum products, animal fats and vegetable oil, other oils of animal or vegetable origin, and other nonpetroleum oils.

**(j) "Oiled bird"** means a bird that has come in contact with oil.

**(k) "Oiled bird rehabilitation pen"** means an enclosure used to hold birds during oiled bird rehabilitation.

**(l) "Oiled bird rehabilitation pool"** means a container filled with unheated fresh water used during the rehabilitation of oiled birds.

**(m) "Oiled bird rehabilitation"** is a specialized form of wildlife rehabilitation and means the process of caring for oiled birds during intake, prewash holding, washing and rinsing, drying; while in pools; by providing semi-static and static areas; and by maintaining heating, ventilation, and air-conditioning while the birds are in an oiled bird rehabilitation facility.

**(n) "Oiled bird rehabilitation facility"** is a type or portion of a wildlife rehabilitation facility and means the contiguous indoor and outdoor areas used for the rehabilitation of oiled birds.

**(o) "Outdoor area"** means an area within an oiled bird rehabilitation facility that does not fit the definition of an indoor area.

**(p) "Orphan-imprinting"** means to use wildlife for the purpose of feeding, socializing, and teaching appropriate behavior to young wildlife.

**(q) "Prewash holding resources"** mean the floor space and oiled bird rehabilitation pen requirements within an oiled bird rehabilitation facility necessary to hold birds after intake and prior to washing.

**(r) "Principal veterinarian"** means a licensed veterinarian who provides in writing their willingness to assist the rehabilitator in conducting wildlife rehabilitation activities.

**(s) "Public display"** means to place or locate wildlife so that they may be viewed by the public.

**(t) "Semi-static areas"** mean dedicated indoor spaces within an oiled bird rehabilitation facility where the required size of the space will vary relative to the number of birds to be rehabilitated. These include areas for bird food preparation, morgue/necropsy, storage, and freezers.

**(u) "Static areas"** mean dedicated indoor spaces within an oiled bird rehabilitation facility where the required size of the space does not vary regardless of the number of birds to be rehabilitated. These include areas for the isolation/intensive care unit, medical laboratory, laundry, electrical, and mechanical spaces.

**(v) "Wash/rinse resources"** mean the water, cleaning agent, and space requirements necessary to remove oil from the skin and feathers of a bird.

**(w) "Wildlife rehabilitation"** means the care and treatment of injured, diseased, oiled, or abandoned wildlife, including, but not limited to, capture, transporting, veterinary treatment, feeding, housing, exercise therapy, and any other treatment or training necessary for release back to the wild.

**(x) "Wildlife rehabilitation facility"** means the authorized sites as shown on the wildlife rehabilitation permit where the treatment and rehabilitation takes place.

**(y) "Wildlife rehabilitator"** means a person who conducts wildlife rehabilitation or someone who conducts wildlife rehabilitation under the supervision of a valid wildlife rehabilitation permit holder.

**(z) "Wildlife rehabilitation permit"** means a permit issued by the director, or director's designee, that authorizes a person, or someone under the supervision of a valid wildlife rehabilitation permit holder, to conduct wildlife rehabilitation.

**(2) It shall be unlawful for any person to possess wildlife for the purpose of rehabilitation unless:**

- (a) They have a valid wildlife rehabilitation permit; or**
- (b) They are working under the supervision of a person who has a valid wildlife rehabilitation permit.**

**In the latter case, the wildlife rehabilitation permit holder shall be responsible and accountable for all actions related to wildlife that are taken by the individuals working under their supervision.**

**(3) A wildlife rehabilitation permit may be issued to a person to conduct or oversee wildlife rehabilitation and is valid so long as the information in the permit remains current, the permit holder continues to meet the conditions and requirements of the permit, and provisions of this rule are followed. Any change to the information on the permit must be reported in writing within ten working days or the permit may be invalidated.**

**(4) The director, or director's designee, may issue and condition a wildlife rehabilitation permit if the applicant complies with the following:**

**(a) The applicant is either a licensed veterinarian or can demonstrate six months of experience in wildlife rehabilitation, which must include three months during the spring or summer and has a principal veterinarian as a sponsor. The director, or director's designee, may consider education in wildlife rehabilitation as a substitute for experience.**

**(b) The applicant must successfully complete a wildlife rehabilitator's examination(s) as prescribed by the director, or director's designee.**

**(c) The wildlife rehabilitation facility is inspected by the department and meets the wildlife rehabilitation care and facility standards for wildlife in the *Washington State Wildlife Rehabilitation Facility and Care Standards* pamphlet. In order for the wildlife rehabilitation permit to allow for the rehabilitation of oiled birds, the facility also needs to meet the requirements in subsection (24) of this section. When facility requirements in subsection (24) of this section conflict with requirements in the *Wildlife Rehabilitation Facility and Care Standards* pamphlet, subsection (24) of this section shall take precedence.**

**(5) The wildlife rehabilitation permit holder must maintain and upon request make available to the department, a wildlife rehabilitation daily ledger. The ledger must include the date the wildlife is received, the species and nature of the illness, the location where the wildlife was found, the date and disposition of the wildlife, the release location, and if any, tags and/or band numbers. It is unlawful for a wildlife rehabilitation permit holder to fail to enter required informa-**

tion in the wildlife rehabilitation ledger within twenty-four hours of the day wildlife is received and on the day of all subsequent activities as required in the ledger.

(6) The wildlife rehabilitation permit holder must submit to the department no later than January 31 of each year an annual report providing information as required by the director, or director's designee, and a copy of the daily ledger.

(7) All permits and records held pursuant to statutes and rules dealing with wildlife rehabilitation will be kept on file at the wildlife rehabilitation facility. The records will be retained for a period of five years.

(8) A copy of the valid wildlife rehabilitation permit must be in possession of any person possessing or transporting wildlife for the wildlife rehabilitation facility.

(9) The wildlife rehabilitation permit holder will notify the department within twenty-four hours of receiving a state or federal endangered or threatened species or an oiled bird; within seventy-two hours of receiving a state sensitive species or marked, tagged, or banded wildlife; and prior to release of threatened or endangered species or oiled birds. The release notification information relative to oiled birds shall include the number of birds being released, the species of birds being released, the proposed location of the release, and the proposed date/time of release.

(10) The wildlife rehabilitation permit holder will notify the department within twenty-four hours after the death of an oiled bird or a state or federal endangered or threatened species; or as soon as an endangered or threatened species is determined to be nonreleasable to the wild. Oiled birds or endangered or threatened species will not be disposed of or euthanized without prior department approval.

(11) Rehabilitated wildlife may be banded or otherwise identified by the department.

(12) The wildlife rehabilitation permit holder will notify the department, within five working days from the date of death, of any wildlife known to have died of the following diseases: Avian cholera, avian pox, duck viral enteritis, environmental contaminants, ornithosis, Newcastle's disease, rabies, canine distemper or tuberculosis (in species other than birds).

(13) Rehabilitated wildlife will be released as soon as possible into its proper habitat in the same area as recovered, except as provided by written authorization from the director or director's designee. Rehabilitated oiled birds shall only be released in the same area as recovered when the threat of becoming reoiled no longer exists. If the area that they were recovered in is not clean enough to allow for their release at that location, department approval is required prior to releasing rehabilitated oiled birds in another location.

(14) It is unlawful to hold wildlife for longer than one hundred eighty days, except as provided by written authorization from the director, or director's designee.

(15) Dead wildlife, excluding oiled birds, will be disposed of through deposit at an approved Washington state university or college, a permitted research project or through burial, incineration, or a licensed rendering facility. The wildlife rehabilitation permit holder shall notify the department when in possession of dead oiled birds. Dead oiled birds shall not be disposed of without prior department approval.

(16) It is unlawful to publicly display wildlife while it is undergoing rehabilitation.

(17) It is unlawful to retain wildlife for the purpose of orphan imprinting or to retain feathers of protected or endangered wildlife for the purpose of "imping," except as provided by written authorization from the director, or director's designee.

(18) It is unlawful for wildlife being held for rehabilitation to be used for propagation.

(19) Wildlife being held for the purposes of rehabilitation must be kept separate from wildlife held under other licenses and domestic animals, except as provided by written authorization from the director, or director's designee.

(20) The wildlife rehabilitation permit holder may receive from the department and possess at the wildlife rehabilitation facility, dead wildlife for the purpose of feeding wildlife being rehabilitated.

(21) Fish and wildlife enforcement officers may inspect at reasonable times and in a reasonable manner the wildlife, permits, records, and wildlife rehabilitation facility of any wildlife rehabilitator.

(22) Any wildlife rehabilitation permit holder who fails to comply with any condition within the holder's permit or any provision of this rule is in violation of the permit and the permit may be revoked. Any wildlife rehabilitation permit holder found in violation of the permit conditions, with the exception of oiled bird facility requirements, may provide to the department a plan for corrective action, within ten days, to return to compliance. Any wildlife rehabilitation permit holder with an acceptable plan for corrective action to violations other than oiled bird facility requirements will be given a minimum of thirty days to correct a permit violation prior to revocation. Wildlife rehabilitation permit holders found in violation of oiled bird rehabilitation facility requirements shall correct these violations within twenty-four hours to avoid revocation of their authorization to rehabilitate oiled birds.

(23) All wildlife held by a wildlife rehabilitation permit holder remains the property of the state, is subject to control by the state and will not be offered for sale or sold.

#### (24) Oiled bird rehabilitation facility requirements:

(a) Heating, ventilation, and air-conditioning requirements: This section refers to the temperature and ventilation requirements within indoor areas.

(i) Temperature: All indoor areas shall have the means to control temperature and shall be adjustable and maintainable at any given temperature between 65°F - 85°F. When the number of birds in an oiled bird rehabilitation facility at a given time exceeds fifty, the following shall apply:

(A) Intake and prewash holding areas shall be temperature controlled independently of other oiled bird rehabilitation facility areas but may be controlled together;

(B) Wash/rinse and drying areas shall be temperature controlled independently of other oiled bird rehabilitation facility areas but may be controlled together; and

(C) The isolation/intensive care unit shall be temperature controlled independently of other oiled bird rehabilitation facility areas.

(ii) Ventilation: All indoor areas shall have the means to exchange the air volume a minimum of ten times per hour

with fresh air from outside. When the number of birds in an oiled bird rehabilitation facility at a given time exceeds fifty, the following shall apply:

(A) Intake and prewash holding areas may be combined on the same air exchange system. Air exchange systems in the intake and prewash holding areas shall be independent of other oiled bird rehabilitation facility air exchange systems; and

(B) Wash/rinse and drying areas may be combined on the same air exchange system. Air exchange systems in the wash/rinse and drying areas shall be independent of other oiled bird rehabilitation facility air exchange systems; and

(C) The isolation/intensive care unit air exchange system shall be independent of other oiled bird rehabilitation facility areas; and

(D) The morgue/necropsy air exchange system shall be independent of other oiled bird rehabilitation facility areas.

(b) Intake space requirement: Intake shall occur in an indoor area. Forty square feet of contiguous floor space shall be provided for each group of sixty live or dead oiled birds, or portion of each group of sixty, that have been collected and are awaiting intake. The floor of the intake space shall be impermeable and shall not allow accumulation of water.

(c) Prewash holding resource requirements: Prewash holding shall occur in an indoor area. Oiled bird rehabilitation pen space and the associated dedicated workspace shall be provided in the prewash holding area.

(i) Oiled bird rehabilitation pen requirements: Prewash oiled bird rehabilitation holding pens shall be no smaller than two feet in length by two feet in width; a minimum of two feet high. Prewash oiled bird rehabilitation holding pens shall be constructed with knotless nylon net-bottoms with a stretched mesh size of one-half inch and shall provide 1.6 square feet of pen space per bird. Oiled bird rehabilitation holding pens shall be constructed in a manner such that no point within the pen is greater than two feet from a pen wall. Oiled bird rehabilitation holding pens shall be elevated a minimum of twelve inches above the floor surface.

(ii) Space requirements: In addition to the space required for prewash oiled bird rehabilitation holding pens, an additional 3.2 square feet of dedicated workspace shall be provided in the prewash holding area for each bird held in the prewash holding area. The floor of the prewash holding area shall be impermeable and shall not allow accumulation of water.

(d) Wash/rinse resource requirements: Wash/rinse shall occur in an indoor area. A bird shall be provided wash/rinse space and associated resources within twenty-four hours after intake.

(i) Water requirements: A minimum of three hundred gallons of fresh water with the following characteristics shall be made available within the wash/rinse space for each oiled bird being washed and rinsed: The water temperature shall be maintained between 104°F - 106°F; the water hardness shall be maintained between 30 mg - 50 mg calcium carbonate/liter (2-3 grain hardness); the water pressure shall be maintained between 40-60 p.s.i. at each wash/rinse nozzle; and the flow rate at each nozzle shall be not less than six gallons per minute. All water requirements listed above shall remain within the specified ranges at all times.

(ii) Cleaning agent requirements: Liquid dishwashing detergents are the only cleaning agents that shall be used to remove oil from birds. Other detergents, including, but not limited to, machine dishwasher soaps and detergents, hand soaps, powdered products, and antibacterial dishwashing detergents shall not be used.

(iii) Space requirements: One hundred square feet of contiguous floor space shall be provided for each group of sixteen live oiled birds, or portion of each group of sixteen, that are ready to be washed and rinsed. The floor of the wash/rinse area shall be impermeable and shall not allow accumulation of water.

(e) Drying resource requirements: Drying shall occur in an indoor area. Oiled bird rehabilitation pen space and the associated dedicated workspace shall be provided in the drying area. Drying shall be accomplished by warming the air in the drying pen to between 90°F - 95°F.

(i) Oiled bird rehabilitation drying pen requirements: Oiled bird rehabilitation drying pens shall be no smaller than three feet in length by two feet in width; and a minimum of two feet high. Oiled bird rehabilitation drying pens shall be constructed with knotless nylon net-bottoms with a stretched mesh size of one-half inch and shall provide 2.7 square feet of pen space per bird. Each oiled bird rehabilitation pen shall be constructed in a manner such that no point within the pen is greater than two feet from a pen wall. Oiled bird rehabilitation drying pens shall be elevated a minimum of twelve inches above the floor surface. If prewash oiled bird rehabilitation holding pens meet the criteria for use as oiled bird rehabilitation drying pens and are used in the drying process, they must be cleaned of oil residue prior to use.

(ii) Space requirements: In addition to the space required for oiled bird rehabilitation drying pens, an additional 3.2 square feet of dedicated workspace shall be provided in the drying area for each bird held in the drying area. The floor of the drying area shall be impermeable and shall not allow accumulation of water.

(f) Oiled bird rehabilitation pool resource requirements: Oiled bird rehabilitation pools shall be filled with unheated fresh water. Oiled bird rehabilitation pool space shall be provided immediately after a bird has been dried, and shall be provided until the bird is released.

(i) Oiled bird rehabilitation pool requirements: Oiled bird rehabilitation pool water shall be a minimum of four feet deep. Each bird shall be afforded a minimum of 7.5 square feet of water surface space (e.g., a twelve-foot diameter oiled bird rehabilitation pool shall house not more than fifteen birds). Each oiled bird rehabilitation pool shall be of dimensions such that no point within the pool is greater than eight feet from a side of the pool. In addition, each oiled bird rehabilitation pool shall have a breathable cover to prevent birds from escaping. Each oiled bird rehabilitation pool shall be constantly supplied with water sufficient to maintain a depth of four feet and an exchange rate of not less than four and one-quarter times per day. Water exiting the oiled bird rehabilitation pool shall come from the surface of the pool so that floating debris and oil are removed. Water from oiled bird rehabilitation pools may be reused within a facility if made oil free.

(ii) Space requirements: Oiled bird rehabilitation pools shall be within the oiled bird rehabilitation facility. Oiled bird rehabilitation pools shall be no closer than four feet from another structure.

(g) Semi-static areas:

(i) Space requirements: Semi-static areas shall be indoor areas. The floors in semi-static areas shall be impermeable. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is less than fifty, there are no minimum space requirements for semi-static areas. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is between fifty and one thousand, each semi-static area listed in Table 1 shall be allocated the associated space. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is between one thousand one and two thousand, each semi-static area listed in Table 1 shall be allocated two times the associated space, and, when the total number of birds in the oiled bird rehabilitation facility, on a given day, is between two thousand one and three thousand, each semi-static area listed in Table 1 shall be allocated three times the associated space, etc. Space for the semi-static areas listed in Table 1 shall be accommodated within an oiled bird rehabilitation facility with the exception of the morgue/necropsy.

Table 1:

Semi-static area space requirements by activity type.

<u>Area</u>	<u>Space</u>
Morgue/necropsy	250 sq. ft.
Bird food preparation	300 sq. ft.
Storage	100 sq. ft.
Freezers	100 sq. ft.

(h) Static areas:

(i) Space requirements: Static areas shall be indoor areas. The floors in static areas shall be impermeable. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is less than fifty, there are no minimum space requirements for static areas. When the number of birds in an oiled bird rehabilitation facility, on a given day, exceeds fifty, each static area listed in Table 2 shall be allocated the associated space. All of the space associated with the areas listed in Table 2 shall be accommodated within an oiled bird rehabilitation facility with the exception of the laundry.

Table 2:

Static area space requirements by activity type.

<u>Area</u>	<u>Space</u>
Isolation/intensive care unit	200 sq. ft.
Medical laboratory	200 sq. ft.
Laundry	200 sq. ft.
Electrical	100 sq. ft.
Mechanical	250 sq. ft.

**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 04-13-168**

**PROPOSED RULES**

**DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed June 23, 2004, 10:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-10-081.

Title of Rule and Other Identifying Information: Adopt WAC 232-16-610 Sunnyside Snipes Game Reserve; amend WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures; and repeal WAC 232-16-270 Moxee Game Reserve.

Hearing Location(s): Embassy Suites, 20610 44th Avenue West, Lynnwood, WA 98036, (425) 775-2500, on August 6-7, 2004, at 8:00 a.m.

Date of Intended Adoption: August 6, 2004.

Submit Written Comments to: Attn: Wildlife Program Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Wildth-ing@dfw.wa.gov, fax (360) 902-2612, by Friday, July 16, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by August 2, 2004, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The amendment of WAC 232-16-740 opens approximately thirty river miles of the Snake River and associated uplands on Ice Harbor Pool (Lake Sacajawea) to waterfowl hunting. The repeal of WAC 232-16-270 removes a 933-acre reserve in the Moxee area of the Yakima Valley. The adoption of WAC 232-16-610 creates a game reserve on the 491-acre Snipes parcel, located within WDFW's Sunnyside Wildlife Area.

Reasons Supporting Proposal: Low numbers of waterfowl currently use the closure and reserve areas proposed for elimination, and the proposal is intended to provide additional limited public waterfowl hunting opportunity in these areas. Adoption of the proposal to create a new game reserve would maintain current waterfowl distribution and improve enforcement of access restrictions.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Natural Resources Building, Olympia, (360) 902-2932.

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.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

June 23, 2004

Evan Jacoby

Rules Coordinator

## NEW SECTION

**WAC 232-16-610 Snipes Game Reserve.** WDFW lands within the following boundary of the Sunnyside Wildlife Area: that portion of T9N, R22E, Section 21 lying north of the Yakima River; the SW 1/4 of the NW 1/4 and the NW 1/4 of the SW 1/4 of T9N, R22E, Section 22; and that portion of the SW 1/4 of the SW 1/4 of T9N, R22E, Section 22 lying north and east of the Yakima River.

**AMENDATORY SECTION** (Amending Order 03-175, filed 8/5/03, effective 9/5/03)

**WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.** ((~~It shall be unlawful to hunt migratory waterfowl, coot and jacksnipe on or within the following described areas:~~)) It shall be unlawful to hunt migratory waterfowl, coot and jacksnipe on or within the following described areas:

Section 1. Waters and land below the mean high water mark of Bachelor Island Slough of the Columbia River in Clark County. Bachelor Island Slough is further defined as those waters starting at the south end of the slough at its confluence with the Columbia river, running north along the eastern shore of Bachelor Island to the confluence with Lake River.

Section 2. Klickitat County - the Columbia River and those lands lying within one-quarter mile of the Columbia River upstream from the railroad bridge at Wishram to the grain elevator at Roosevelt.

Section 3. The Columbia River between the mouth of Glade Creek (river channel marker 57) and the old town site of Paterson (river channel marker 67), except the hunting of waterfowl, coot, and snipe is permitted from the main shoreline of the Columbia River in this area.

Section 4. The Columbia River and those lands lying within one-quarter mile of the Columbia River between the old Hanford townsite (Wooden Tower) powerline crossing in Section 30, T13N, R28E, to Vernita Bridge (Highway 24).

Section 5. The Columbia River between the public boat launch at Sunland Estates (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.

Section 6. The Snake River and those lands within one-quarter mile of the Snake River, between the U.S. Highway 12 bridge near Burbank, upstream to ((~~Lower Monumental Dam~~) a line running between shoreline navigation markers 4 and 5 at Levey and Charbonneau Recreation Areas.

Section 7. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles).

Section 8. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Grant Avenue bridge (steel bridge) north of Prosser downstream 2-1/2 miles, to the powerline.

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-16-270

Moxee Game Reserve

**WSR 04-13-169**

**PROPOSED RULES**

**DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed June 23, 2004, 10:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-10-081.

Title of Rule and Other Identifying Information: Amend WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons..

Hearing Location(s): Embassy Suites, 20610 44th Avenue West, Lynnwood, WA 98036, (425) 775-2500, on August 6-7, 2004, at 8:00 a.m.

Date of Intended Adoption: August 6, 2004.

Submit Written Comments to: Attn: Wildlife Program Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Wildthing@dfw.wa.gov, fax (360) 902-2612, by Friday, July 16, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by August 2, 2004, TTY (360) 902-2207 or (360) 902-2267..

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule accommodates a new cougar-hunting season with the use of dogs (hound hunting). This proposal is designed to improve public safety while maintaining viable cougar populations.

Reasons Supporting Proposal: The 2004 legislature passed a bill requiring the Fish and Wildlife Commission to establish a cougar-hunting season with the aid of dogs. The proposed regulations and changes are designed to provide the hound-hunting season for cougars while improving the department's ability to manage the harvest composition and the population of cougars.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Natural Resources Building, Olympia, (360) 902-2932.

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.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

June 23, 2004  
Evan Jacoby  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 04-98, filed 5/12/04, effective 6/12/04)

**WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons.**

**OUND HUNTING DURING DEER AND ELK HUNTING SEASONS**

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season. The use of hounds to hunt black bear, cougar (EXCEPT by public safety cougar removal permit or a commission authorized hound permit), and bobcat is prohibited year around.

**BOBCAT**

Bag and Possession Limits: No Limit

**OPEN SEASON:** Statewide

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006.

**RACCOON**

Bag and Possession Limits: No Limit

**OPEN SEASON:** Statewide, except CLOSED on Long Island within Willapa National Wildlife Refuge.

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006.

**FOX**

Bag and Possession Limits: No Limit

**OPEN SEASON:** Statewide, except CLOSED within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 407 and 410.

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006.

**COYOTE**

Bag and Possession Limits: No Limit

**OPEN SEASON:** Statewide, year around except CLOSED from September 15 to November 30 in the Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 245, and 448 within the external boundaries of the Mount Baker-Snoqualmie, Okanogan, and Wenatchee National Forests. However, coyote may only be killed and/or pursued with

hounds during the following period: Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006; except coyote may be hunted year around with hounds in Grant, Adams, Benton, and Franklin counties.

**FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)**

**Bag and Possession Limits:** Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

**Statewide:** Sept. 1 - Dec. 31, 2003; Sept. 1 - Dec. 31, 2004; Sept. 1 - Dec. 31, 2005.

**PTARMIGAN, SAGE, AND SHARP-TAILED GROUSE**

Season closed statewide.

**EASTERN WASHINGTON**

**RING-NECKED PHEASANT**

**Bag and Possession Limits:** Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

**Youth Season:** Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

**Regular Season:** Oct. 18 - Dec. 31, 2003; Oct. 23 - Dec. 31, 2004; Oct. 22 - Dec. 31, 2005.

**CHUKAR**

**Bag and Possession Limits:** Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

**Youth Season:** Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

**Regular Season:** Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006

**GRAY (HUNGARIAN) PARTRIDGE**

**Bag and Possession Limits:** Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

**Youth Season:** Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

**Regular Season:** Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006.

**MOUNTAIN QUAIL**

Season closed throughout Eastern Washington.

**CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE**

**Bag and Possession Limits:** Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

**Youth Season:** Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

**Regular Season:** Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006.

**Yakama Indian Reservation:** The 2003-04, 2004-05, 2005-06 Upland bird seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

**Colville Indian Reservation:** The 2003-04, 2004-05, 2005-06 upland bird seasons within the Colville Indian Reservation shall be the same as the season established by the Colville Indian Tribe.

#### **WESTERN WASHINGTON**

##### **RING-NECKED PHEASANT**

**Bag and Possession Limits:** Two (2) pheasants of either sex per day, with a total of fifteen (15) pheasants in possession at any time.

**Youth Season:** Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

**Hunters 65 years of age or older:** Sept. 22-26, 2003; Sept. 20-24, 2004; Sept. 19-23, 2005

**Regular Season:** Sept. 27 - Nov. 30, 2003; Sept. 25 - Nov. 30, 2004; Sept. 24 - Nov. 30, 2005. 8 a.m. to 4 p.m.; except Dungeness Recreation Area Site (Clallam County) starting Oct. 4, 2003; Oct. 2, 2004; Oct. 1, 2005.

**Extended Season:** Dec. 1 - Dec. 15, 2003; Dec. 1 - Dec. 15, 2004; Dec. 1-15, 2005. 8 a.m. to 4 p.m. only on the following release sites: Belfair, Fort Lewis, Kosmos, Lincoln Creek, Scatter Creek, and Skookumchuck. Pheasants will not be released during the extended season.

A Western Washington Pheasant Permit is required to hunt pheasant in Western Washington, in addition to a current small game hunting license. Pheasant kills must be recorded. Upon taking a pheasant, the holder of a Western Washington Pheasant Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available:

(1) **Full Season Option:** Allows the harvest of eight (8) pheasants.

(2) **Youth Option:** Allows the harvest of eight (8) pheasants by youth hunters.

(3) **3-Day Option:** Allows the harvest of four (4) pheasants harvested over three consecutive days.

Every person possessing a Western Washington Pheasant Permit must by December 31, return the permit to the department of fish and wildlife. The number of permits purchased per year is not limited.

A hunter shall select one valid option at the time they purchase their Western Washington Pheasant Permit. It is unlawful to purchase an additional permit until the pheasants allowed on the current permit are taken.

**Special Restriction:** Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tenant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, all hunting sites on Whidbey Island, and at the Dungeness Recreation Area, and must indicate their choice on the Western Washington Pheasant Permit by choosing "odd" or "even." Hunters who select the three day option, hunters 65 years of age or older, and youth hunters may hunt during either weekend day morning. Youth hunters must be accompanied by an adult at least 18 years old who must have an appropriately marked pheasant permit if hunting.

**MOUNTAIN QUAIL**

**Bag and Possession Limits:** Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

**Season:** Oct. 4 - Nov. 30, 2003; Oct. 2 - Nov. 30, 2004; Oct. 1 - Nov. 30, 2005.

##### **CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE**

**Bag and Possession Limits:** Ten (10) California (valley) quail or northern bobwhite per day, with a total of thirty (30) California (valley) quail or northern bobwhite in possession at any time, straight or mixed bag.

**Season:** Oct. 4 - Nov. 30, 2003; Oct. 2 - Nov. 30, 2004; Oct. 1 - Nov. 30, 2005.

#### **WILD TURKEY**

##### **Youth Season:**

Gobblers and turkeys with visible beards only.

**Statewide:** April 10-11, 2004; April 9-10, 2005; April 8-9, 2006 in the following GMUs ONLY: 101, 113, 117, 130, 133, 139, 145-154, 166, 175, 186, 204, 215, 218, 242, 245, 249-251, 269, 328, 329, 346, 352, 360-368, 382, 506, 554, 556, 568, 574, 588, 633, 651, 660-666.

##### **Spring Season:**

Gobblers and turkeys with visible beards only.

**Statewide:** April 15 - May 15, 2004; April 15 - May 15, 2005; April 15 - May 15, 2006.

##### **Fall Season:**

Either sex.

Open to all hunters with a valid turkey tag: GMUs 105-124. Sept. 25 - Oct. 1, 2004; Sept. 24 - Sept. 30, 2005.

**Permit Only:** GMUs 101, 133, 145-186, 382, 568-588. Sept. 27 - Oct. 3, 2003; Sept. 25 - Oct. 1, 2004; Sept. 24 - Sept. 30, 2005.

Permit Area	Number of Permits
GMU 101	250
GMU 124	100
GMU 133	150
GMUs 145-186	50
GMUs 382, 568-588	75

**OFFICIAL HUNTING HOURS/BAG LIMITS FOR WILD TURKEY:**

**Bag and Possession Limit:** Only two (2) turkeys may be killed in Eastern Washington per year, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties; and one (1) per year in Western Washington, except two (2) may be killed in Klickitat County. The season limit is three (3) birds per year.

**Fall Season Bag and Possession Limit:** One (1) turkey during the fall hunting season.

**Hunting Hours:** One-half hour before sunrise to sunset during spring and fall seasons.

**SPECIAL REGULATIONS FOR WILD TURKEY:**

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey tag is required for hunting turkey.
3. It is unlawful to use dogs to hunt turkeys.
4. It is unlawful to bait game birds.

**BIRD DOG TRAINING SEASON**

Wild upland game birds may be pursued during the dog-training season, but may not be killed except during established hunting seasons. A small game license is required to train dogs on wild game birds. A small game license and a Western Washington Pheasant Permit is required to train dogs on pheasants in Western Washington. Captive raised game birds may be released and killed during dog training if proof of lawful acquisition (invoices) are in possession and the birds are appropriately marked (WAC 232-12-271) (WAC 232-12-044).

Aug. 1, 2003 - Mar. 31, 2004; Aug. 1, 2004 - Mar. 31, 2005; Aug. 1, 2005 - Mar. 31, 2006. Only youth and seniors may train dogs during their respective seasons on designated Western Washington pheasant release sites.

Bird dog training may be conducted year around on areas posted for bird dog training on portions of: Region One - Espanola (T24N, R40E, E 1/2 of section 16); Region Three - South L.T. Murray Wildlife Area; Region Four - Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Five - Shillapoo/Vancouver Lake Wildlife Area; Region Six - Scatter Creek Wildlife Area, Fort Lewis Military Base.

**HIP REQUIREMENTS:**

All hunters age 16 and over of migratory game birds (duck, goose, coot, snipe, mourning dove) are required to complete a Harvest Information Program (HIP) survey at a license dealer, and possess a Washington Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey, and possess a free Washington Youth Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds.

**CANADA GOOSE SEPTEMBER SEASON**

**Bag and Possession Limits:** Western Washington, except Cowlitz and Wahkiakum counties and that part of Clark

County north of the Washougal River: Five (5) Canada geese per day with a total of ten (10) in possession at any time. Remainder of the state: Three (3) Canada geese per day with a total of six (6) in possession at any time.

**Western Washington:** Sept. 6-11, 2003; Sept. 11-15, 2004; Sept. 10-15, 2005. EXCEPT Pacific and Grays Harbor counties: Sept. 1-15, 2003, 2004, and 2005.

**Eastern Washington:** Sept. 6-7, 2003; Sept. 11-12, 2004; Sept. 10-11, 2005.

**BAND-TAILED PIGEON**

Sept. 15-23, 2003, 2004, 2005.

**Daily Bag Limit:** 2 band-tailed pigeons.

**Possession Limit:** 4 band-tailed pigeons.

**WRITTEN AUTHORIZATION REQUIRED TO HUNT BAND-TAILED PIGEONS.**

All persons hunting band-tailed pigeons in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Application forms must be delivered to a department office no later than August 25 or postmarked on or before August 25 in order for applicants to be mailed an authorization before the season starts. Immediately after taking a band-tailed pigeon into possession, hunters must record in ink the information required on the harvest report. By September 30, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the following band-tailed pigeon season.

**MOURNING DOVE**

**Bag and Possession Limits:** Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

**Statewide:** Sept. 1-15, 2003, 2004, and 2005.

**COTTONTAIL AND SNOWSHOE HARE (OR WASHINGTON HARE)**

**Bag and Possession Limits:** Five (5) cottontails or snowshoe hares per day, with a total of fifteen (15) in possession at any time, straight or mixed bag.

**Statewide:** Sept. 1, 2003 - Mar. 15, 2004; Sept. 1, 2004 - Mar. 15, 2005; Sept. 1, 2005 - Mar. 15, 2006.

**JACKRABBIT**

Closed season statewide.

**CROWS**

**Bag and Possession Limits:** No Limit

**Statewide:** Oct. 1, 2003 - Jan. 31, 2004; Oct. 1, 2004 - Jan. 31, 2005; Oct. 1, 2005 - Jan. 31, 2006.

**FALCONRY SEASONS****UPLAND GAME BIRD AND FOREST GROUSE - FALCONRY**

Daily Bag Limit: Two (2) pheasants (either sex), six (6) partridge, five (5) California (valley) quail or northern bobwhite, two (2) mountain quail (in Western Washington only), and three (3) forest grouse (blue, ruffed, spruce) per day.

Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003 - Mar. 15, 2004; Aug. 1, 2004 - Mar. 15, 2005; Aug. 1, 2005 - Mar. 15, 2006.

**MOURNING DOVE - FALCONRY**

Daily Bag Limit: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

Possession limit is twice the daily limit.

Statewide: Sept. 1-15 and Oct. 1 - Dec. 31, 2003; Sept. 1-15 and Oct. 1 - Dec. 31, 2004; Sept. 1-15 and Oct. 1 - Dec. 31, 2005.

**COTTONTAIL AND SNOWSHOE HARE - FALCONRY**

Daily Bag Limit: Five (5) cottontails or snowshoe hares per day, straight or mixed bag.

Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003 - Mar. 15, 2004; Aug. 1, 2004 - Mar. 15, 2005; Aug. 1, 2005 - Mar. 15, 2006.

**WSR 04-13-170  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**  
[Filed June 23, 2004, 10:16 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-10-081.

Title of Rule and Other Identifying Information: Adopt WAC 232-28-285 2004-2005 Pilot cougar hunting season with the aid of dogs.

Hearing Location(s): Embassy Suites, 20610 44th Avenue West, Lynnwood, WA 98036, (425) 775-2500, on August 6-7, 2004, at 8:00 a.m.

Date of Intended Adoption: August 6, 2004.

Submit Written Comments to: Attn: Wildlife Program Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Wildthing@dfw.wa.gov, fax (360) 902-2612, by Friday, July 16, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by August 2, 2004, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule establishes a cougar-hunting season with the use of dogs (hound hunting). This proposal is designed to improve public safety while maintaining viable cougar populations.

**Reasons Supporting Proposal:** The 2004 legislature passed a bill requiring the Fish and Wildlife Commission to establish a cougar-hunting season with the aid of dogs. The proposed regulations and changes are designed to provide the hound-hunting season for cougars while improving the department's ability to manage the harvest composition and the population of cougars.

**Statutory Authority for Adoption:** RCW 77.12.047.

**Statute Being Implemented:** RCW 77.12.047.

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

**Name of Proponent:** Washington Fish and Wildlife Commission, governmental.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Dave Brittell, Natural Resources Building, Olympia, (360) 902-2504; and **Enforcement:** Bruce Bjork, Natural Resources Building, Olympia, (360) 902-2932.

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.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

June 23, 2004

Evan Jacoby

Rules Coordinator

**NEW SECTION**

**WAC 232-28-285 2004-2005 Pilot cougar hunting seasons with the aid of dogs** (1) The pilot cougar-hunting season will allow use of dogs to hunt cougar. The hunts will consist of pursuit-only hunts and pursuit-and-kill hunts (hound season), and are allowed only in Chelan, Okanogan, Ferry, Stevens, and Pend Oreille counties, as defined in Chapter 264 Laws of 2004.

(2) Hound season:

Cougar may be pursued or killed with the aid of dogs from December 1, 2004 until the female zone quota has been filled, the total zone quota has been filled, or March 31, 2005, whichever occurs first; EXCEPT GMUs 101 and 204 where cougar may be pursued or killed from January 1, 2005 until the female zone quota has been filled, the total zone quota has been filled, or March 31, 2005, whichever occurs first.

(3) Hunt areas and kill quotas:

Cougar seasons will be based on a quota system, where permit hunters using dogs may hunt cougar until the allotted numbers of cougar have been removed from each hunt zone or March 31, 2005, whichever occurs first.

(a) Kill quotas will start September 1 and will include all cougar killed during seasons without and with the aid of dogs, including public safety cougar removals authorized under WAC 232-12-243, depredation permits, landowner kill permits, and WDFW depredation authority.

(b) Individual problem cougar will continue to be killed on an as needed basis-utilizing depredation permits, landowner kill permits, and WDFW depredation authority even if these kills result in exceeding a zone quota.

CMU	Hunt Choice	Hunt Zone	Area description	DRAFT QUOTA	
				Total	Female
East Cascades North	9001	Okanogan	Those portions of GMUs 203, 209, 215, 218, 233, 224, 231, 239, and 242 within Okanogan County	23	TBD
	9002	Chelan	Those portions of GMUs 243, 244, 245, 246, 247, 249, 250, and 251 within Chelan County	13	
Northeastern	9003	Ferry-Okanogan	GMUs 101, 204	26	TBD
	9004	Stevens-Pend Oreille	Those portions of GMUs 105, 108, 111, 113, 117, 121 within Stevens and Pend Oreille counties	32	

(4) Quota hotline:

Hound hunters must call the toll free cougar quota hotline within 24 hours prior to each day hunting cougar to determine if the zone quota is filled and the zone is closed. Hunters who hunt more than one consecutive day must call the quota hotline once daily to determine if the zone quota is filled. Hunters who harvest a cougar with the aid of dogs must notify the department within 24 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within five days of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

(5) Pursuit only season:

If a zone quota is filled prior to March 31, 2005, cougar may be pursued with dogs in portions of that zone until March 31, 2005. Hunters may only pursue cougars in designated pursuit only areas identified on their hound permit. Only hunters selected for the hound kill season (accompanied by up to three of their identified handlers) may participate in a pursuit only season. Hunters may not kill cougar during pursuit only seasons.

(6) Permit issuance procedure:

(a) The number of permits for a pursuit or kill season with the aid of dogs may be established by the Director, but will not exceed two-times the total cougar quota for each hunt zone.

(b) To apply for a hound hunt, individuals must purchase a cougar permit application and submit the application in compliance with WAC 232-28-291 by midnight September 30 each year.

(c) The department will issue a hound permit to the person whose application is selected. Individuals selected will be notified by telephone or mail. Individuals selected must contact the department's wildlife program in Olympia and accept the hound permit within fifteen days of being notified. Failure to contact the department will result in forfeiture of the permit. Permits may not be sold or reassigned.

(d) To be eligible for a permit, the participant must be a Washington resident dog hunter as defined in WAC 232-12-243, who at the time of application for a permit possesses a valid big game license with cougar as a species option. The

permit holder must use dogs while participating in a cougar hound hunt.

(7) Qualifications for participation and requirements

In addition to the provisions applicable to all cougar hunters:

(a) Participants must have their hound permit issued by the department in the person's possession while hunting cougar. A permit will not be issued to any person who has been convicted of unlawful use of dogs under RCW 77.15.245. Any person who has a permit and who is convicted of any wildlife offense while participating in a hound hunt, or who violates any condition of the permit, will have the permit revoked and will be ineligible to participate in the remainder of the 3-year pilot program.

(b) Individuals selected for a hound permit may kill and possess one cougar per permit and only the permittee may kill the cougar.

(c) The permit belongs to the state of Washington. The permit holder may be required to return to or turn over to the department the permit when, in the judgment of the department, the permit holder violates any conditions of the permit, violates trespass laws while acting under this permit, or violates any other criminal law or hunting regulation of the state while acting under this permit. If the permit holder is required to return to or turn over to the department the permit, the permit holder may request an appeal of that action in accordance with chapter 34.05 RCW. Appeal request shall be filed in writing and returned within twenty days of the date of action and be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

(d) Individuals selected for a cougar pursuit or kill season with the aid of dogs may identify up to five hound handlers. However, no more than three of the five handlers may accompany the permittee while hunting or pursuing cougar. The names of the five hound handlers must be provided to the department by October 31 and will be listed on the hound permit. Hound handlers not identified on the permit are not allowed to participate.

(e) Hound handlers must be a Washington resident and possess a valid hunting license.

(f) It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

(g) Participants must have a vehicle placard issued by the department. The vehicle placard must be placed in the per-

mittee's and hound handler's vehicle and be visible from outside the vehicle at all times while hunting or pursuing cougar.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

June 23, 2004

Evan Jacoby

Rules Coordinator

**WSR 04-13-171**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed June 23, 2004, 10:16 a.m.]

PROPOSED

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-10-081.

**Title of Rule and Other Identifying Information:** Adopt WAC 232-28-428 2004-05 Migratory waterfowl seasons and regulations and repeal WAC 232-28-427 2003-04 Migratory waterfowl seasons and regulations.

**Hearing Location(s):** Embassy Suites, 20610 44th Avenue West, Lynnwood, WA 98036, (425) 775-2500, on August 6-7, 2004, at 8:00 a.m.

**Date of Intended Adoption:** August 6, 2004.

**Submit Written Comments to:** Attn: Wildlife Program Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Wildthing@dfw.wa.gov, fax (360) 902-2612, by Friday, July 16, 2004.

**Assistance for Persons with Disabilities:** Contact Susan Yeager by August 2, 2004, TTY (360) 902-2207 or (360) 902-2267.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** Purpose of the proposal is to adopt WAC 232-28-428 2004-05 Migratory waterfowl seasons and regulations. The WAC specifies legal season dates, bag limits, and open areas to hunt waterfowl for the 2004-05 hunting season; and to repeal WAC 232-28-427 2003-04 Migratory waterfowl seasons and regulations.

**Reasons Supporting Proposal:** Waterfowl seasons and regulations are developed based on cooperative management programs among states of the Pacific Flyway and the United States Fish and Wildlife Service, considering population status and other biological parameters. The rule establishes waterfowl seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the waterfowl resources of Washington.

**Statutory Authority for Adoption:** RCW 77.12.047.

**Statute Being Implemented:** RCW 77.12.047.

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

**Name of Proponent:** Washington Fish and Wildlife Commission, governmental.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Dave Brittell, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Natural Resources Building, Olympia, (360) 902-2932.

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.

**NEW SECTION**

**WAC 232-28-428 2004-05 Migratory waterfowl seasons and regulations.**

**DUCKS**

**Statewide**

Oct. 16-20, 2004 and Oct. 23, 2004 - Jan. 30, 2005.

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 18-19, 2004.

Daily bag limit: 7 ducks, to include not more than 2 hen mallard, 1 pintail, 4 scaup, 1 canvasback, 2 redhead, 1 harlequin, 4 scoter, and 4 long-tailed duck.

Possession limit: 14 ducks, to include not more than 4 hen mallard, 2 pintail, 8 scaup, 2 canvasback, 4 redhead, 1 harlequin, 8 scoter, and 8 long-tailed duck.

Season limit: 1 harlequin

**WRITTEN AUTHORIZATION REQUIRED TO HUNT SEA DUCKS.** All persons hunting sea ducks (harlequin, scoter, long-tailed duck) in western Washington are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters must fill out an application (available at Washington department of fish and wildlife, Olympia and regional offices). Application forms must be delivered to a department office no later than September 25 or postmarked on or before September 25 in order for applicants to be mailed a 2004-05 authorization before the season starts. No applications will be accepted after October 31, 2004. Immediately after taking a sea duck into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By January 31, 2005, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2005-06 sea duck season.

**COOT (Mudhen)**

Same areas, dates (including youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 25 coots.

Possession limit: 25 coots.

**COMMON SNIPE**

Same areas, dates (except youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 8 snipe.

Possession limit: 16 snipe.

#### GEESE (except Brant and Aleutian Canada geese)

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 18-19, 2004, statewide except Western Washington Goose Management Areas 2A and 2B.

Daily bag limit: 4 Canada geese.

Possession limit: 8 Canada geese.

#### Western Washington Goose Seasons

##### Goose Management Area 1

Island, Skagit, Snohomish counties.

Oct. 16, 2004 - Jan. 9, 2005 for snow, Ross', or blue geese.

Oct. 16-29, 2004 and Nov. 6, 2004 - Jan. 30, 2005 for other geese (except Brant and Aleutian Canada geese).

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

**WRITTEN AUTHORIZATION REQUIRED TO HUNT SNOW GEESE.** All persons hunting snow geese in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2003-04 authorization and returned the harvest report prior to the deadline will be mailed a 2004-05 authorization in early October. Hunters who did not possess a 2003-04 authorization must fill out an application (available at Washington department of fish and wildlife, Olympia and regional offices). Application forms must be delivered to a department office no later than September 25 or postmarked on or before September 25 in order for applicants to be mailed a 2004-05 authorization before the season starts. No applications will be accepted after October 31, 2004. Immediately after taking a snow goose into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By January 31, 2005, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2005-06 snow goose season.

##### Goose Management Area 2A

Cowlitz and Wahkiakum counties, and that part of Clark County north of the Washougal River.

Open in all areas except Ridgefield NWR from 8:00 a.m. to 4:00 p.m. Saturdays and Tuesdays only, Dec. 11, 2004 - Jan. 29, 2005, except closed Dec. 25, 2004 and Jan. 1, 2005. Ridgefield NWR open from 8:00 a.m. to 4:00 p.m. Saturdays, Tuesdays, and Thursdays only, Dec. 11, 2004 - Jan. 29, 2005, except closed Nov. 25, 2004, Dec. 25, 2004, and Jan. 1, 2005.

##### Goose Management Area 2B

Pacific and Grays Harbor counties.

Open from 8:00 a.m. to 4:00 p.m. Saturdays and Wednesdays only, Nov. 13, 2004 - Jan. 5, 2005, except closed Dec. 25, 2004 and Jan. 1, 2005.

#### Bag limits for Goose Management Areas 2A and 2B:

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose, and not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose, and not more than 6 snow, Ross', or blue geese.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm.

**Special Provisions for Goose Management Areas 2A and 2B:** The Canada goose season for Goose Management Areas 2A and 2B will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 80 geese. The fish and wildlife commission has authorized the director to implement emergency area closures in accordance with the following quotas: A total of 80 duskys, to be distributed 10 for Zone 1 (Ridgefield NWR); 25 for Zone 2 (Cowlitz County south of the Kalama River); 20 for Zone 3 (Clark County except Ridgefield NWR); 10 for Zone 4 (Cowlitz County north of the Kalama River and Wahkiakum County); 10 for Zone 5 (Pacific County); and 5 for Zone 6 (Grays Harbor County). Quotas may be shifted to other zones during the season to optimize use of the statewide quota and minimize depredation.

Hunting is only permitted by written authorization from the Washington department of fish and wildlife. Hunters who maintained a valid 2003-04 written authorization will be mailed a 2004-05 authorization card prior to the 2004-05 season. New hunters and those who did not maintain a valid 2003-04 authorization must review goose identification training materials and score a minimum of 80% on a goose identification test to receive written authorization. Hunters who fail a test must wait 28 days before retesting, and will not be issued a reciprocal authorization until that time. Information on training materials and testing dates/locations is available at the Olympia and regional offices.

With written authorization, hunters will receive a harvest report. Hunters must carry the authorization card and harvest report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, cackling, or other subspecies) into possession, hunters must record in ink the information required on the harvest report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before 6:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the harvest report, written authorization will be invalidated and the hunter will not be able to hunt Canada geese in Goose Management Areas 2A and 2B for the remainder of the season and the special late Canada goose season. It is unlawful to fail to comply with all provisions listed above for Goose Management Areas 2A and 2B.

## Special Late Canada Goose Season for Goose Management Areas 2A and 2B

Open to Washington department of fish and wildlife advanced hunter education (AHE) program graduates and youth hunters (15 years of age or under, who are accompanied by an AHE hunter) possessing a valid 2004-05 southwest Washington Canada goose hunting authorization, in areas with goose damage in Goose Management Areas 2A and 2B on the following days, from 7:00 a.m. to 4:00 p.m.:

Saturdays and Wednesdays only, Feb. 5 - Mar. 9, 2005.

Daily bag limit: 4 Canada geese, to include not more than 1 dusky Canada goose.

Possession limit: 8 Canada geese, to include not more than 1 dusky Canada goose.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose (as shown in the Munsell color chart 10 YR, 5 or less) with a culmen (bill) length of 40-50 mm.

Hunters qualifying for the season will be placed on a list for participation in this hunt. Washington department of fish and wildlife will assist landowners with contacting qualified hunters to participate in damage control hunts on specific lands incurring goose damage. Participation in this hunt will depend on the level of damage experienced by landowners. The special late Canada goose season will be closed by emergency action if the harvest of dusky Canada geese exceeds 85 for the regular and late seasons. All provisions listed above for Goose Management Areas 2A and 2B regarding written authorization, harvest reporting, and checking requirements also apply to the special late season; except hunters must confirm their participation at least 24 hours in advance by calling the goose hunting hotline (listed on hunting authorization), and hunters must check out by 5:00 p.m. on each hunt day regardless of success. It is unlawful to fail to comply with all provisions listed above for the special late season in Goose Management Areas 2A and 2B.

## Goose Management Area 3

Includes all parts of Western Washington not included in Goose Management Areas 1, 2A, and 2B.

Oct. 16-29, 2004 and Nov. 6, 2004 - Jan. 30, 2005

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

## Eastern Washington Goose Seasons

### Goose Management Area 4

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties.

Oct. 16-18, 2004, and Saturdays, Sundays, and Wednesdays only during Oct. 23, 2004 - Jan. 23, 2005; Nov. 11, 25, and 26, 2004; Dec. 27, 28, 30, and 31, 2004; and every day Jan. 24-30, 2005.

## Goose Management Area 5

Includes all parts of Eastern Washington not included in Goose Management Area 4.

Oct. 16-18, 2004, every day from Oct. 23, 2004 - Jan. 30, 2005.

Bag limits for all Eastern Washington Goose Management Areas:

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

### BRANT

Open in Skagit and Pacific counties only on the following dates:

Nov. 20, 21, 23, 25, and 26, 2004.

Dec. 18, 19, 22, 24, and 26, 2004.

If the 2004-05 preseason brant population in Skagit County is below 6,000 (as determined by the early December survey), the December 2005 brant season in Skagit County will be canceled.

**WRITTEN AUTHORIZATION REQUIRED:** All hunters participating in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2003-04 authorization and reported harvest prior to the deadline will be mailed a 2004-05 authorization in November. Hunters who did not possess a 2003-04 authorization must fill out an application (available at Washington department of fish and wildlife regional offices). Application forms must be delivered to a department office no later than 5:00 p.m. on November 8, or postmarked on or before November 8, after which applicants will be mailed a 2004-05 authorization. Late applications will not be accepted. Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By January 31, 2005, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2005-06 brant season.

Bag limits for Skagit and Pacific counties:

Daily bag limit: 2 brant.

Possession limit: 4 brant.

## ALEUTIAN CANADA GEESE AND SWANS

Season closed statewide.

## FALCONRY SEASONS

### DUCKS, COOTS, AND SNIPE (Falconry)

(Bag limits include geese and mourning doves.)

Oct. 16-20, 2004 and Oct. 23, 2004 - Jan. 30, 2005 statewide.

Daily bag limit: 3, straight or mixed bag with geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese and mourning doves during established seasons.

#### GEESE (Falconry)

(Bag limits include ducks, coot, snipe, and mourning doves.)

Goose Management Area 1: Oct. 16, 2004 - Jan. 9, 2005.

Goose Management Area 2A: Dec. 11, 2004 - Jan. 29, 2005, except closed Dec. 25, 2004 and Jan. 1, 2005; and Feb. 5 - Mar. 9, 2005.

Goose Management Area 2B: Nov. 13, 2004 - Jan. 5, 2005, except closed Dec. 25, 2004 and Jan. 1, 2005; and Feb. 5 - Mar. 9, 2005.

Goose Management Areas 3, 4, and 5: Oct. 16-18, 2004 and Nov. 6, 2004 - Jan. 30, 2005.

Daily bag limit for all areas: 3 geese (except brant and Aleutian Canada geese), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

Possession limit for all areas: 6 geese (except brant and Aleutian Canada geese), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-427

2003-04 Migratory water-fowl seasons and regulations

**WSR 04-13-179**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**

[Filed June 23, 2004, 11:30 a.m.]

#### Original Notice.

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

Title of Rule and Other Identifying Information: New sections WAC 357-01-005 Affected groups, 357-01-010 Affirmative action program, 357-01-015 Affirmative action plan, 357-01-020 Allocation, 357-01-025 Appointing authority, 357-01-030 Assignment pay, 357-01-035 Availability, 357-01-040 Base salary, 357-01-045 Board, 357-01-050 Career development, 357-01-055 Career planning, 357-01-060 Certification, 357-01-065 Certified pool, 357-01-070 Charges, 357-01-075 Class, 357-01-080 Class series/occupational category, 357-01-085 Classified service, 357-01-090 Competencies, 357-01-095 Demotion, 357-01-100 Department, 357-01-105 Developmental opportunities, 357-01-110 Director, 357-01-115 Disabled veteran, 357-01-120 Dismissal, 357-01-125 Eligible applicant, 357-01-130 Eligible candidate, 357-01-135 Elevation, 357-01-140 Employee, 357-01-145 Employer, 357-01-150 Employing official, 357-01-155 Employee performance management process, 357-01-160 Exam, 357-01-165 Exam process, 357-01-170 Final

exam results, 357-01-175 General government employer, 357-01-180 Higher education employer, 357-01-185 Job analysis, 357-01-190 Job seeker, 357-01-195 Layoff unit, 357-01-200 List, 357-01-205 Nonrepresented employee, 357-01-210 Nonpermanent appointment, 357-01-215 Occupational category/class series, 357-01-220 Overtime-eligible employee, 357-01-225 Overtime-exempt employee, 357-01-230 Performance management confirmation, 357-01-235 Persons with disabilities, 357-01-240 Position, 357-01-245 Premium, 357-01-250 Probationary period, 357-01-255 Progression increase date (PID), 357-01-260 Promotion, 357-01-265 Promotional organizational unit, 357-01-270 Reallocation, 357-01-275 Reassignment, 357-01-280 Reemployment, 357-01-285 Regular rate, 357-01-290 Reversion, 357-01-295 Salary range, 357-01-300 Screening, 357-01-305 Shared employment, 357-01-310 Special employment program, 357-01-315 Special pay salary ranges, 357-01-320 Supplemental certification, 357-01-325 Suspension, 357-01-330 Training, 357-01-335 Transfer, 357-01-340 Transition review period, 357-01-345 Trial service period, 357-01-350 Underutilization, and 357-01-355 Vietnam era veteran.

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 29, 2004, at 10:00 a.m.

Date of Intended Adoption: July 29, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by July 23, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 23, 2004, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed chapter (definitions) of rules is to define terms used within Title 357 WAC.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding definitions. The proposed rules implement this provision of the Personnel System Reform Act.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

June 23, 2004

E. C. Matt  
 Director

**NEW SECTION**

**WAC 357-01-005 Affected groups.** Those groups that must be included in affirmative action plans and updates and who may be beneficiaries of affirmative action programs. Affected groups include: Blacks, Asians, Pacific Islanders, Hispanics/Latinos, American Indians/Alaska Natives, women, persons age 40 and over, persons with disabilities, Vietnam-era veterans and disabled veterans. Employers must use the most current federal definitions and categories in their plans and updates.

**NEW SECTION**

**WAC 357-01-010 Affirmative action program.** A procedure by which racial/ethnic minorities, women, persons with disabilities, persons age 40 and over, Vietnam era veterans, and disabled veterans are provided with employment opportunities designed to correct underutilization. It shall not mean any sort of quota system.

**NEW SECTION**

**WAC 357-01-015 Affirmative action plan.** Results-oriented programs to which employers commit their good faith efforts to attain and maintain equal employment opportunity. Guidelines for development of affirmative action plans are established by the department and are consistent with requirements set forth by federal Executive Order 11246 and Affirmative Action Guidelines issued by the U.S. Departments of Labor and Justice.

**NEW SECTION**

**WAC 357-01-020 Allocation.** The assignment of a position to a class.

**NEW SECTION**

**WAC 357-01-025 Appointing authority.** An individual lawfully authorized to appoint, transfer, layoff, reduce, dismiss, suspend, or demote employees.

**NEW SECTION**

**WAC 357-01-030 Assignment pay.** A premium added to base salary to recognize specialized skills, assigned duties, or unique circumstances.

**NEW SECTION**

**WAC 357-01-035 Availability.** An estimate of the percentage of qualified affected group members available for employment in a given job group. The determination of the availability of affected group members must be based on consideration of the following factors:

(1) The percentage of availability of affected group members with the requisite skills in the reasonable recruitment area.

(2) The percentage of affected group members among those promotable, transferable, and trainable within the employer's organization.

The availability estimates must be based on an analysis of the factors determined to be relevant to the particular job group.

**NEW SECTION**

**WAC 357-01-040 Base salary.** The dollar amount of the salary within the salary range to which the employee is entitled, before any deductions, and exclusive of additional compensation of any kind, such as premiums.

**NEW SECTION**

**WAC 357-01-045 Board.** The Washington Personnel Resources Board.

**NEW SECTION**

**WAC 357-01-050 Career development.** The progressive development of an employee's capabilities. Career development is meant to facilitate the employee's productivity, performance, job satisfaction, and advancement. Career development can happen through work assignments as well as education and training. The education and training may be state-sponsored or achieved by the individual employee's efforts. All career development must be consistent with the needs and obligations of the state and its employers.

**NEW SECTION**

**WAC 357-01-055 Career planning.** A process designed to identify and provide opportunities for each employee's career growth through job experience, training, and/or continuing education.

**NEW SECTION**

**WAC 357-01-060 Certification.** The act of referring eligible candidates to the employing official for further consideration.

**NEW SECTION**

**WAC 357-01-065 Certified pool.** Those eligible candidates determined by the employer to be among the best qualified for a position, based on position-specific criteria, who are certified to the employing official.

**NEW SECTION**

**WAC 357-01-070 Charges.** A detailed statement of the specific incidents alleging cause for disciplinary action.

**NEW SECTION**

**WAC 357-01-075 Class:** A level of work.

**NEW SECTION**

**WAC 357-01-080 Class series/Occupational category.** A grouping of job functions having similar purpose and knowledge requirements.

PROPOSED

NEW SECTION

**WAC 357-01-085 Classified service.** All positions in state service not exempt from the provisions of chapter 41.06 RCW.

NEW SECTION

**WAC 357-01-090 Competencies.** Those measurable or observable knowledge, skills, abilities, and behaviors critical to success in a key job role or function.

NEW SECTION

**WAC 357-01-095 Demotion.** Movement of an employee from a position in one class to a position in another class that has a lower salary range maximum.

NEW SECTION

**WAC 357-01-100 Department.** Department of Personnel.

NEW SECTION

**WAC 357-01-105 Developmental opportunities.** Activities designed to develop employees' knowledge and skills for future job assignments.

NEW SECTION

**WAC 357-01-110 Director.** Director of the Department of Personnel.

NEW SECTION

**WAC 357-01-115 Disabled veteran.** For affirmative action purposes, a person entitled to disability compensation under laws administered by the Veterans Administration for disability rated at 30 percent or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

NEW SECTION

**WAC 357-01-120 Dismissal.** The termination of an individual's employment for disciplinary purposes.

NEW SECTION

**WAC 357-01-125 Eligible applicant.** A job seeker who has successfully completed preliminary screening processes for a specific position.

NEW SECTION

**WAC 357-01-130 Eligible candidate.** An individual who has successfully completed all assessment requirements for a specific position and is eligible to be considered for the certified pool.

NEW SECTION

**WAC 357-01-135 Elevation.** An employer-initiated action that restores an employee to permanent status in either:

(1) A higher class in which the employee held permanent status prior to a demotion; or

(2) A class in the same class series/occupational category which is between the current class and the class from which the employee was demoted.

NEW SECTION

**WAC 357-01-140 Employee.** An individual working in the classified service, except employee business unit members as defined in WAC 357-43-001.

NEW SECTION

**WAC 357-01-145 Employer.** A state agency, an institution of higher education, or a related higher education board.

NEW SECTION

**WAC 357-01-150 Employing official.** An administrative or supervisory employee designated by the appointing authority to exercise responsibility for requesting certification, interviewing eligible candidates, and recommending appointment of individuals to classified positions.

NEW SECTION

**WAC 357-01-155 Employee performance management process.** The systematic set of actions taken by a supervisor to maximize employee productivity, potential and satisfaction.

NEW SECTION

**WAC 357-01-160 Exam.** A scored competitive written, oral, or performance test administered as part of a position-specific hiring process prior to certification.

NEW SECTION

**WAC 357-01-165 Exam process.** The process used to administer and score an exam.

NEW SECTION

**WAC 357-01-170 Final exam results.** An eligible candidate's final passing score on an exam, plus any veterans scoring criteria or other applicable credits.

NEW SECTION

**WAC 357-01-175 General government employer.** Any agency as defined by RCW 41.06.020 who is not a higher education employer.

**NEW SECTION**

**WAC 357-01-180 Higher education employer.** The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, the various state community colleges, the state board for community and technical colleges, the higher education coordinating board, and such other boards, councils, and commissions related to higher education as may be established.

**NEW SECTION**

**WAC 357-01-185 Job analysis.** The process of gathering, analyzing, and synthesizing information about a position in order to identify the essential tasks, functions, roles and competencies required to perform the work of the position, and the written documentation of the results of the analysis.

**NEW SECTION**

**WAC 357-01-190 Job seeker.** An individual who has indicated to the employer an interest in employment by completing a preliminary profile or by submitting an application.

**NEW SECTION**

**WAC 357-01-195 Layoff unit.** A clearly identified structure within an employer's organization within which lay-off options are determined in accordance with the employer's layoff procedure. Layoff units may be a series of progressively larger units within an employer's organization.

**NEW SECTION**

**WAC 357-01-200 List.** A list of eligible names established to be certified for vacancies in a class.

**NEW SECTION**

**WAC 357-01-205 Nonrepresented employee.** A classified employee whose position is not part of a bargaining unit with a certified exclusive representative.

**NEW SECTION**

**WAC 357-01-210 Nonpermanent appointment.** An appointment made by a general government employer under the provisions of WAC 357-19-360.

**NEW SECTION**

**WAC 357-01-215 Occupational category/Class series.** A grouping of job functions having similar purpose and knowledge requirements.

**NEW SECTION**

**WAC 357-01-220 Overtime-eligible employee.** An employee who is covered by the overtime provisions of the Fair Labor Standards Act.

**NEW SECTION**

**WAC 357-01-225 Overtime-exempt employee.** An employee who is not covered by the overtime provisions of the Fair Labor Standards Act.

**NEW SECTION**

**WAC 357-01-230 Performance management confirmation.** Approval granted by the director to an employer allowing the employer to link individual employee performance to compensation or layoff decisions.

**NEW SECTION**

**WAC 357-01-235 Persons with disabilities.** For affirmative action purposes, a person with a permanent physical, mental, or sensory impairment which substantially limits one or more major life activity. Physical, mental, or sensory impairment means: (a) any physiological or neurological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems or functions; or (b) any mental or psychological disorders such as mental retardation, organic brain syndrome, emotional or mental illness, or any specific learning disability. The impairment must be material rather than slight, and permanent in that it is seldom fully corrected by medical replacement, therapy, or surgical means.

**NEW SECTION**

**WAC 357-01-240 Position.** A group of duties and responsibilities to be performed by an employee.

**NEW SECTION**

**WAC 357-01-245 Premium.** Salary added to an employee's base salary on a contingent basis in recognition of special requirements, conditions, or circumstances associated with the job.

**NEW SECTION**

**WAC 357-01-250 Probationary period.** The trial period of employment following certification and appointment to, or reemployment in, the classified service and continuing for 6 to 12 months as determined under the provisions of WAC 357-19-040.

**NEW SECTION**

**WAC 357-01-255 Progression increase date (PID).** The date upon which an employee is scheduled to move to a higher salary step within the salary range for the current class.

**NEW SECTION**

**WAC 357-01-260 Promotion.** The appointment to a class with a higher salary range maximum that results in a salary increase.

PROPOSED

**NEW SECTION**

**WAC 357-01-265 Promotional organizational unit.** A unit established by the employer based upon administrative and/or geographical relationships and used for promotional recruitment and hiring.

**NEW SECTION**

**WAC 357-01-270 Reallocation.** The assignment of a position to a different class.

**NEW SECTION**

**WAC 357-01-275 Reassignment.** An employer-initiated move of an employee within the employer from one position to another position in the same class or a different class with the same salary range maximum.

**NEW SECTION**

**WAC 357-01-280 Reemployment.** Appointment of a former employee who had permanent status in a class with the same or similar job duties.

**NEW SECTION**

**WAC 357-01-285 Regular rate.** All salary compensation (i.e. base salary plus any premiums) received by an employee for the performance of work in an assigned position.

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

**NEW SECTION**

**WAC 357-01-290 Reversion.** Voluntary or involuntary movement of an employee during the trial service period to the class the employee most recently held permanent status in, to a class in the same or lower salary range, or placement on the employer's internal layoff list.

**NEW SECTION**

**WAC 357-01-295 Salary range.** The minimum and maximum dollar amount assigned to a class.

**NEW SECTION**

**WAC 357-01-300 Screening.** Separate from a scored competitive exam, screening is the use of assessment tools including, but not limited to application or resume reviews, pass/fail skill tests, supplemental questionnaires, or identification of job-related competencies to narrow the field of job seekers that will be considered for inclusion within the certified pool.

**NEW SECTION**

**WAC 357-01-305 Shared employment.** A voluntary arrangement whereby more than one employee jointly fill a

single position as agreed between the employer and the employees.

**NEW SECTION**

**WAC 357-01-310 Special employment program.** Special employment programs are those programs designated by the director which are designed and implemented to reduce unemployment and/or provide training opportunities to enable persons to become more employable. Special employment programs are funded in total, or in part, from sources other than the normal sources available to the employer.

**NEW SECTION**

**WAC 357-01-315 Special pay salary ranges.** A unique salary range assigned to a position or class in accordance with WAC 357-28-025.

**NEW SECTION**

**WAC 357-01-320 Supplemental certification.** Increasing the normal certification of names to incorporate Persons with Disabilities, Vietnam-era Veterans, Disabled Veterans or Persons Over 40.

**NEW SECTION**

**WAC 357-01-325 Suspension.** An enforced absence without pay for disciplinary purposes.

**NEW SECTION**

**WAC 357-01-330 Training.** Activities designed to develop employees' job-related knowledge and skills for present job assignments.

**NEW SECTION**

**WAC 357-01-335 Transfer.** An employee-initiated move of that employee from a position to another position within or between employers in the same class or a different class with the same salary range maximum.

**NEW SECTION**

**WAC 357-01-340 Transition review period.** The transition review period is a six-month evaluation period that allows the employer and employee to determine whether a placement into a position as a layoff option or appointment to a position from a layoff list or the general government transition pool is a good match.

**NEW SECTION**

**WAC 357-01-345 Trial service period.** The initial period of employment following promotional appointment to a position in a new class or the initial period of employment following a transfer or voluntary demotion when required by the employer under the provisions of 357-19-030. The trial

service period will continue for six to twelve months as determined under the provisions of WAC 357-19-050.

#### NEW SECTION

**WAC 357-01-350 Underutilization.** Occurs when there are fewer affected group members in a particular job group than would reasonably be expected based on the affected group's availability.

#### NEW SECTION

**WAC 357-01-355 Vietnam era veteran.** For affirmative action purposes, a person who served on active duty for more than 180 days, any part of which occurred between February 28, 1961 and May 7, 1975 in the Republic of Vietnam, or between August 5, 1964 and May 7, 1975 in all other cases; and was discharged or released from active duty with other than a dishonorable discharge; or who was discharged or released from active duty for a service-connected disability if any part of such active duty was performed between August 5, 1964 and May 7, 1975.

#### **WSR 04-13-180**

#### **PROPOSED RULES**

#### **DEPARTMENT OF PERSONNEL**

[Filed June 23, 2004, 11:31 a.m.]

#### Original Notice.

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

Title of Rule and Other Identifying Information: New sections WAC 357-04-005 What is the purpose of the civil service rules?, 357-04-010 Who is covered by the civil service rules?, 357-04-015 Who is not covered by civil service rules?, 357-04-020 May the director exempt other positions from civil service?, 357-04-025 What rights does a classified employee have when the position he/she holds is exempted from the civil service rules?, 357-04-030 What right does an employee have to return to the classified service from exempt service?, 357-04-060 For which exempt positions does the director establish the salary?, 357-04-070 What are the powers and duties of the director?, 357-04-075 Must higher education employers designate a personnel officer?, 357-04-080 What are the duties of personnel officers for higher education employers?, 357-04-085 What role does the state board for community and technical colleges have?, 357-04-090 May authority be delegated?, 357-04-095 How does the federal Fair Labor Standards Act and the Washington state minimum wage act relate to the Washington state civil service rules?, 357-04-100 How does the federal Americans with Disabilities Act of 1990 and other laws about persons with disabilities relate to the Washington state civil service rules?, 357-04-105 When the civil service rules require an applicant, candidate, employee, or employer to receive notice, how must notice be provided?, 357-04-110 How is time computed under the civil service rules?, 357-04-115 What happens if any part of these rules is held invalid? (severability), and 357-04-120 What happens to previous merit system and civil ser-

vice rules and actions initiated under them? (repeals—savings).

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 29, 2004, at 10:00 a.m.

Date of Intended Adoption: July 29, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by July 23, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 23, 2004, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules establish the general provisions for Title 357 WAC.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding the general provisions. The proposed rules implement this provision of the Personnel System Reform Act.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

June 23, 2004

E. C. Matt  
Director

#### NEW SECTION

**WAC 357-04-005 What is the purpose of the civil service rules?** Title 357 WAC, referred to as the civil service rules, establishes a system of personnel administration for general government and higher education employers and employees.

#### NEW SECTION

**WAC 357-04-010 Who is covered by the civil service rules?** The provisions of the civil service rules apply to all employees and employers under the jurisdiction of chapter 41.06 RCW except those positions or employees exempted under the provisions of WAC 357-04-015, 357-04-020, 357-04-035, 357-04-040, 357-04-045, 357-04-050 and 357-04-055. Employee business unit members as defined in WAC 357-43-001 are only covered by chapter 357-43 WAC of the civil service rules.

NEW SECTION

**WAC 357-04-015 Who is not covered by civil service rules?** The civil service rules do not apply to positions specifically exempted in individual agency statutes, chapter 41.06 RCW, and to the following:

(1) Washington state patrol trooper cadets in training for commissioning as troopers in the Washington state patrol;

(2) The executive director, his/her confidential secretary, assistant directors, and professional education employees of the state board for community and technical colleges; and

(3) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board in WAC 357-04-040, 357-04-045, 357-04-050, and 357-04-055.

NEW SECTION

**WAC 357-04-020 May the director exempt other positions from civil service?** The director may provide for further exemptions for general government positions involving substantial responsibility for formulating basic agency or executive policy or involving directing and controlling program operations of an agency or a major administrative division of an agency in accordance with the provisions and procedures of RCW 41.06.070(3).

NEW SECTION

**WAC 357-04-025 What rights does a classified employee have when the position he/she holds is exempted from the civil service rules?** As required by RCW 41.06.070 (3) and RCW 41.06.170, an employee holding a classified position has the following rights if the position is exempted from the application of the civil service rules:

(1) If the employee previously held permanent status in another classified position, the employee has the right to return to the highest class of position previously held, or to a position of similar nature and salary in accordance with WAC 357-19-220.

(2) The employee may appeal the exemption of the position in accordance with chapter 357-52 WAC.

NEW SECTION

**WAC 357-04-030 What right does an employee have to return to the classified service from exempt service?** As required by RCW 41.06.070(3), any employee having permanent status in a classified position who accepts an appointment in an exempt position has the right to return to classified service in accordance with WAC 357-19-195. As long as the employee was not terminated from the exempt position for gross misconduct or malfeasance, the employee has the right to return to the highest class of position in which he/she previously held permanent status or to a position of similar nature and salary.

NEW SECTION

**WAC 357-04-060 For which exempt positions does the director establish the salary?** (1) The director must

determine the salary and fringe benefits of all positions presently or hereafter exempted except for the following:

(a) Chief executive officer of each agency;

(b) Full-time members of boards and commissions;

(c) Administrative assistants and confidential secretaries in the immediate office of an elected state official; and

(d) Personnel listed in RCW 41.06.070 (1)(j) through (u), RCW 41.06.070 (1)(x) and RCW 41.06.070(2).

(2) Actions taken to establish or revise exempt salaries must meet the provisions outlined in RCW 41.06.152.

NEW SECTION

**WAC 357-04-070 What are the powers and duties of the director?** (1) The director of personnel is appointed by the governor under the provisions of RCW 41.06.130.

(2) The director directs and supervises all the department of personnel's administrative and technical activities in accordance with the provisions of chapter 41.06 RCW and the civil service rules. The director is responsible for:

(a) Adopting rules consistent with the purposes and provisions of the state civil service law and the best standards of personnel administration.

(b) Auditing and reviewing the personnel administration and management at each agency, institution of higher education, and related higher education board periodically and at other such times as may be necessary.

(c) Adopting and revising as necessary a comprehensive classification plan for all positions in the classified service. In adopting the revisions, the director must comply with RCW 41.06.152, 41.06.150(4), and chapter 43.88 RCW.

(d) Adopting and revising as necessary a state salary schedule in accordance with RCW 41.06.133(10).

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

NEW SECTION

**WAC 357-04-075 Must higher education employers designate a personnel officer?** Each higher education institution and higher education related board must designate an officer to perform duties as personnel officer as provided in RCW 41.06.510.

NEW SECTION

**WAC 357-04-080 What are the duties of personnel officers for higher education employers?** The personnel officer directs, supervises, and manages administrative and technical personnel activities for the classified service consistent with policies established by the higher education institution or related board, chapter 41.06 RCW, and the civil service rules.

NEW SECTION

**WAC 357-04-085 What role does the state board for community and technical colleges have?** The state board for community and technical colleges has general supervision

and control over activities undertaken by the various community and technical colleges.

#### NEW SECTION

##### **WAC 357-04-090 May authority be delegated? (1)**

The head of an agency or the governing board of a higher education institution or related board may delegate the responsibilities and duties of an appointing authority including the authority to appoint, transfer, layoff, reduce, dismiss, suspend, or demote employees.

(2) Authority may only be delegated to individuals in positions reporting directly to the head of the agency, deputy director, president of the institution, or vice president of the institution, or individuals who are the heads of the major divisions of the employer.

(3) Delegation of authority must be in writing.

#### NEW SECTION

##### **WAC 357-04-095 How does the federal Fair Labor Standards Act and the Washington state minimum wage act relate to the Washington state civil service rules?**

Employers must comply with the civil service rules unless doing so causes them to violate chapter 49.46 RCW or the federal Fair Labor Standards Act.

#### NEW SECTION

##### **WAC 357-04-100 How does the federal Americans with Disabilities Act of 1990 and other laws about persons with disabilities relate to the Washington state civil service rules?**

Employers must comply with the civil service rules unless doing so would cause them to violate state laws, chapter 49.60 RCW, or the federal Americans with Disabilities Act of 1990.

#### NEW SECTION

##### **WAC 357-04-105 When the civil service rules require an applicant, candidate, employee, or employer to receive notice, how must notice be provided? (1)**

Except as provided in chapter 357-52 WAC, when the civil service rules require an applicant, candidate, employee, or employer to receive notice, the notice must be provided by personal delivery, United States mail, or by telephone facsimile transmission with same-day mailing of copies unless the specific rule requiring notice allows for alternative methods of providing notice such as electronic mail ("e-mail"), state mail service, commercial parcel delivery or campus mail service.

(2) Service of notice upon parties will be regarded as completed when personal delivery has been accomplished; or upon deposit in the United States mail, properly stamped and addressed; or upon production by telephone facsimile transmission of confirmation of transmission. When a specific rule allows alternative methods of service, service upon parties will be regarded as completed when it is actually received by the party to which notice is being provided.

#### NEW SECTION

**WAC 357-04-110 How is time computed under the civil service rules?** Whenever a period of time is mentioned in the civil service rules, that period must be computed by excluding the first day of the period and including the last day, unless a specific civil service rule states something different. If the last day is a Saturday, Sunday, or holiday, the time period ends on the next business day, unless that Saturday, Sunday, or holiday is a regularly scheduled work day for the employee to whom notice is being provided.

#### NEW SECTION

**WAC 357-04-115 What happens if any part of these rules is held invalid? (Severability)** If any provision of the civil service rules or the application thereof is held invalid, such invalidity does not affect other provisions or applications of the rules which can be given effect without the invalid provision or application, and to this end any section, sentence, or word is declared severable.

#### NEW SECTION

**WAC 357-04-120 What happens to previous merit system and civil service rules and actions initiated under them? (Repeals—Savings)** All previous merit system and civil service rules and amendments are repealed. All actions in force under previous merit system and/or civil service rules will be honored. Unfinished actions that were initiated under previous merit system or civil service rules may be completed under those rules.

**WSR 04-13-181**

**PROPOSED RULES**

**DEPARTMENT OF PERSONNEL**

[Filed June 23, 2004, 11:32 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: New sections WAC 357-07-005 What is the purpose of this chapter?, 357-07-010 What definitions apply to public records?, 357-07-015 How does the department index its records?, 357-07-020 How can I obtain a copy of the department's records index?, 357-07-025 How do I request to inspect or get a copy of a public record?, 357-07-030 How will the department respond to my request?, 357-07-035 What happens if the department determines that all or part of a requested public record is exempt from disclosure?, 357-07-040 When are public records available?, 357-07-045 Where can I inspect a public record?, 357-07-050 What is the fee to copy a public record?, 357-07-055 What restrictions apply when I come to inspect or get copies of public records?, 357-07-060 When is the department of personnel permitted to dispose of public records?, 357-07-065 How is the department of personnel organized?, 357-07-070 What is the department

of personnel's general method of operation?, and 357-07-075 How can I contact the department of personnel?

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 29, 2004, at 10:00 a.m.

Date of Intended Adoption: July 29, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by July 23, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 23, 2004, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed chapter (public records) of rules is to ensure that the Department of Personnel complies with the provisions of state law on public disclosure.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding public records. The proposed rules implement this provision of the Personnel System Reform Act.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

June 23, 2004

E. C. Matt  
Director

#### NEW SECTION

**WAC 357-07-005 What is the purpose of this chapter?** The purpose of this chapter is to ensure that the department of personnel complies with the provisions of state law on public disclosure, chapter 42.17 RCW. The statutes that specifically address public records are found in RCW 42.17.250 through 42.17.348.

#### NEW SECTION

**WAC 357-07-010 What definitions apply to public records?** Terms defined in the state public records act, chapter 42.17 RCW, have the same meaning when used in these rules.

#### NEW SECTION

**WAC 357-07-015 How does the department index its records?** (1) The department maintains and makes available for public inspection and copying an index that provides identifying information for public records as described in RCW 42.17.260.

(2) The index is maintained in electronic form with copies available on paper.

(3) The index contains topic and subtopic headings that people can use to facilitate finding a specific public record.

(4) The index is available to the public on the same basis as other public records.

(5) The department revises and updates the index biennially.

#### NEW SECTION

**WAC 357-07-020 How can I obtain a copy of the departments records index?** The department makes copies of the index available at no charge upon request to the agency public records officer at:

Public Records Officer  
Washington State Department of Personnel  
521 Capitol Way South  
PO Box 47500  
Olympia, Washington 98504

#### NEW SECTION

**WAC 357-07-025 How do I request to inspect or get a copy of a public record?** (1) All requests for public records must be submitted in writing to the department public records officer at:

Public Records Officer  
Washington State Department of Personnel  
521 Capitol Way South  
PO Box 47500  
Olympia, Washington 98504

The department will not accept public records requests via e-mail unless such a request is approved in advance by the director, the public records officer, or an authorized designee.

(2) Public records requests must contain the following information:

(a) The name, address and telephone number of the person requesting the record;

(b) The date on which the request is being made;

(c) A description of the record(s) requested;

(d) If the requested record is referenced in a current department of personnel index, a reference to the record as described in the index; and

(e) If the request is for a list of individuals, the requester must certify that the information will not be used for commercial purposes except as permitted by RCW 42.17.260(9).

(3) If the requester desires, the department will provide a form to be used for public record requests.

(4) The public records officer or designee will assist members of the public to clarify a request or to identify specific records or types of records. The department may require

a requester to provide additional information to sufficiently identify records or to determine whether a lawful exemption applies.

#### NEW SECTION

**WAC 357-07-030 How will the department respond to my request?** (1) Within five days of receiving a public records request, the department will

- (a) Make the requested record(s) available;
  - (b) Deny all or part of the request as described in WAC 357-07-070; or
  - (c) Acknowledge receipt of the request and estimate the reasonable time period needed to respond to the request as permitted by RCW 42.17.320.
- (2) The director or designee within two working days of the denial will review denials of requests for public records.

#### NEW SECTION

**WAC 357-07-035 What happens if the department determines that all or part of a requested public record is exempt from disclosure?** (1) The department must determine whether all or any portion of a requested public record is exempt from disclosure under chapter 42.17 RCW or other applicable law.

(2) The public records officer may delete information from any record before permitting public inspection or copying if the information is exempt from disclosure according to RCW 42.17.310, another section of chapter 42.17 RCW or other applicable law. After such data is deleted, the remainder of the record must be made available.

(3) The department must accompany any denial of a requested public record, or portion of a record, with a written statement specifying the reason for the denial. The statement must include a reference to the specific exemption in chapter 42.17 RCW that authorizes withholding the record or portion of the record, and a brief explanation of how the exemption applies to the material being withheld.

#### NEW SECTION

**WAC 357-07-040 When are public records available?** Public records are available for inspection and copying from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

#### NEW SECTION

**WAC 357-07-045 Where can I inspect a public record?** The department makes non-exempt public records available for inspection at its offices during office hours under the conditions described in WAC 357-07-040. There is no fee is to inspect public records.

**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 357-07-050 What is the fee to copy a public record?** (1) The department makes copies of its rules available at no charge. Otherwise, the following fees apply:

- (a) Fifteen cents per page for copies of public records; or
- (b) The actual cost of postage or delivery and for duplicating tape recordings, videotapes, photographs, slides, disks, or similar media.

(2) Charges are ordinarily payable at the time copies are furnished. If copying costs are expected to exceed fifty dollars, the department may request payment in advance of making copies.

(3) The public records officer may waive any of the foregoing fees for good cause, including but not limited to circumstances when total copying costs would be negligible.

#### NEW SECTION

**WAC 357-07-055 What restrictions apply when I come to inspect or get copies of public records?** In order to adequately protect the public records of the department, the following restrictions apply:

(1) No requester may remove a public record from the department's premises.

(2) A requester may only inspect public records in the presence of a designated department employee.

(3) During inspection, a requester must not mark or alter a public record in any manner.

(4) Public records that are maintained in a file or jacket, or in chronological order, may not be dismantled except by a department employee for purposes of copying.

(5) When copying public documents, a department employee will operate the copy machine.

#### NEW SECTION

**WAC 357-07-060 When is the department of personnel permitted to dispose of public records?** Public records as defined in RCW 40.14.010 or RCW 42.17.020 are the property of the state of Washington and may only be disposed of as authorized by the state records committee under chapter 40.14 RCW.

#### NEW SECTION

**WAC 357-07-065 How is the department of personnel organized?** The staff is organized in five general areas:

(1) Personnel services which provides consultation and services related to recruitment, assessment, affirmative action, salary surveys, compensation plan administration, and classification to state agencies, institutions of higher education, and related higher education boards.

(2) Human resource development services (located at 600 South Franklin Street, Olympia, Washington) which provides consultation on human resource development activities to agencies, training which is interagency in scope, and guidelines for agency planning and evaluation of human resource development.

(3) Administrative services which provides departmental fiscal management, facilities, agency personnel services,

PROPOSED

**PROPOSED**

affirmative action, client relations, and labor relations services. Within the Administrative division, the employee advisory service offices are at the following locations: 3400 Capitol Boulevard, Olympia, Washington; 613 - 19th Avenue E., Suite 101, Seattle, Washington; and at Suite 604, Northtown Office Building, Spokane, Washington.

(4) Client and employee relations services which provides general human resource consulting services and organizational development services.

(5) Human resources information services (located at Building #1, Rowesix, 4224 6th Avenue, Lacey, Washington) which administers the central personnel/payroll and insurance eligibility computer systems.

#### NEW SECTION

**WAC 357-07-070 What is the department of personnel's general method of operation?** (1) Agency business is conducted as described in chapters 41.04 and 41.06 RCW, and Title 357 WAC.

(2) All interested parties may participate in formulation of agency rules. The department is required to provide twenty days notice of formal action by the director or the personnel resources board on any rule, classification plan, or compensation plan.

(3) For matters other than rulemaking under the administrative procedure act, chapter 34.05 RCW or quasi-judicial matters as defined in RCW 42.30.140(2), the board may call a special meeting upon twenty-four hour notice as provided in the open public meetings act, RCW 42.30.080.

(4) Before rule proposals are made to the board or director, department staff may conduct informal work sessions as necessary to ensure representation from interested parties.

(5) The department must conduct all business in accessible facilities and in a manner that reasonably accommodates the needs of disabled persons.

#### NEW SECTION

**WAC 357-07-075 How can I contact the department of personnel?** The central office of the department of personnel is located at 521 Capitol Way S., PO Box 47500, Olympia, Washington 98504. The department only accepts public records requests as described in WAC 357-07-025.

#### **WSR 04-13-182**

#### **PROPOSED RULES**

#### **DEPARTMENT OF PERSONNEL**

[Filed June 23, 2004, 11:33 a.m.]

#### **Original Notice.**

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

**Title of Rule and Other Identifying Information:** New sections WAC 357-13-010 Who adopts the classification plan?, 357-13-015 What must the classification plan be based upon?, 357-13-020 When and how is the classification plan to be revised?, 357-13-025 What criteria must be met in order for the director to adopt revisions or salary adjustments to the

classification plan?, 357-13-030 Must employers maintain position descriptions?, 357-13-035 Must a standard form be used for each position description?, 357-13-040 What must be included in each position description?, 357-13-045 Who is responsible for completing the position description form?, 357-13-050 Who is responsible for allocating or reallocating each position?, 357-13-055 What must allocations or reallocations be based upon?, 357-13-060 Must employers have a procedure that addresses when positions are to be reviewed for reallocation?, 357-13-065 Must the employer's procedure allow employees to request a review of their positions?, 357-13-070 Must an employer notify an employee when the employee's position is reallocated?, 357-13-075 Must the notice of reallocation inform the employee of the right to request a director's review of the reallocation?, 357-13-080 Can an employee request a director's review of the allocation or reallocation of the employee's position?, 357-13-085 How is the effective date of a reallocation determined?, and 357-13-090 How is an employee affected when his/her position is reallocated?

**Hearing Location(s):** Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 29, 2004, at 10:00 a.m.

**Date of Intended Adoption:** July 29, 2004.

**Submit Written Comments to:** Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by July 23, 2004.

**Assistance for Persons with Disabilities:** Contact Department of Personnel by July 23, 2004, TTY (360) 753-4107 or (360) 586-8260.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The proposed rules address classification issues for state employees.

**Statutory Authority for Adoption:** Chapter 41.06 RCW.

**Statute Being Implemented:** RCW 41.06.150.

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

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding classification for state employees. The proposed rules implement this provision of the Personnel System Reform Act.

**Name of Proponent:** Department of Personnel, governmental.

**Name of Agency Personnel Responsible for Drafting:** Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; **Implementation and Enforcement:** Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

June 23, 2004

E. C. Matt  
Director

**NEW SECTION**

**WAC 357-13-010 Who adopts the classification plan?** The director adopts a comprehensive classification plan and any subsequent revisions to the plan. Following twenty calendar days of notice, the director must hold open, public hearings prior to the adoption or revision of the plan.

**NEW SECTION**

**WAC 357-13-015 What must the classification plan be based upon?** The classification plan must be based on a review and analysis of duties and responsibilities, and must include a description of each class.

**NEW SECTION**

**WAC 357-13-020 When and how is the classification plan to be revised?** The classification plan is prepared and revised, as needed, in consultation with employers, employee organizations, and other interested parties.

**NEW SECTION**

**WAC 357-13-025 What criteria must be met in order for the director to adopt revisions or salary adjustments to the classification plan?** (1) The following criteria must be met for the director to adopt revisions or salary adjustments to the classification plan:

(a) Implementation of the proposed revision or salary adjustment will result in net cost savings, increased efficiencies, or improved management of personnel or services;

(b) The revision or salary adjustment is due to documented recruitment and retention difficulties, salary compression or inversion, increased duties and responsibilities, or salary inequities caused by similar work assigned to different job classes with a salary disparity greater than 7.5%; and

(c) The office of financial management has reviewed the fiscal impact statement of the employer and concurs that the biennial cost of the revision or salary adjustment is absorbable within the employer's current authorized level of funding for the current fiscal biennium and subsequent fiscal biennia.

(2) The provisions of subsection (1)(b) and (1)(c) of this section do not apply to the higher education hospital special pay plan or to any adjustments to the classification plan that are due to emergency conditions requiring the establishment of positions necessary for the preservation of the public health, safety, or general welfare.

**NEW SECTION**

**WAC 357-13-030 Must employers maintain position descriptions?** Employers must maintain a current position description for each position.

**NEW SECTION**

**WAC 357-13-035 Must a standard form be used for each position description?** A standard form developed by the director or one containing components similar to those found in the director's form must be used for each position description.

**NEW SECTION**

**WAC 357-13-040 What must be included in each position description?** Each position description must:

(1) list the primary duties and responsibilities currently assigned to the position

(2) list the required competencies as determined by the employer;

(3) identify the essential functions; and

(4) include any other job-related information as needed.

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

**NEW SECTION**

**WAC 357-13-045 Who is responsible for completing the position description form?** The manager of the position is responsible for completing the position description form. If the position is filled, input from the incumbent is recommended.

**NEW SECTION**

**WAC 357-13-050 Who is responsible for allocating or reallocating each position?** The employer must allocate or reallocate each classified position to an established class in the classification plan.

**NEW SECTION**

**WAC 357-13-055 What must allocations or reallocations be based upon?** Allocations or reallocations must be based upon a review and analysis of the duties and responsibilities of the position.

**NEW SECTION**

**WAC 357-13-060 Must employers have a procedure that addresses when positions are to be reviewed for reallocation?** The employer must establish a procedure that specifies when positions are to be reviewed for reallocation based upon substantive and permanent changes in job duties and scope of responsibility.

**NEW SECTION**

**WAC 357-13-065 Must the employer's procedure allow employees to request a review of their positions?** The employer's procedure must allow an employee to request a position review by the employer.

**NEW SECTION**

**WAC 357-13-070 Must an employer notify an employee when the employee's position is reallocated?** Employers must provide written notice to an employee when the employee's position is reallocated. If the reallocation is to a class with a lower salary range maximum, the employee must receive at least fifteen (15) calendar days' written notice of the reallocation. The employee may request to waive or shorten the fifteen (15) day notice period.

For purposes of this rule, written notice of reallocation, excluding reallocation to a class with a lower salary range maximum, may be provided using alternative methods such as e-mail, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.

PROPOSED

**NEW SECTION**

**WAC 357-13-075 Must the notice of reallocation inform the employee of the right to request a director's review of the reallocation?** Notice of reallocation must include information regarding the employee's right to request a director's review of the reallocation per WAC 357-13-080. This requirement does not apply when the reallocation is necessary because the director consolidated two or more classes with the same salary range into a single class with no change in the salary range.

**NEW SECTION**

**WAC 357-13-080 Can an employee request a director's review of the allocation or reallocation of the**

**employee's position?** Within thirty days of service of the results of a position review by the employer or notice of reallocation, an employee may request a director's review per WAC 357-49-010. Reallocations that resulted from the director taking action to consolidate two or more classes with the same salary range into a single class with no change in the salary range are not subject to a director's review.

**NEW SECTION**

**WAC 357-13-085 How is the effective date of a reallocation determined?** The effective date of a reallocation is determined as follows:

- (1) The effective date of a reallocation resulting from the director's implementation or revisions to the classification plan is the effective date of the director's action.
- (2) The effective date of an employer-initiated reallocation is determined by the employer.
- (3) The effective date of a reallocation resulting from an employee request for a position review is the date the request was filed with the employer.

**NEW SECTION**

**WAC 357-13-090 How is an employee affected when his/her position is reallocated?**

This table is used to determine how an employee whose position is reallocated is affected.

	Employee's position reallocated to:		
	Class with a higher salary range maximum	Class with an equal salary range maximum	Class with a lower salary range maximum
<b>Reallocation results from:</b>			
A position review requested by the employee or initiated by the employer	<p><i>If the employee has performed the higher level duties for at least six months and meets the competencies and other position requirements:</i></p> <p>⇒ The employee remains in the position and retains existing appointment status.</p> <p><i>If the reallocation is the result of a change in the duties of the position and the employee has not performed the higher level duties for six months or more:</i></p> <p>⇒ The employer must give the employee the opportunity to compete for the position. The employer may choose to promote the employee without competition as long as the employee meets the competencies and any other position requirements.</p>	<p><i>If the employee meets the competencies and other position requirements:</i></p> <p>⇒ The employee remains in the position and retains existing appointment status.</p>	<p><i>If the employee meets the competencies and other position requirements and chooses to remain in the reallocated position:</i></p> <p>⇒ The employee retains appointment status; has the right to be placed on the employer's internal layoff list; and has his/her salary set in accordance with WAC 357-28-105.</p> <p><i>If the employee chooses to vacate the position or does not meet the competencies and other position requirements:</i></p>

	If the employee is not selected for the position, the employer's layoff procedure applies. If the employee is appointed, the employee must serve a trial service period.  Upon appointment to the higher class, the employee's base salary must be increased a minimum of a two step increase, not to exceed the top step of the range as provided in WAC 357-28-090.	<i>If the employee does not meet the competencies and other position requirements:</i>  ⇒ The employer's layoff procedure applies.	⇒ The employer's layoff procedure applies.
Action taken by the Director to implement a new classification plan under provisions of RCW 41.06.136 or revise the classification plan.	The employee remains in the position and retains existing appointment status. See WAC 357-28-110 and 357-28-115 for determining the employee's salary.		

PROPOSED

**WSR 04-13-183****PROPOSED RULES****DEPARTMENT OF PERSONNEL**

[Filed June 23, 2004, 11:34 a.m.]

**Original Notice.**

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

**Title of Rule and Other Identifying Information:** New sections WAC 357-16-005 What is the department's role in recruiting applicants and assessing candidates for positions in the classified service?, 357-16-010 What authority do general government employers have to recruit applicants, assess candidates, and certify candidates for hiring consideration?, 357-16-015 What authority do higher education employers have to recruit applicants, assess candidates, and certify candidates for hiring consideration?, 357-16-020 Who is responsible for determining what recruitment methods are appropriate to meet the hiring needs of the employer?, 357-16-025 How must employers and the department inform prospective applicants of recruitments?, 357-16-030 For affirmative action purposes, may the department or employers add job seekers who are affected group members to applicant pools?, 357-16-040 What is the college recruitment program?, 357-16-045 What is the purpose of the college recruitment program?, 357-16-050 How does the college recruitment program operate?, 357-16-055 Can an employer establish promotional organizational units?, 357-16-060 Who determines the application process, including what information job seekers must provide to apply for employment?, 357-16-065 What verifies that an application is complete and that the information in the application is truthful?, 357-16-070 What screening methodologies may employers use?, 357-16-075 Can the employer apply screening methodologies that would limit the number of eligible applicants considered and the number of candidates admitted to a competitive exam?, 357-16-085 What are the requirements for developing and administering exams?, 357-16-090 Who has the responsibility for requesting and

granting reasonable accommodation in the exam process?, 357-16-095 How must exams be scored?, 357-16-100 How soon must employers notify applicants of their exam results?, 357-16-105 May an employee be granted release time to take an exam or otherwise participate in an assessment process (which may include assessment tools such as phone screens, interviews, performance tests, etc)?, 357-16-110 Do veterans receive any preference in the hiring process?, 357-16-115 Can an employer decline to further consider eligible applicants or candidates during the assessment process?, 357-16-120 How does the employer determine which eligible candidates to certify to the employing official for hiring consideration?, 357-16-125 What must be specified in the employer's certification procedure?, 357-16-130 In what order are eligible candidates certified to the employing official for hiring consideration?, 357-16-135 When may an employer certify candidates for affirmative action purposes?, 357-16-140 Who may be certified using supplemental certification?, 357-16-150 Must employers develop a promotional policy?, 357-16-155 Can an eligible's name be removed from an applicant or candidate pool for a class or all classes in an occupational category/class series?, 357-16-160 How must an employer notify an applicant or candidate who has been removed from an applicant or candidate pool?, 357-16-170 Can an applicant or candidate request a review of his/her exam results or the removal of his/her name from an applicant or candidate pool?, 357-16-175 To whom and by when must an applicant or candidate request a review of the results of an exam or removal from an applicant or candidate pool?, 357-16-180 Are assessment review decisions subject to appeal?, 357-16-190 What happens if an individual is certified in error?, 357-16-195 Can an eligible candidate be required to pass a medical or psychological examination?, 357-16-200 If a medical or psychological examination is required, who pays for it?, and 357-16-205 If a job-related disability is revealed during a medical or psychological examination what is the employer's responsibility?

**Hearing Location(s):** Department of Personnel, 521 Capitol Way South, Olympia, WA; on July 29, 2004, at 10:00 a.m.

**Date of Intended Adoption:** July 29, 2004.

**Submit Written Comments to:** Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by July 23, 2004.

**Assistance for Persons with Disabilities:** Contact Department of Personnel by July 23, 2004, TTY (360) 753-4107 or (360) 586-8260.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The proposed rules address recruitment, assessment and certification for state positions.

**Statutory Authority for Adoption:** Chapter 41.06 RCW.

**Statute Being Implemented:** RCW 41.06.150.

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

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding recruitment, assessment and certification for state positions. The proposed rules implement this provision of the Personnel System Reform Act.

**Name of Proponent:** Department of Personnel, governmental.

**Name of Agency Personnel Responsible for Drafting:** Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; **Implementation and Enforcement:** Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

June 23, 2004

E. C. Matt  
Director

#### NEW SECTION

**WAC 357-16-005 What is the department's role in recruiting applicants and assessing candidates for positions in the classified service?** On the behalf of employers, the department may recruit applicants, assess candidates, create candidate pools, and assist with the certification of candidates for positions in the classified service.

#### NEW SECTION

**WAC 357-16-010 What authority do general government employers have to recruit applicants, assess candidates, and certify candidates for hiring consideration?** Under the authority of the director, general government employers may carry out the activities detailed in chapter 357-16 WAC including recruiting, creating and maintaining pools of eligible candidates, assessing candidates, and determining the certified pool. At anytime, the director may des-

ignate the department to carry out any of these activities on the employer's behalf.

#### NEW SECTION

**WAC 357-16-015 What authority do higher education employers have to recruit applicants, assess candidates, and certify candidates for hiring consideration?** Higher education employers are authorized under RCW 41.06.133 and RCW 41.06.150 to carry out the activities detailed in chapter 357-16 WAC including recruiting, creating and maintaining pools of eligible candidates, assessing candidates, and determining the certified pool. Upon the request of a higher education employer, the director may designate the department to act on the employer's behalf.

#### NEW SECTION

**WAC 357-16-020 Who is responsible for determining what recruitment methods are appropriate to meet the hiring needs of the employer?** The department and employers may use the recruiting methods that they determine to be most appropriate for their hiring needs when establishing pools of eligible applicants.

#### NEW SECTION

**WAC 357-16-025 How must employers and the department inform prospective applicants of recruitment?** Notice of recruitment must be issued publicly. The notice must specify the period of recruitment and include information about the length of time eligible applicants will be retained in a pool.

#### NEW SECTION

**WAC 357-16-030 For affirmative action purposes, may the department or employers add job seekers who are affected group members to applicant pools?** For affirmative action purposes, the department or employers may at any time recruit and screen persons with disabilities, Vietnam era veterans, disabled veterans, and persons age 40 and over for placement in eligible applicant pools in those areas where goals exist.

#### NEW SECTION

**WAC 357-16-040 What is the college recruitment program?** The college recruitment program is a method of recruiting that employers can use to target recruitment activity to college graduates.

#### NEW SECTION

**WAC 357-16-045 What is the purpose of the college recruitment program?** The purpose of the college recruitment program is to:

- (1) Recognize and support the present and future value of bachelor's and master's entry professional positions in state government;

- (2) Provide an efficient method for all college graduates to apply for state employment;
- (3) Enhance affirmative action and workforce diversity programs; and
- (4) Ensure that employers maintain a competitive posture in the recruitment market.

#### NEW SECTION

**WAC 357-16-050 How does the college recruitment program operate?** Employers using the college recruitment program may limit their outreach efforts to recent college graduates and require that job seekers have completed specific internships, work-study assignments, fellowships, or received degrees from accredited higher education institutions in order to be eligible to apply.

#### NEW SECTION

**WAC 357-16-055 Can an employer establish promotional organizational units?** Employers may establish promotional organizational units for purposes of promotional recruitment and hiring. Employers may limit who can apply to employees within one or more promotional organizational units by specifying that on the recruitment notice.

#### NEW SECTION

**WAC 357-16-060 Who determines the application process, including what information job seekers must provide to apply for employment?** The department or employer determines the application process including what information a job seeker must submit to apply for employment.

#### NEW SECTION

**WAC 357-16-065 What verifies that an application is complete and that the information in the application is truthful?** If the materials are submitted on paper, the job seeker's signature certifies that the information submitted is complete and truthful. If the materials are submitted electronically, the act of submitting them is considered certification that the information is complete and truthful.

#### NEW SECTION

**WAC 357-16-070 What screening methodologies may employers use?** Employers may use screening methods based on job analysis that they determine best evaluate a person's competencies to perform the duties and responsibilities of a class and/or a position. Screening methods may include but are not limited to reviewing resumes, interviewing applicants, and developing supplemental questionnaires for applicants to provide additional information.

#### NEW SECTION

**WAC 357-16-075 Can the employer apply screening methodologies that would limit the number of eligible applicants considered or admitted to an exam?** When the

number of job seekers is expected to result in a number of eligible applicants that exceeds the employer's needs or the number of eligible applicants is expected to result in a pool of candidates that exceeds the employer's needs, the employer may apply screening methods to limit the number of eligible applicants to be considered further or admitted to an exam.

#### NEW SECTION

**WAC 357-16-085 What are the requirements for developing and administering exams?** Exams must be based upon documented job analysis that identifies the competencies needed to perform successfully in a position. Any exam must be administered uniformly to those individuals being examined unless reasonable accommodation in the exam process has been requested and granted. A person with a visible disability which might interfere with his/her ability to do the job may be asked to demonstrate how he/she would do specific, job related tasks.

#### NEW SECTION

**WAC 357-16-090 Who has the responsibility for requesting and granting reasonable accommodation in the exam process?** An applicant or candidate who needs reasonable accommodation in the exam process is responsible for requesting reasonable accommodation. The employer is responsible for providing reasonable accommodation unless the employer can demonstrate undue hardship. The employer must publish information regarding the procedure for requesting accommodation.

#### NEW SECTION

**WAC 357-16-095 How must exams be scored?** Exams must be scored using a consistent rating or scoring procedure that rates job-related competencies identified through job analysis.

#### NEW SECTION

**WAC 357-16-100 How soon must employers notify applicants of their exam results?** Employers must notify applicants in writing of their final exam results within a reasonable time period as determined by the employer. For purposes of this rule, written notice may be provided using alternative methods such as e-mail, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.

#### NEW SECTION

**WAC 357-16-105 May an employee be granted release time to take an exam or otherwise participate in an assessment process (which may include assessment tools such as phone screens, interviews, performance tests, etc.)?** Employers may release employees, without a loss in pay, to take an exam or otherwise participate in an assessment process with a state agency, higher education institution or related board.

PROPOSED

NEW SECTION

**WAC 357-16-110 Do veterans receive any preference in the hiring process?** (1) If an employer is administering an exam prior to certification, the employer must grant preference to veterans in accordance with the veterans scoring criteria provisions of RCW 41.04.010.

(2) If no exam is administered prior to certification, the employer must refer eligible veterans or eligible veterans' widows or widowers to the employing official under the provisions of RCW 73.16.010 as long as the veteran or veteran's widow or widower meets the *competencies and other position requirements*.

NEW SECTION

**WAC 357-16-115 Can an employer decline to further consider eligible applicants or candidates during the assessment process?** Employers may end consideration of an eligible applicant or candidate at any time during the assessment process for job-related reasons including but not limited to a applicant's or candidate's lacking required competencies, or not satisfying other requirements such as shift or geographical availability. Those applicants or candidates removed from consideration for position specific reasons may remain eligible to be considered for other positions.

NEW SECTION

**WAC 357-16-120 How does the employer determine which eligible candidates to certify to the employing official for hiring consideration?** Each employer must have a written certification procedure that specifies how the employer will determine the pool of eligible candidates to be certified to the employing official.

NEW SECTION

**WAC 357-16-125 What must be specified in the employer's certification procedure?** The employer's certification procedure must:

(1) Specify how the employer determines the pool of eligible candidates to be certified to the employing official in accordance with WAC 357-16-130;

(2) Specify how the employer determines the number of names certified if the number of eligible candidates certified to the employing official is limited;

(3) Provide for veterans' preference in accordance with WAC 357-16-110;

(4) Provide for supplemental certification of affected group members in accordance with WAC 357-16-135;

(5) Require that employing officials consider all eligible candidates certified;

(6) Provide for optional consideration of employees who have completed employer-approved training programs and are determined by the employer to meet the competencies and other position requirements;

(7) For general government employers, must provide for consideration of transition pool candidates when a certified pool contains eligible candidates other than candidates from

the employer's internal or statewide layoff list or the employer's internal promotional eligibles; and

(8) Address when the employer will certify qualified individuals seeking reemployment under the provisions of WAC 357-19-470.

NEW SECTION

**WAC 357-16-130 In what order are eligible candidates certified to the employing official for hiring consideration?** Only eligible candidates who satisfy the competencies and other requirements of the position to be filled will be certified. The order for certifying must follow these criteria:

(1) If there are names on the employer's internal layoff list for the class, all eligible candidates on the internal layoff list are certified to the employing official. Internal promotional candidates, as defined by the employer's promotional policy, may also be certified.

(2) If there are no names on the employer's internal layoff list and there are names on the statewide layoff list for the class, all eligible candidates on the statewide layoff list must be certified to the employing official. Internal promotional candidates, as defined by the employer's promotional policy, may also be certified. If the certification of candidates from the statewide layoff list and internal promotional candidates does not result in at least ten (10) eligible candidates being certified, the employer may certify other eligible candidates. If a general government employer certifies other eligible candidates, all transition pool candidates who satisfy the competencies and other position requirements must be certified.

(3) If there are no names on the internal or statewide layoff list, the employer may then certify other available eligible candidates. For general government employers, all transition pool candidates who satisfy the competencies and other position requirements must be certified. Any preference granted to promotional candidates must be in accordance with the employer's promotional policies as required by WAC 357-16-140.

NEW SECTION

**WAC 357-16-135 When may an employer certify candidates for affirmative action purposes?** An employer may use supplemental certification to add to the certified pool when:

(1) Per the employer's certification procedure, the number of eligible candidates being certified is fewer than the total number of candidates eligible for certification;

(2) The employer's approved affirmative action plan shows that a goal exists in the job category for the particular affected group; and

(3) There are no individuals on the internal layoff list or statewide layoff list for the class who satisfy the competencies and other position requirements for the position.

NEW SECTION

**WAC 357-16-140 Who may be certified using supplemental certification?** Supplemental certification may apply to eligible goal area candidates who meet the competencies and other position requirements and are members of the

affected groups of persons with disabilities, Vietnam Era veterans, disabled veterans, or persons of age forty and over.

#### NEW SECTION

**WAC 357-16-150 Must employers develop a promotional policy?** Each employer must have a written promotional policy which:

(1) Defines who is considered a promotional candidate, including whether probationary employees and permanent employees who have left the employer to accept project or nonpermanent appointments with other employers are considered as promotional candidates;

(2) Identifies the employer's promotional organizational units, if any;

(3) Identifies how promotional preference will be applied in recruitment and certification, if at all; and

(4) Specifies the duration of any promotional candidate lists or pools.

#### NEW SECTION

**WAC 357-16-155 Can an eligible's name be removed from an applicant or candidate pool for a class or all classes in an occupational category/class series?** An employer or the department may disqualify an individual by removing the individual's name from an applicant and/or candidate pool for a class or all classes in an occupational category/class series at anytime for good and sufficient reason.

#### NEW SECTION

**WAC 357-16-160 How must an employer notify an applicant or candidate who has been removed from an applicant or candidate pool?** An employer must notify an applicant or candidate who has been removed from an applicant or candidate pool at the time of the removal. The notice must be in writing and specify the reason for the removal. The notice must explain the right to request a review of the removal under the provisions of WAC 357-16-170, WAC 357-16-175 and WAC 357-16-180. For purposes of this rule, written notice may be provided using alternative methods such as e-mail, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.

#### NEW SECTION

**WAC 357-16-170 Can an applicant or candidate request a review of his/her exam results or the removal of his/her name from an applicant or candidate pool?** An applicant or candidate may request a review of his/her exam results or the removal of his/her name from an applicant or candidate pool.

#### NEW SECTION

**WAC 357-16-175 To whom and by when must an applicant or candidate request a review of the results of an exam or removal from an applicant or candidate pool?** If the employer is responsible for the assessment process,

requests for reviews under the provisions of WAC 357-16-170 must be made to the employer. If the director is responsible for the assessment process, requests for reviews under the provisions of WAC 357-16-170 must be made to the department.

The request for a review must be received at the employer's office or the department's office within twenty calendar days following notice of the action for which a review is requested.

#### NEW SECTION

**WAC 357-16-180 Are assessment review decisions subject to appeal?** Review decisions made under the provisions of WAC 357-16-170 are final and not subject to further review or appeal.

#### NEW SECTION

**WAC 357-16-190 What happens if an individual is certified in error?** The director or the employer may invalidate the trial service or probationary appointment of an individual who was not eligible to be certified, but was certified in error.

#### NEW SECTION

**WAC 357-16-195 Can an eligible candidate be required to pass a medical or psychological examination?** After a conditional offer of employment is made, an eligible candidate may be required to pass a medical examination relevant to the demands of the work.

#### NEW SECTION

**WAC 357-16-200 If a medical or psychological examination is required, who pays for it?** The employer is responsible for the cost of any medical or psychological examination required under WAC 357-16-195.

#### NEW SECTION

**WAC 357-16-205 If a job-related disability is revealed during a medical or psychological examination what is the employer's responsibility?** If a medical or psychological examination reveals a job-related disability and the candidate is otherwise qualified, the employer must consider ways to provide reasonable accommodation for the disability before making an appointment decision.

**Title of Rule and Other Identifying Information:** WAC 357-19-193 What happens if a permanent employee, who has received approval to participate in the state internship program, leaves a classified position to participate in the state internship program created under RCW 43.06.410?

**Hearing Location(s):** Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 29, 2004, at 10:00 a.m.

**Date of Intended Adoption:** July 29, 2004.

**Submit Written Comments to:** Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by July 23, 2004.

**Assistance for Persons with Disabilities:** Contact Department of Personnel by July 23, 2004, TTY (360) 753-4107 or (360) 586-8260.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The proposed rule explains what happens to a permanent classified state employee who leaves their position to participate in the state internship program created under RCW 43.06.410.

**Statutory Authority for Adoption:** Chapter 41.06 RCW.

**Statute Being Implemented:** RCW 41.06.150.

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

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding appointments. The proposed rule will be included in the appointments chapter of Title 357 WAC.

**Name of Proponent:** Department of Personnel, governmental.

**Name of Agency Personnel Responsible for Drafting:** Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; **Implementation and Enforcement:** Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

June 23, 2004

E. C. Matt  
Director

## NEW SECTION

**WAC 357-19-193 What happens if a permanent employee, who has received approval to participate in the state internship program, leaves a classified position to participate in the state internship program created under RCW 43.06.410? A permanent employee who leaves a classified position to participate in the state internship program created under RCW 43.06.410:**

(1) Has the right to return to his/her previous position at any time during the internship or upon completion of the internship;

(2) Continues to receive all fringe benefits as if he/she had never left his/her classified position; and

(3) Continues to accrue seniority.

## WSR 04-13-185

### PROPOSED RULES

### DEPARTMENT OF PERSONNEL

[Filed June 23, 2004, 11:36 a.m.]

**Original Notice.**

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

**Title of Rule and Other Identifying Information:** New sections WAC 357-22-010 Must an employer maintain a personnel file for each employee?, 357-22-015 Must an employer develop and publish a policy on personnel files?, 357-22-020 Can an employee review his/her personnel file?, 357-22-025 What happens to an employee's personnel file when the employee changes employers within state government?, 357-22-030 Who is responsible for the management of official personnel files?, 357-22-035 Must the employee be given a copy of information placed in the personnel file?, 357-22-040 How long must information be kept in the employee's personnel file?, and 357-22-045 When may an employee add information in his/her personnel file?

**Hearing Location(s):** Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 29, 2004, at 10:00 a.m.

**Date of Intended Adoption:** July 29, 2004..

**Submit Written Comments to:** Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by July 23, 2004.

**Assistance for Persons with Disabilities:** Contact Department of Personnel by July 23, 2004, TTY (360) 753-4107 or (360) 586-8260.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The proposed rules address personnel files for state employees.

**Statutory Authority for Adoption:** Chapter 41.06 RCW.

**Statute Being Implemented:** RCW 41.06.150.

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

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding personnel files. The proposed rules implement this provision of the Personnel System Reform Act.

**Name of Proponent:** Department of Personnel, governmental.

**Name of Agency Personnel Responsible for Drafting:** Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; **Implementation and Enforcement:** Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

June 23, 2004

E. C. Matt  
Director

**NEW SECTION**

**WAC 357-22-010 Must an employer maintain a personnel file for each employee?** An employer must maintain an official file of each employee showing a record of employment and such other information as may be required for business and legal purposes. The employer has the burden of demonstrating the legal or business need for the record.

**NEW SECTION**

**WAC 357-22-015 Must an employer develop and publish a policy on personnel files?** Each employer must develop and publish a policy pertaining to the retention and confidentiality of personnel records in accordance with these rules and chapter 40.14 RCW. The employer's policy must include the requirement that personnel and payroll records are open to the inspection of the board, state auditor, the director or director's designee, and prospective employers. The employer's policy must comply with RCW 49.12.240, 49.12.250 and 49.12.260.

**NEW SECTION**

**WAC 357-22-020 Can an employee review his/her personnel file?** An employee and/or any person authorized in writing by the employee may review the employee's personnel file at least annually according to the policy of the employer.

**NEW SECTION**

**WAC 357-22-025 What happens to an employee's personnel file when the employee changes employers within state government?** The original personnel and payroll file accompanies the employee throughout his/her service career.

**NEW SECTION**

**WAC 357-22-030 Who is responsible for the management of official personnel files?** Each employer must designate the position(s) within the employer's organization responsible for managing and maintaining the official personnel files.

**NEW SECTION**

**WAC 357-22-035 Must the employee be given a copy of information placed in the personnel file?** An employee must be provided a copy of all adverse material placed in the personnel file at the time the material is included in the file. Upon the employee's request, the employee must be provided with a copy of any information in the employee's personnel file. Copies will be provided in accordance with the employer's policy.

**NEW SECTION**

**WAC 357-22-040 How long must information be kept in the employee's personnel file?** (1) Information must be kept in the employee's personnel file as long as it has a rea-

sonable bearing on the employee's job performance or employer's efficient and effective management of the agency, institution, or related higher education board.

(2) Adverse material proven to be inaccurate or false, or information related to employee misconduct or alleged misconduct which is determined to be false, and all such information in situations where the employee has been fully exonerated of wrong doing must be promptly destroyed unless:

(a) The employee requests that the information be kept; or

(b) The information is related to pending legal action or legal action(s) may reasonably be expected to result.

**NEW SECTION**

**WAC 357-22-045 When may an employee add information in his/her personnel file?** After an employee becomes aware that adverse information has been placed in his/her personnel file, he/she has the right to add a statement of rebuttal or correction of such information. At anytime, an employee has the right to add job performance information to his/her personnel file.

**WSR 04-13-186**

**PROPOSED RULES**

**DEPARTMENT OF PERSONNEL**

[Filed June 23, 2004, 11:37 a.m.]

**Original Notice.**

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

Title of Rule and Other Identifying Information: New sections WAC 357-25-005 What is the purpose of this chapter?, 357-25-010 What is the function of the Governor's Affirmative Action Policy Committee?, 357-25-015 Who administers the statewide affirmative action program?, 357-25-020 What are the administrative responsibilities of the department?, 357-25-025 What are the policy statement requirements that employers must comply with for the purpose of chapter 357-25 WAC?, 357-25-030 What are the affirmative action reporting requirements that employers must comply with for purposes of chapter 357-25 WAC?, 357-25-035 What is the purpose of affirmative action plans and updates?, 357-25-040 What must an employer include in an affirmative action plan and update?, 357-25-045 When must employers establish affirmative action goals?, 357-25-050 How does an employer determine the affirmative action goal for an affected group?, and 357-25-055 What affirmative action tools may employers use to increase the representation of persons with disabilities, Vietnam-era veterans, disabled veterans, and persons age 40 and over in applicant pools and certified pools?

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 29, 2004, at 10:00 a.m.

Date of Intended Adoption: July 29, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACK-

ING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS  
"FORMAL COMMENT," fax (360) 586-4694, by July 23, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 23, 2004, TTY (360) 753-4107 or (360) 586-8260.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The proposed rules provide state employers guidance on affirmative action regarding the development and implementation of affirmative action goals and timetables, and the monitoring of progress toward those goals and timetables.

**Statutory Authority for Adoption:** Chapter 41.06 RCW.

**Statute Being Implemented:** RCW 41.06.150.

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

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding affirmative action. The proposed rules implement this provision of the Personnel System Reform Act.

**Name of Proponent:** Department of Personnel, governmental.

**Name of Agency Personnel Responsible for Drafting:** Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; **Implementation and Enforcement:** Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

June 23, 2004

E. C. Matt  
Director

#### NEW SECTION

**WAC 357-25-005 What is the purpose of this chapter?** The purpose of chapter 357-25 WAC is to provide guidance to employers on affirmative action regarding the development and implementation of affirmative action goals and the monitoring of progress toward those goals.

#### NEW SECTION

**WAC 357-25-010 What is the function of the Governor's Affirmative Action Policy Committee?** The Governor's Affirmative Action Policy Committee oversees the development and approval of affirmative action plans and updates. The committee is established by the governor's executive order on affirmative action.

#### NEW SECTION

**WAC 357-25-015 Who administers the statewide affirmative action program?** The department is responsible for administering the statewide affirmative action program. The department provides technical assistance to employers in the development and implementation of affirmative action plans, updates, and programs.

#### NEW SECTION

**WAC 357-25-020 What are the administrative responsibilities of the department?** In accordance with state and federal laws, the department:

(1) Establishes guidelines to assist in developing and implementing affirmative action plans;

(2) Provides the essential data for determining availability of affected groups;

(3) Reviews and approves the technical aspect of affirmative action plans and updates;

(4) Assists in recruiting affected group members, including targeted recruitment when the representation of affected group members is less than its availability;

(5) Reviews the progress of employers in meeting goals and addressing problems identified in affirmative action plans and programs; and

(6) Reviews statewide employment trends for general government such as appointment, promotion, transfer, terminations, and formal disciplinary actions for adverse impact, as necessary.

#### NEW SECTION

**WAC 357-25-025 What are the policy statement requirements that employers must comply with for the purpose of chapter 357-25 WAC?** (1) All employers must maintain:

(a) An affirmative action and equal opportunity policy statement; and

(b) Policy statements on sexual harassment and reasonable accommodation.

(2) The employer's affirmative action and equal opportunity policy statement must be updated and approved by the head of the agency, institution, or related higher education board each year. The policy statements on sexual harassment and reasonable accommodation must be updated as needed.

#### NEW SECTION

**WAC 357-25-030 What are the affirmative action reporting requirements that employers must comply with for purposes of chapter 357-25 WAC?** Employers must report affirmative action information to the department as follows:

(1) If an employer has federal affirmative action reporting obligations, the employer must submit an affirmative action plan on a two-year cycle as set by the department.

(2) If the employer does not have federal affirmative action reporting obligations, the reporting requirements depend upon the employer's size.

(c) Employers with 25 - 49 full-time equivalent (FTE) employees must submit a small agency/institution workforce profile annually.

(d) Employers with 50 or more FTE employees must submit an affirmative action plan on a four-year cycle as set by the department, with an update to the affirmative action plan two years into the cycle.

**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 357-25-035 What is the purpose of affirmative action plans and updates?** Affirmative action plans and updates are designed to increase the representation of affected group members in the workforce when it is determined that a particular affected group is underutilized.

**NEW SECTION**

**WAC 357-25-040 What must an employer include in an affirmative action plan and update?** An employer's affirmative action plan and update must address the employer's recruitment, appointment, promotion, transfer, training and career development practices. It must include all of the following components:

(1) A workforce profile reflecting total employees and total employees sorted by affected group status. The affirmative action update must also show a comparison between the current workforce profile and the previous submission.

(2) A utilization and goals report by job group, for each affected group, showing where goals have been set. The affirmative action update must reflect a goals analysis report indicating where goals have been met for the reporting period.

(3) A section containing a detailed narrative of the strategies to be employed to reach goals. The affirmative action update must also reflect the strategies employed during the reporting period.

(4) A response to the governor's affirmative action policy committee recommendations from the previous plan or update.

**NEW SECTION**

**WAC 357-25-045 When must employers establish affirmative action goals?** Employers must establish affirmative action goals for hiring and/or promoting members of affected groups when underutilization exists within a job group. Underutilization exists when the utilization percent is less than the availability percent for a particular affected group within a job group.

**NEW SECTION**

**WAC 357-25-050 How does an employer determine the affirmative action goal for an affected group?** The affirmative action goal for an affected group is equal to the affected group's availability.

**NEW SECTION**

**WAC 357-25-055 What affirmative action tools may employers use to increase the representation of persons with disabilities, Vietnam-era veterans, disabled veterans, and persons age 40 and over in applicant pools and certified pools?** To increase the representation of persons with disabilities, Vietnam-era veterans, disabled veterans, and persons age 40 and over in applicant pools, employers may at any time recruit and screen these individuals for

placement in eligible applicant pools in accordance with WAC 357-16-030.

To increase the representation of persons with disabilities, Vietnam-era veterans, disabled veterans, and persons age 40 and over in certified pools, the employer may supplementary certify these individuals in accordance with WAC 357-16-200.

These affirmative action tools must only be used when a goal exists for the specific affected group.

**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 04-13-187****PROPOSED RULES****DEPARTMENT OF PERSONNEL**

[Filed June 23, 2004, 11:38 a.m.]

**Original Notice.**

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

**Title of Rule and Other Identifying Information:** New sections WAC 357-26-005 What is the purpose of this chapter?, 357-26-010 When must an employer provide reasonable accommodation?, 357-26-015 What actions may an employer take to provide reasonable accommodation?, 357-26-020 What is the requirement for employers to have a policy and procedure covering reasonable accommodation?, and 357-26-025 May an employee who is unable to perform the essential functions of a position request to be separated from employment?

**Hearing Location(s):** Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 29, 2004, at 10:00 a.m.

**Date of Intended Adoption:** July 29, 2004.

**Submit Written Comments to:** Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by July 23, 2004.

**Assistance for Persons with Disabilities:** Contact Department of Personnel by July 23, 2004, TTY (360) 753-4107 or (360) 586-8260.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The proposed rules provide state employers guidance regarding the use of reasonable accommodation in employment and separation.

**Statutory Authority for Adoption:** Chapter 41.06 RCW.

**Statute Being Implemented:** RCW 41.06.150.

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

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding reasonable accommodation. The proposed rules implement this provision of the Personnel System Reform Act.

**Name of Proponent:** Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

June 23, 2004

E. C. Matt  
Director

#### NEW SECTION

**WAC 357-26-005 What is the purpose of this chapter?** The purpose of chapter 357-26 WAC is to provide guidance to employers regarding reasonable accommodation as it specifically relates to employment and separation within the provisions of the civil service rules.

#### NEW SECTION

**WAC 357-26-010 When must an employer provide reasonable accommodation?** An employer must reasonably accommodate a known disability of a qualified candidate or employee as required by chapter 49.60 RCW and the federal Americans with Disabilities Act.

#### NEW SECTION

**WAC 357-26-015 What actions may an employer take to provide reasonable accommodation?** For persons with disabilities, as defined by state or federal law, reasonable accommodation may include, but is not limited to:

(1) Accommodation in application procedures, testing, and the interview process; or

(2) Modifications or adjustments to a job, work method, or work environment that make it possible for a qualified person with a disability to perform the essential functions of a position, or enjoy the benefits and privileges of employment equal to employees without disabilities.

#### NEW SECTION

**WAC 357-26-020 What is the requirement for employers to have a policy and procedure covering reasonable accommodation?** (1) In accordance with the policy statement requirements of WAC 357-25-025, employers must develop and maintain a policy statement on reasonable accommodation.

(2) In accordance with state and federal laws, employers must develop and make readily available a procedure regarding reasonable accommodation of employees with disabilities.

(a) Each employee who requests reasonable accommodation must be provided access to the employer's reasonable accommodation procedure in an accessible format.

(b) Employees who request reasonable accommodation must be notified in writing that in the event he or she cannot be accommodated in his or her current position, and placement in an alternative vacant position is not possible, the

appointing authority may initiate a disability separation in accordance with WAC 357-46-160.

#### NEW SECTION

**WAC 357-26-025 May an employee who is unable to perform the essential functions of a position request to be separated from employment?** An employee who is unable to perform the essential functions of the employee's position due to mental, sensory, or physical incapacity may notify the employer that he or she does not wish to pursue accommodation and would like to be separated from employment. In this case, the appointing authority is not required to consider a reasonable accommodation and may initiate a disability separation in accordance with WAC 357-46-160.

**WSR 04-13-188**

**PROPOSED RULES**

**DEPARTMENT OF PERSONNEL**

[Filed June 23, 2004, 11:38 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: New sections WAC 357-34-005 What is the purpose of this chapter?, 357-34-010 Who is responsible for employee training and development?, 357-34-015 What are the employer's training and development responsibilities?, 357-34-020 Can employers require employees to attend training?, 357-34-025 What are the director's training and development responsibilities?, 357-34-030 What are the requirements for the employer's training and development plan?, 357-34-035 Can an employee get a copy of the employer's training and development plan?, 357-34-045 Are employers required to provide release time for non-required training?, 357-34-050 Can an employee be given an assignment for career development purposes?, 357-34-060 What administrative requirements must be met for the employee to satisfy the training required by WAC 357-34-055?, 357-34-065 What must be included in the required supervisory or managerial training?, and 357-34-090 Who provides the required supervisory or managerial training?

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 29, 2004, at 10:00 a.m.

Date of Intended Adoption: July 29, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by July 23, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 23, 2004, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules address employee training and development for state employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.

**Statute Being Implemented:** RCW 41.06.150.

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

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding training and development for most state employees. The proposed rules implement this provision of the Personnel System Reform Act.

**Name of Proponent:** Department of Personnel, governmental.

**Name of Agency Personnel Responsible for Drafting:** Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; **Implementation and Enforcement:** Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

June 23, 2004

E. C. Matt  
Director

#### NEW SECTION

**WAC 357-34-005 What is the purpose of this chapter?** The purpose of Chapter 357-34 WAC, the employee training and development rules, is to:

(1) Establish rules which support employees in developing occupational and professional skills, and

(2) Assign responsibilities for providing training and development for employees.

#### NEW SECTION

**WAC 357-34-010 Who is responsible for employee training and development?** Employers, employees, and the department share the responsibility for employee training and development.

#### NEW SECTION

**WAC 357-34-015 What are the employer's training and development responsibilities?** Each employer is responsible for:

(1) Developing a training and development plan as prescribed by WAC 357-34-030; and

(2) Providing employee orientation, required job-related training, and assistance with career planning.

#### NEW SECTION

**WAC 357-34-020 Can employers require employees to attend training?** Employers may require employees to attend training that is job-related, meets an identified employer need, and/or is required by state or federal law. Required attendance during and/or outside of working hours is considered time worked and must be compensated in accordance with the civil service rules.

#### NEW SECTION

**WAC 357-34-025 What are the director's training and development responsibilities?** The director is responsible for supporting employee training and development by:

(1) Providing training which is interagency and/or public sector in scope;

(2) Consulting with employers about their employee training and development activities, upon request;

(3) Providing guidelines for employee training and development planning and evaluation;

(4) Promoting interagency collaboration and sharing of resources and/or support services for training and career development; and

(5) Providing for the evaluation of training and career development programs and plans based on the minimum standards established in WAC 357-34-030.

#### NEW SECTION

**WAC 357-34-030 What are the requirements for the employer's training and development plan?** (1) The employer's training and development plan must be based on an assessment of the organization's employee training and development needs. The director or department may provide assistance to the employer in assessing the organization's need.

(2) The employer's training and development plan must state the employer's policies and objectives for employee training and development. The policies must address, at a minimum, the following:

(a) Identification of the position(s) responsible for employee training and development;

(b) Criteria for employee eligibility;

(c) Criteria for determining employees' work status while participating in employee training and development activities;

(d) Criteria for educational leave;

(e) Tuition reimbursement or fee waiver policy;

(f) Mandated training in accordance with state and federal regulations;

(g) Entry-level management/supervisory training;

(h) Assessment of employee training and development needs;

(i) Evaluation of the training and development programs; and

(j) Assignments for career development as described in WAC 357-34-050 and approval of such assignments by the employer's human resources office.

#### NEW SECTION

**WAC 357-34-035 Can an employee get a copy of the employer's training and development plan?** Copies of the training and development plan must be made available to employees upon request.

#### NEW SECTION

**WAC 357-34-045 Are employers required to provide release time for non-required training?** Employers may

release employees from work without a loss in pay to participate in non-required training.

PROPOSED

NEW SECTION

**WAC 357-34-050 Can an employee be given an assignment for career development purposes?** (1) Employers may make the following planned training assignments for employee career development without incurring reallocation or compensation obligations:

- (a) Performance of responsibilities outside the current job class on a time-limited basis.
- (b) Intra-agency or interagency rotational or special project assignments.
- (2) The employee and the employer(s) shall mutually agree in writing, including time limits, to assignments identified in (1)(a) and (b) of this section.

NEW SECTION

**WAC 357-34-060 What administrative requirements must be met for the employee to satisfy the training required by WAC 357-34-055?** For an employee to satisfy the entry-level supervisory or managerial training required by WAC 357-34-055, all of the following requirements must be met:

- (1) The training program must include at least twenty-four (24) hours of instruction.
- (2) The training must have occurred in the last five years.
- (3) The program must be sponsored by a state agency, post-secondary educational institution, vocational school, or professional organization.

NEW SECTION

**WAC 357-34-065 What must be included in the required supervisory or managerial training?** At a minimum, the entry-level supervisory or managerial training required by WAC 357-34-055 must include all of the following topics:

- (1) The role and legal responsibilities of a supervisor/manager.
- (2) Performance management, including employee performance evaluation, development, counseling or coaching, and discipline.
- (3) Employee motivation, recognition, and rewards.
- (4) Communication skills and principles.
- (5) Leadership styles and methods.

NEW SECTION

**WAC 357-34-090 Who provides the required supervisory or managerial training?** The department provides training activities to fulfill the requirement in WAC 357-34-055 and/or consultative services, as requested, to assist the employers to develop their own programs. Employer-developed training must satisfy the requirements of WAC 357-34-060 and WAC 357-34-065.

**WSR 04-13-189  
PROPOSED RULES  
DEPARTMENT OF PERSONNEL**

[Filed June 23, 2004, 11:39 a.m.]

**Original Notice.**

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

**Title of Rule and Other Identifying Information:** New sections WAC 357-37-010 What is the purpose of an employee performance management [process]?, 357-37-015 What is the employer's responsibility for an employee performance management process?, 357-37-020 What objectives must an employee performance management process satisfy?, 357-37-025 What is the employee's responsibility within the performance management process?, 357-37-030 When and how often must performance feedback be provided to an employee through the formal evaluation process?, 357-37-035 How should an employee be notified of unsatisfactory performance?, 357-37-040 What forms and procedures must employers use to plan for and evaluate employee performance?, 357-37-045 Can an employer supplement the standardized employee performance evaluation procedures and forms?, 357-37-050 Can an employer factor performance into compensation and layoff decisions?, 357-37-055 How does an employer receive performance management confirmation which enables them to factor performance into compensation and layoff decisions?, 357-37-060 What elements will the director evaluate to determine if an employer should be granted performance management confirmation?, 357-37-065 May employers develop employee recognition programs?, 357-37-070 What factors should employers consider in developing employee recognition programs?, 357-37-075 Can an employee request the employer to review the performance evaluation process or procedure used for the employee's evaluation?, and 357-37-080 Can an employee request the director to review the performance evaluation process or procedure used for the employee's evaluation?

**Hearing Location(s):** Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 29, 2004, at 10:00 a.m.

**Date of Intended Adoption:** July 29, 2004.

**Submit Written Comments to:** Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by July 23, 2004.

**Assistance for Persons with Disabilities:** Contact Department of Personnel by July 23, 2004, TTY (360) 753-4107 or (360) 586-8260.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The proposed rules address performance management for state employees.

**Statutory Authority for Adoption:** Chapter 41.06 RCW.

**Statute Being Implemented:** RCW 41.06.150.

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

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding performance management. The proposed rules

implement this provision of the Personnel System Reform Act.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

June 23, 2004

E. C. Matt  
Director

#### NEW SECTION

**WAC 357-37-010 What is the purpose of an employee performance management process?** An employee performance management process is part of a positive, performance-based culture. It fosters employee competence and productivity, supports achievement of organizational goals and objectives, and provides documentation of employee's strengths and areas in need of improvement.

#### NEW SECTION

**WAC 357-37-015 What is the employer's responsibility for an employee performance management process?** Each employer must develop and implement an employee performance management process. Employers must also develop policies and procedures for how the process works within the employer's organization.

#### NEW SECTION

**WAC 357-37-020 What objectives must an employee performance management process satisfy?** The employee performance management process must:

(1) Explain the employee's responsibility for successfully performing assigned job duties and responsibilities;

(2) Assess how well the employee has contributed to efficiency and effectiveness in fulfilling the objectives of the organization and the position; and

(3) Recognize an employee's successful job performance and identify any necessary changes in job performance.

#### NEW SECTION

**WAC 357-37-025 What is the employee's responsibility within the performance management process?** The employee has the responsibility to:

(1) Request clarification of any job duty, standard, or expectation that is unclear;

(2) Perform work as assigned and meet job standards and expectations;

(3) Participate in the performance evaluation process; and

(4) Communicate with supervisor and share successes and problems so the supervisor can better measure progress and provide assistance.

#### NEW SECTION

**WAC 357-37-030 When and how often must performance feedback be provided to an employee through the formal evaluation process?** Employers must provide feedback and formally evaluate the performance of:

(1) A probationary employee or a permanent employee serving a trial service period or transition review period before the employee attains permanent status in the position; and

(2) A permanent employee on an annual basis.

#### NEW SECTION

**WAC 357-37-035 How should an employee be notified of unsatisfactory performance?** A probationary or permanent employee whose work performance is determined to be unsatisfactory must be notified in writing of the deficiency(ies). Unless the deficiency is extreme, the employee must be given an opportunity to demonstrate improvement.

#### NEW SECTION

**WAC 357-37-040 What forms and procedures must employers use to plan for and evaluate employee performance?** Employers must use standardized employee performance planning and evaluation procedures and forms developed by the director or alternate procedures and forms approved by the director.

#### NEW SECTION

**WAC 357-37-045 Can an employer supplement the standardized employee performance evaluation procedures and forms?** Employers may supplement the standardized planning and evaluation forms and procedures with special performance factors and assessment approaches that are specific to organizational needs. Employers do not need approval to supplement the standardized forms or procedures.

#### NEW SECTION

**WAC 357-37-050 Can an employer factor performance into compensation and layoff decisions?** An employer may factor an employee's performance into compensation and layoff decisions if the employer has received performance management confirmation.

#### NEW SECTION

**WAC 357-37-055 How does an employer receive performance management confirmation which enables them to factor performance into compensation and layoff decisions?** Employers may request performance management confirmation from the director. The director will use the elements listed in WAC 357-37-060 to assess and evaluate an

**PROPOSED**

employer's readiness to fairly and objectively factor performance into compensation and layoff decisions. If the director determines that the employer has developed a performance management program that encompasses the necessary elements, the employer will be granted performance management confirmation.

#### NEW SECTION

**WAC 357-37-060 What elements will the director evaluate to determine if an employer should be granted performance management confirmation?** The director will evaluate the following elements to determine if an employer should receive performance management confirmation:

- (1) Executive commitment to a performance-based culture;
- (2) Present status of performance management in the organization;
- (3) Defined roles and responsibilities for implementing and sustaining a performance management system;
- (4) Policy and process for holding managers accountable for properly carrying out their roles and responsibilities in performance management;
- (5) Internal policies and procedures for a performance management system;
- (6) Strategy for communicating to employees regarding policies, procedures, and timelines for performance management;
- (7) Performance management orientation and training for managers and supervisors;
- (8) Internal mechanisms for managing funding for performance-based compensation;
- (9) Implementation of a performance and development plan for all employees subject to performance factor decisions; and
- (10) Process for monitoring and measuring success.

#### NEW SECTION

**WAC 357-37-065 May employers develop employee recognition programs?** Employers may develop employee recognition and reward programs, utilizing tools available in RCW 41.60.150 and chapter 357-28 WAC.

#### NEW SECTION

**WAC 357-37-070 What factors should employers consider in developing employee recognition programs?** Employee recognition programs must be designed to recognize verifiable accomplishments. Programs may be linked to individual or group accomplishments as described in RCW 41.60.150 or to accomplishments that further the employer's mission, strategic goals or objectives.

#### NEW SECTION

**WAC 357-37-075 Can an employee request the employer to review the performance evaluation process or procedure used for the employee's evaluation?** If the employer has developed an internal review procedure, an employee may request the employer to review alleged irreg-

ularities in the use of the approved performance evaluation form and/or procedures. Employees must be notified in writing of the results of the employer's review.

#### NEW SECTION

**WAC 357-37-080 Can an employee request the director to review the performance evaluation process or procedure used for the employee's evaluation?** As provided in WAC 357-49-010, and within thirty days of receipt of a completed and signed performance evaluation or the results of an employer review as provided in WAC 357-37-075, an employee may request a director's review of alleged irregularities in the use of the approved performance evaluation form and/or procedures outlined in the civil service rules. The content of an evaluation is not subject to review.

**WSR 04-13-190**

**PROPOSED RULES**

**DEPARTMENT OF PERSONNEL**

[Filed June 23, 2004, 11:39 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: New sections WAC 357-40-010 Can an appointing authority take disciplinary action?, 357-40-015 Can an appointing authority take action other than dismissal, suspension, demotion or reduction in base salary to address unsatisfactory performance?, 357-40-020 When must an employee be notified of a dismissal, demotion, or reduction in base salary?, 357-40-025 What must be in the written notice of dismissal, demotion, or reduction in base salary?, 357-40-030 Under what circumstances may an employer dismiss an employee without fifteen (15) calendar days' notice?, 357-40-035 When must an employee be notified of a suspension?, 357-40-040 What must be in the written notice of suspension?, 357-40-045 Is there a limitation to how long an employee can be suspended?, 357-40-050 When can an employer separate a permanent employee for unauthorized absence?, 357-40-055 How is an employee who is being separated for unauthorized absence notified?, 357-40-060 How can an employee separated for unauthorized absence petition for reinstatement?, and 357-40-065 Can a permanent employee appeal if the employer does not reinstate the employee under WAC 357-40-060?

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 29, 2004, at 10:00 a.m.

Date of Intended Adoption: July 29, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by July 23, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 23, 2004, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules address disciplinary actions for state employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.  
Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding disciplinary actions for state employees. The proposed rules implement this provision of the Personnel System Reform Act.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

June 23, 2004

E. C. Matt  
Director

#### NEW SECTION

**WAC 357-40-010 Can an appointing authority take disciplinary action?** An appointing authority may dismiss, suspend without pay, demote, or reduce the base salary of a permanent employee under his/her jurisdiction for just cause.

#### NEW SECTION

**WAC 357-40-015 Can an appointing authority take action other than dismissal, suspension, demotion or reduction in base salary to address unsatisfactory performance?** Employers may develop a corrective discipline policy that identifies actions that an appointing authority may take other than dismissal, suspension, demotion, or reduction in base salary, that represent alternative formal measures that do not deprive an employee of pay, yet still help an employee address unsatisfactory performance. Actions taken by an appointing authority in accordance with the employer's corrective discipline policy carry the same weight as disciplinary actions which impact pay.

#### NEW SECTION

**WAC 357-40-020 When must an employee be notified of a dismissal, demotion, or reduction in base salary?** The appointing authority must notify an employee in writing at least fifteen (15) calendar days before the effective date of the dismissal, demotion, or reduction in base salary. At the employer's discretion, an employee being dismissed may be paid in lieu of the notice period or may be immediately dis-

missed without fifteen (15) calendar days' notice in accordance with WAC 357-40-030.

#### NEW SECTION

**WAC 357-40-025 What must be in the written notice of dismissal, demotion, or reduction in base salary?** The notice must include the specific charge(s) and the employee's right to appeal to the board as provided in chapter 357-52 WAC.

#### NEW SECTION

**WAC 357-40-030 Under what circumstances may an employer dismiss an employee without fifteen (15) calendar days' notice?** An employer may dismiss an employee without fifteen (15) calendar days' notice as follows:

(1) An appointing authority may dismiss an employee effective immediately with pay in lieu of the fifteen (15) calendar days' notice period. As required by WAC 357-40-025 the appointing authority must still provide written notice of the specific charge(s) and the employee's rights to appeal to the board as provided in chapter 357-52 WAC.

(2) An appointing authority may dismiss an employee effective immediately without pay in lieu of the fifteen (15) calendar days' notice period if the appointing authority determines that continued employment of the employee jeopardizes the good of the service. The appointing authority must provide written notice of the immediate dismissal stating the reason(s) for dismissal, the reasons immediate action is necessary, and the employee's right to appeal to the board as provided in chapter 357-52 WAC.

#### NEW SECTION

**WAC 357-40-035 When must an employee be notified of a suspension?** An employee being suspended must be notified in writing no later than one day after the suspension takes effect.

#### NEW SECTION

**WAC 357-40-040 What must be in the written notice of suspension?** The suspension notice must include the specific charge(s) and the duration of the suspension. It must also include the employee's right to appeal to the board as provided in chapter 357-52 WAC.

#### NEW SECTION

**WAC 357-40-045 Is there a limitation to how long an employee can be suspended?** An appointing authority may not suspend without pay a permanent employee for more than fifteen calendar days as a single penalty or more than thirty calendar days in any one calendar year as an accumulation of several penalties.

#### NEW SECTION

**WAC 357-40-050 When can an employer separate a permanent employee for unauthorized absence?** An

employer may separate a permanent employee who has been absent without authorized leave for a period of three consecutive working days.

#### NEW SECTION

**WAC 357-40-055 How is an employee who is being separated for unauthorized absence notified?** Following an unauthorized absence of at least three (3) consecutive working days, the employer may separate an employee by sending a separation notice to the employee by personal service or by United States mail to the last known address of the employee.

#### NEW SECTION

**WAC 357-40-060 How can an employee separated for unauthorized absence petition for reinstatement?** A permanent employee separated for unauthorized absence may petition the appointing authority in writing to consider reinstatement. The employee must provide proof that the absence was involuntary or unavoidable. The employer must receive the employee's petition within seven calendar days of personal service or deposit in the United States mail of the separation notice.

#### NEW SECTION

**WAC 357-40-065 Can a permanent employee appeal if the employer does not reinstate the employee under WAC 357-40-060?** If a permanent employee is not reinstated under WAC 357-40-060, the employee must be notified in writing of the right to appeal to the board as provided in chapter 357-52 WAC. Appeals may not be based on information other than that shared with the employer at the time of the request for reinstatement.

357-43-040 Can an employee business unit member accept an appointment in an exempt position?, 357-43-045 What reversion rights does a former employee business unit member have following appointment to an exempt position?, 357-43-050 Must an employer include positions in an employee business unit in the employer's affirmative action plan?, 357-43-055 Can employee business unit members accrue vacation leave?, 357-43-060 Can employee business unit members accrue sick leave?, 357-43-065 Can employee business unit members cash out sick leave?, 357-43-070 Are employee business unit members eligible for legal holidays?, 357-43-075 Are employee business unit members eligible to receive a personal holiday?, 357-43-080 Are employee business unit members eligible to participate in the employer's shared leave program?, 357-43-085 Are employee business unit members eligible to receive military leave?, 357-43-090 Are displaced employees subject to layoff during the competitive contracting process?, 357-43-095 Must an employee business unit have a layoff procedure?, 357-43-100 What layoff rights must be included in the employee business unit's layoff procedure?, 357-43-105 When is a general government employee business unit member eligible for placement in the general government transition pool?, 357-43-110 When can an employer reemploy employee business unit members?, and 357-43-115 Must employee business unit members complete employer required training?

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 29, 2004, at 10:00 a.m.

Date of Intended Adoption: July 29, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by July 23, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 23, 2004, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal establishes civil service rules that apply to employee business unit members when employed under a contract.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding employee business units. The proposed rules implement this provision of the Personnel System Reform Act.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

June 23, 2004  
E. C. Matt  
Director

### NEW SECTION

**WAC 357-43-001 What definitions apply to this chapter of the civil service rules? The following definitions apply to Chapter 357-43 WAC:**

(1) **Appointing Authority:** An individual lawfully authorized to appoint, transfer, layoff, reduce, dismiss, suspend, or demote employees.

(2) **Competitive Contracting:** The process by which classified employees compete with businesses, individuals, nonprofit organizations, or other entities for the performance of services those employees have customarily and historically performed.

(3) **Contract:** A formal and binding agreement or an amendment to an agreement between an employer and an employee business unit for performing services as defined in the competitive contracting solicitation.

(4) **Displaced employee:** A classified employee whose position or work would be eliminated, resulting in the employee being laid off or assigned to a different job classification, as a result of an award via the competitive contracting process.

(5) **Employee Business Unit:** A group of employees who perform services for which an employer proposes to competitively contract and who:

(a) Notify the agency of their intent to submit a bid for the performance of those services through competitive contracting; or

(b) Receive award of a contract from the employer as a result of being a successful bidder.

(6) **Employee Business Unit Member:** A classified employee working under the provisions of chapter 357-43 WAC.

(7) **Employer:** A state agency, an institution of higher education, or a related higher education board.

### NEW SECTION

**WAC 357-43-005 What is the purpose of this chapter?** The purpose of this chapter is to establish the chapter of civil service rules that apply to employee business unit members when employed under a contract.

### NEW SECTION

**WAC 357-43-010 Do the other rules in Title 357 WAC governing classified employees apply to employee business unit members?** Except for Chapter 357-43 WAC, the civil service rules do not apply to employee business unit members unless specifically referenced within Chapter 357-43 WAC.

### NEW SECTION

**WAC 357-43-015 Which rules explain employee business unit bid submittal and bid evaluation?** The rules explaining employee business unit bid submittals and evaluation of those bids are included in Chapter WAC 236-51, Competitive Contracting.

### NEW SECTION

**WAC 357-43-020 Are employee business unit members classified employees?** Employee business unit members continue to be classified employees.

### NEW SECTION

**WAC 357-43-025 What establishes the terms and conditions of employment for employee business unit members?** The terms and conditions of employee business unit employment are established by the contract or by appointment actions taken under that contract.

### NEW SECTION

**WAC 357-43-030 Must employment within an employee business unit comply with applicable federal, state and municipal statutes and regulations?** Employment within an employee business unit must comply with applicable federal, state and municipal statutes and regulations.

### NEW SECTION

**WAC 357-43-035 May authority be delegated within an employee business unit?** The duties of an appointing authority may be delegated to an employee business unit member.

### NEW SECTION

**WAC 357-43-040 Can an employee business unit member accept an appointment in an exempt position?** An employee business unit member may accept an appointment to an exempt position.

### NEW SECTION

**WAC 357-43-045 What reversion rights does a former employee business unit member have following appointment to an exempt position?** A former employee business member who was appointed to an exempt position from the employee business unit has reversion rights provided in RCW 41.06.070.

### NEW SECTION

**WAC 357-43-050 Must an employer include positions in an employee business unit in the employer's affirmative action plan?** Positions in an employee business unit must be included in the employer's affirmative action plan.

**NEW SECTION**

**WAC 357-43-055 Can employee business unit members accrue vacation leave?** Employee business unit members accrue vacation leave as provided in RCW 43.01.040 through RCW 43.01.044.

**NEW SECTION**

**WAC 357-43-060 Can employee business unit members accrue sick leave?** Employee business unit members accrue sick leave as provided in RCW 41.48.140.

**NEW SECTION**

**WAC 357-43-065 Can employee business unit members cash out sick leave?** Employee business unit members may cash out sick leave as provided in RCW 41.04.340.

**NEW SECTION**

**WAC 357-43-070 Are employee business unit members eligible for legal holidays?** Those holidays listed in RCW 1.16.050 are recognized as legal holidays for employee business unit members. Compensation for such holidays will be determined by the terms of the contract.

**NEW SECTION**

**WAC 357-43-075 Are employee business unit members eligible to receive a personal holiday?** Employee business unit members are eligible to receive one (1) personal holiday per year as provided in RCW 1.16.050.

**NEW SECTION**

**WAC 357-43-080 Are employee business unit members eligible to participate in the employer's shared leave program?** Employee business unit members are eligible to participate in the employer's shared leave program as provided in RCW 41.04.650 through 41.04.670.

**NEW SECTION**

**WAC 357-43-085 Are employee business unit members eligible to receive military leave?** Employee business unit members are eligible to receive military leave as provided in RCW 38.40.060.

**NEW SECTION**

**WAC 357-43-090 Are displaced employees subject to layoff during the competitive contracting process?** Prior to the effective date of the contract, all displaced employees are subject to the employer's layoff procedure as provided in Chapter 357-46 WAC.

**NEW SECTION**

**WAC 357-43-095 Must an employee business unit have a layoff procedure?** Each employee business unit must establish a layoff procedure that describes the process the

employee business unit will follow when it is necessary to reduce or eliminate a position in the employee business unit.

**NEW SECTION**

**WAC 357-43-100 What layoff rights must be included in the employee business unit's layoff procedure?** The employee business unit layoff procedure must provide employee business unit members layoff rights within the boundaries of employee business unit.

**NEW SECTION**

**WAC 357-43-105 When is a general government employee business unit member eligible for placement in the general government transition pool?** A general government employee business unit member is eligible for placement in the general government transition pool under the provisions of WAC 357-46-095 as follows:

- (1) Upon layoff of the employee business unit member, or
- (2) In the event the contract with the employee business unit has been terminated or it has expired.

**NEW SECTION**

**WAC 357-43-110 When can an employer reemploy employee business unit members?** Employers may reemploy employee business unit members who had permanent classified status prior to entry into the employee business unit, per WAC 357-19-460 when:

- (1) The employee business unit member is laid off, or
- (2) In the event the contract with the employee business unit has been terminated or it has expired.

**NEW SECTION**

**WAC 357-43-115 Must employee business unit members complete employer required training?** Employee business unit members must complete any training required by the contracting employer or must satisfy training requirements as prescribed by the employee business unit contract.

WSR 04-13-192

PROPOSED RULES

DEPARTMENT OF PERSONNEL

[Filed June 23, 2004, 11:40 a.m.]

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

Title of Rule and Other Identifying Information: New sections WAC 357-49-010 A director's review may be requested for what actions?, 357-49-015 How does an individual or employee request a director's review?, and 357-49-020 What process is used to conduct a director's review?

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 29, 2004, at 10:00 a.m.

Date of Intended Adoption: July 29, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by July 23, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 23, 2004, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules address reviews by the director of the Department of Personnel on such things as allocation or reallocation, a performance evaluation process or an alleged violation of the civil service laws.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding director's reviews. The proposed rules implement this provision of the Personnel System Reform Act.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

June 23, 2004

E. C. Matt  
Director

## NEW SECTION

**WAC 357-49-010 A director's review may be requested for what actions?** (1) If the department is responsible for the assessment process, an applicant or candidate may request a director's review of his/her exam results or the removal of his/her name from an applicant or candidate pool as specified in WAC 357-16-175. Director review decisions regarding the removal of an individual's name from an applicant or candidate pool or an individual's exam results are final and not subject to further review or appeal.

(2) An employee may request a director's review of the following:

- (a) Allocation or reallocation per WAC 357-13-080; or
- (b) Performance evaluation process or procedure per WAC 357-37-080.

(3) In addition to the subjects listed in section (2) of this rule, an employee may request a director's review of an alleged violation of the civil service laws or rules within thirty days of the date the employee could reasonably be expected to have knowledge of the action giving rise to a law or rule violation claim or the stated effective date, whichever

is later. An employee may not request a director's review of allegations arising from the development and adoption of the classification plan under the provisions of WAC 357-10-020 or the actions of reduction, dismissal, suspension, demotion or separation.

## NEW SECTION

**WAC 357-49-015 How does an individual or employee request a director's review?** (1) Director's review requests must be filed in writing at the office of the director.

(2) Review requests must include:

(a) The name and address of the employee, applicant or candidate;

(b) The name of the employer that took the action for which a review is requested;

(c) A telephone number at which the employee, applicant or candidate can be reached;

(d) The job classification or position of the employee;

(e) A short statement of the grounds or reasons for the request, and if applicable, the rule(s) the employee believes has been violated; and

(f) A short statement of the relief or remedy sought by the employee, applicant or candidate.

(3) The employee, applicant or candidate is responsible for notifying the director of any change in address or telephone number. Employees, applicants or candidates who are represented shall include the name, address and telephone number of their representative.

## NEW SECTION

**WAC 357-49-020 What process is used to conduct a director's review?** (1) The director's review is informal and conducted by the director or designee.

(2) The review may be conducted by review of written documents, by telephone, or by other electronic means as determined by the director or designee.

(3) The director or designee shall prepare a record of the documents reviewed and issue a written determination.

**WSR 04-13-193  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**  
[Filed June 23, 2004, 11:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-10-023.

Title of Rule and Other Identifying Information: Harvest accounting reporting.

Hearing Location(s): Embassy Suites Hotel, 20610 44th Avenue West, Lynnwood, WA, on August 6-7, 2004, begins at 8:00 a.m., August 6.

Date of Intended Adoption: August 6, 2004.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-

1091, e-mail [jacobesj@dfw.wa.gov](mailto:jacobesj@dfw.wa.gov), fax (360) 902-2155, by August 4, 2004.

**Assistance for Persons with Disabilities:** Contact Susan Yeager by July 26, 2004, TTY (360) 902-2207 or (360) 902-2267.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** These rules amend catch and harvest reporting, primarily by fish buyers. WAC 220-69-210 provides and new definition for "broker," clarifies who acts as a buyer for purposes of completing fish tickets, defines "delivery," provides for game fish taken by treaty fishers to be on fish tickets, clarifies who is and who is not an original receiver, includes all federally recognized tribes for purposes of use of treaty Indian fish tickets, and clarifies who is required to have a wholesale dealer's license. These definitions are provided for clarification of reporting requirements. WAC 220-69-215 States when fish tickets are required and 220-69-220 when they are not. WAC 220-69-23402 will require aquatic farmers to report production by production site (as is currently on the report form), production unit and value per unit. This information is needed for an economic data base of statewide aquatic farm production. WAC 220-69-236 amends catch record cards to reflect that there is only one CRC, and recent legislation requires marked vs. unmarked salmon be recorded. WAC 220-69-240 is split into multiple subsections for clarification; forage fish reporting is changed to standard fish ticket reporting; 23A subareas are expanded to include 23A-C. WAC 220-69-241 requires donations that do not go through an original receiver to have a fish ticket; subsection (4) of this section is removed in favor of WAC 220-69-300. WAC 220-69-242 is made applicable to shellfish shuckers only. WAC 220-69-243 requires aquatic farmers to have production reports available for one year. WAC 220-69-250 requires coastal take home bottom fish to be on fish tickets in order to get correct accounting of coastal groundfish trip limits. WAC 220-69-280 requires dealers to maintain a copy of fish tickets for one year. WAC 220-69-300 clarifies that the transportation ticket exemption for catcher vessels applies only prior to delivery. There are numerous housekeeping changes, as well as reformatting to show the specific offense when an act is defined as unlawful. This is the standard format for enforceable rules.

**Reasons Supporting Proposal:** Codification of existing practices, clarification, and increase accuracy of catch reporting.

**Statutory Authority for Adoption:** RCW 77.12.047.

**Statute Being Implemented:** RCW 77.12.047.

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

**Name of Proponent:** Washington Department of Fish and Wildlife, governmental.

**Name of Agency Personnel Responsible for Drafting:** Evan Jacoby, 1111 Washington Street, Olympia, WA, (360) 902-2930; **Implementation:** Jim Lux, 1111 Washington Street, Olympia, WA, (360) 902-2444; and **Enforcement:** Bruce Bjork, 1111 Washington Street, Olympia, WA, (360) 902-2373.

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:** WAC 220-69-210(1) clarifies that a broker is required to complete fish receiving tickets if the broker facilitates a direct transfer from fishers into interstate or foreign commerce, or a transaction where fish or shellfish enter the state and are placed into interstate or foreign commerce without delivery to an original receiver. This is a clarification of the duties of brokers.

WAC 220-69-23402 requires that aquatic farmers provide both the aquatic farm registration number and the location (site) number on production reports, and report the production units and value per production unit.

WAC 220-69-236 clarifies that there is one catch record card, and that fishers are to mark whether retained salmon are marked (hatchery) or unmarked (wild).

WAC 220-69-240(4) will require forage fish tickets to be completed on the day the forage fish are delivered. A separate filing involves a herring log and yearly baitfish reporting.

WAC 220-69-240 (7)(a) will require buyers to record shrimp taken from subarea 23A-C on fish tickets.

WAC 220-69-241 will require fishers who donate fish or shellfish that have not been previously delivered to a wholesale dealer to complete fish tickets, treating the product as if it was a fisher selling at retail.

WAC 220-69-243 will require aquatic farmers to maintain quarterly reports for one year.

WAC 220-69-250(4) will require take home bottomfish to be recorded on fish tickets.

WAC 220-69-280(8) will require wholesale dealers to maintain the dealer's copy of fish tickets at the usual place of business for one year after use of the tickets.

WAC 220-69-300 (6)(g) requires a transportation ticket for product transported in the catching vessel after delivery.

**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:** The additional information required by these rules is minimal (site identification and production value for aquatic farmers; new shrimp management area and coastal bottomfish take-home fish on fish tickets). It is anticipated that completing the required information would take less than 15 seconds per document.

Brokers may need to get imprinters to prepare fish receiving tickets. This is a one-time cost of \$150 (single card imprinter) to \$500 (double card imprinter). Fish receiving tickets are provided by the agency at no cost.

**4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue?** No potential for loss of sales or revenue has been identified.

**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.

Dealers are currently using fish receiving tickets, aquatic farmers are submitting production reports, and recreational fishers are using catch record cards. There is no increased cost of compliance for the changes in this proposal, only changes in the information supplied. The costs to brokers to acquire an imprinter and use department-supplied fish tickets is less than \$.01/\$100 in sales if the broker handles \$15,000 worth of fish sales per year. The storage costs should be minimal for both retention of quarterly aquatic farm production reports (four pieces of paper per year) and fish tickets.

**6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So:** The rule proposals identify when a broker does not have to have a wholesale dealers license, clarify what constitutes processed fish and shellfish and are thus exempt from fish ticket reporting, and contain new sections specifically identifying when fish tickets are required and not required.

**7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule:** This is primarily a clarification set of proposals, and codifies existing practices in the wholesale fish business. It is being mailed to all persons who have wholesale dealer licenses or aquatic farm registration, and will be presented for public comment at a Fish and Wildlife Commission meeting on August 6-7, 2004.

**8. A List of Industries That Will Be Required to Comply with the Rule:** Persons required to have a wholesale fish dealers license, registered aquatic farmers, and persons who use catch record cards.

A copy of the statement may be obtained by contacting Evan Jacoby, 600 Capitol Way, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail jacobesj@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

June 23, 2004

Evan Jacoby

Rules Coordinator

#### AMENDATORY SECTION (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

#### WAC 220-69-210 ((~~Purpose,~~) Definitions. ((The purpose of this chapter shall be to:

~~(1) Deseribe the use of all department catch reporting forms.~~

~~(2) Deseribe the duties of fisherman, sellers, deliverers, growers, purchasers, and receivers regarding catch reporting.~~

~~(3) Deseribe the required information on each catch reporting form.~~

~~(4) Deseribe the distribution of each copy of each catch reporting form.~~

~~(5) Deseribe the use of mechanical imprinters, imprinter cards, and imprinter plates.~~

~~(6) Deseribe the accountability methods for all catch reporting forms.~~

~~(7) Ensure compliance with all orders of this chapter.)~~

The following definitions apply to this chapter:

(1) "Broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together. A broker is not required to have a wholesale dealer's license if the fish or shellfish only transit the state of Washington, and no storage, handling, processing, or repackaging occurs within the state.

A broker who takes physical possession of fish or shellfish is an original receiver, and is required to complete a fish receiving ticket. A broker acting strictly as an intermediary is not required to complete a fish receiving ticket for fish or shellfish that are delivered to an original receiver in the state of Washington. A broker is required to complete a fish receiving ticket for brokering an interstate or foreign sale from a Washington fisher who is not a holder of a direct retail endorsement, or a sale of fish or shellfish which have entered the state from another state, territory or country, if the fish or shellfish are placed into interstate or foreign commerce without having been delivered to an original receiver in the state of Washington.

(2) "Buyer" means a person who receives fish or shellfish, and who is required to complete a fish receiving ticket. A wholesale dealer or a retail seller who directly receives fish or shellfish from a commercial fisher or receives fish or shellfish in interstate or foreign commerce is acting in the capacity of a buyer and is required to complete a fish receiving ticket. A buyer who is acting as an agent for a wholesale dealer is required to have a fish buyer's license.

(3) "Department" means:

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(4) "Delivery" means arrival at a place or port, and includes arrivals from offshore waters to waters within the state, arrivals ashore from state or offshore waters, and arrivals within the state from interstate or foreign commerce.

(5) "Fish" means food fish classified under WAC 220-12-010 and game fish taken by treaty fishers and sold commercially.

(6) "Fisher" means a Washington-licensed commercial fisher or holder of a delivery permit.

(7) "Fresh" means unprocessed and unfrozen, regardless of whether the fish or shellfish are in the round, cleaned, or packaged for retail sale.

(8) "Frozen" means completely frozen throughout. Flash frozen and surface glaze frozen fish and shellfish are unfrozen fish and shellfish.

(9) "Nontreaty" means all entities not qualified by definition as treaty.

(10) "Original receiver" or "receiver" means the first person in possession of fish or shellfish in the state of Washington who is acting in the capacity of a buyer. A fisher who is not the holder of a direct retail endorsement and who sells fish or shellfish to anyone other than a dealer, or a fisher who delivers fish or shellfish and places the fish or shellfish into interstate or foreign commerce is the original receiver of the fish or shellfish. A cold storage facility that holds fish or shellfish for a fisher is not an original receiver, provided that the facility does not process, package, or otherwise handle the fish or shellfish. A person transporting fish or shellfish on

behalf of a fisher, and who is in possession of an accurately completed commercial food fish and shellfish transportation ticket, is not an original receiver, provided the fish or shellfish are transported only to a cold storage facility or to a buyer.

(11) "Processed" means preparing and preserving, and requires a wholesale dealer's license. Preserving includes treated with heat, including smoking and kippering. Cooked crab are processed. Preserving also includes freezing fish and shellfish.

(12) "Shellfish" means shellfish classified under WAC 220-12-020.

(13) "Treaty" and "treaty Indian," for purposes of fish receiving tickets only, means persons who are members of federally recognized Indian tribes that are entitled to harvest fish or shellfish under the Makah, Medicine Creek, Nez Perce, Point Elliott, Point-No-Point, Quinault, Umatilla and Walla Walla, and Yakima treaties, or persons who are members of federally recognized treaty tribes whose reservations are located within Washington state and who harvest fish or shellfish within their tribe's reservation.

(14) "Wholesale dealer" or "dealer" means a person who takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce. A wholesale dealer is required to be licensed. A fisher who is not a holder of a direct retail endorsement and sells fish or shellfish to anyone other than a wholesale dealer is required to have a wholesale dealer's license. A retail seller who receives fish or shellfish in interstate or foreign commerce from a person who is not a wholesale dealer is required to have a wholesale dealer's license.

(15) "Working day" means Monday through Friday exclusive of a Washington state or federal holiday.

AMENDATORY SECTION (Amending Order 85-43, filed 5/10/85)

WAC 220-69-215 ((Compliance and misrepresentation,)) When state of Washington fish receiving tickets are required. ((It shall be unlawful for any person dealing with or possessing food fish, shellfish, or parts thereof:

(1) To fail to completely and accurately carry out the provisions of this chapter.

(2) To misrepresent, falsify, or omit any required entry made upon official state of Washington fish receiving ticket, sport salmon catch record, production report, or commercial food fish and shellfish transportation ticket, or to enter information that is so illegible as to be misinterpreted.

(3) To utilize any forms other than official state of Washington fish receiving tickets, sport salmon catch record, or production report as described in this chapter for catch reporting.) State of Washington fish receiving tickets are required for:

(1) Fresh fish and shellfish delivered in the state of Washington, including deliveries not purchased by a dealer, which shall be recorded as weigh back or take home fish or shellfish.

(2) Fresh fish and shellfish previously delivered in another state, territory or country, and transported into the state of Washington to an original receiver.

(3) Frozen fish or shellfish not previously delivered in another state, territory, or country and transported into the state of Washington to an original receiver. Food fish and shellfish in this category are typically an at-sea processed product.

(4) Purchase of fish or shellfish from a fisher who is also a dealer, if the fisher/dealer has not previously completed a fish receiving ticket.

(5) It is unlawful to fail to complete a fish receiving ticket when one is required.

Violation of this section is punishable under RCW 77.15.630.

AMENDATORY SECTION (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

WAC 220-69-220 ((Definition of terms,)) When state of Washington fish receiving tickets are not required. ((+) Department as referred to in this chapter means:

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(2) Dealer as referred to in this chapter means the original purchaser or receiver of food fish, shellfish, or parts thereof.

(3) Buyer as referred to in this chapter means the person who receives food fish, shellfish, or parts thereof on behalf of a dealer whose name appears on the buyer's license.

(4) Fisher as referred to in this chapter means the person who catches or delivers food fish, shellfish, or parts thereof.

(5) Original receiver or receiver as referred to in this chapter means the first person in possession of food fish or shellfish in the state of Washington who is a licensed wholesale dealer or fish handler or who is acting in that capacity, after the food fish or shellfish have been caught or harvested by a commercial fisher.

(6) Treaty as referred to in this chapter means any person, group, or activity thereof made unique by virtue of descendancy from Indian tribes signatory to treaties made with the United States government in the mid 1850's where such treaties reserved certain rights in what is now the state of Washington or waters bordering that state.

(7) Nontreaty as used in this chapter means all entities not qualified by definition as treaty.

(8) Treaty Indian as referred to in this chapter means an individual treaty Indian fisher.

(9) Working day as referred to in this chapter means Monday through Friday exclusive of a Washington state or federal holiday.) State of Washington fish receiving tickets are not required for:

(1) Purchase or delivery of fish or shellfish from a wholesale dealer or holder of a direct retail endorsement, provided the dealer or holder has previously prepared a fish receiving ticket. For such purchase or delivery, it is unlawful for the person taking possession of the fish or shellfish to fail

to obtain the name, address, dealer number, or direct retail endorsement number, together with sales receipt documents sufficient to show the quantity of fish or shellfish and date of transaction, and retain this information with the fish or shellfish.

(a) Violation of this subsection by a wholesale dealer is a gross misdemeanor, punishable under RCW 77.15.640.

(b) Violation of this subsection by a retail fish seller is a misdemeanor, punishable under RCW 77.15.568.

(2) Fresh or frozen fish or shellfish that are in transit through the state of Washington, if no storage, handling, processing, or repackaging occurs within the state.

(3) Private sector cultured aquatic products.

(4) Processed fish or shellfish except frozen fish or shellfish not previously delivered in another state, territory or country.

(5) Any importation of fish that are not classified food fish under WAC 220-12-010 or importation of shellfish that are not classified shellfish under WAC 220-12-020.

**AMENDATORY SECTION** (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

**WAC 220-69-23402 Description of aquatic farm production report.** (1) There is hereby created an aquaculture production report form to be prepared, printed and distributed on request by the department. The aquatic farmer shall provide the following information:

(a) Firm name: Name of aquaculture firm and telephone number.

(b) Firm address: Address of aquaculture firm.

(c) Aquatic farm ((registration)) numbers: Department assigned ((dealer)) aquatic farm registration number and location number.

(d) Species: Common name of species grown at aquatic farm site.

(e) Quantity harvested for sale: Quantity, in production units, of each species harvested for sale ((each month)). The production may be shown in pounds, dozens, gallons, bushels or bags.

(f) Unit value: Value per production unit.

(g) Signature: Signature of firm executive or authorized representative and date signed.

(2) The aquaculture production report shall be used for ((monthly)) reporting of aquaculture production as specified in WAC 220-69-243.

**AMENDATORY SECTION** (Amending Order 00-80, filed 5/24/00, effective 6/24/00)

**WAC 220-69-236 Description of catch record cards and required information.** (1) The department shall prepare and distribute a catch record card((s)) for the following:

(a) Anadromous salmon (salmon);

(b) Dungeness crab;

(c) Halibut taken from catch record card areas 5 through 13;

(d) Steelhead;

(e) Sturgeon taken from the Columbia River, Grays Harbor, and Willapa Bay (including sturgeon taken from any tributary).

(2) Each catch record card shall contain space for the following information, which must be recorded prior to the catch record card being separated from the underlying copy of the catch record card:

(a) Name of fisher;

(b) Home address;

(c) City, state, and zip code;

(d) Date of issuance;

(e) Or, for automated licenses, the catch record card shall contain space for the appropriate validation sticker.

(3) Each ((halibut, salmon, steelhead, and sturgeon)) catch record card shall contain space for the following information:

(a) Month of catch;

(b) Day of catch;

(c) Catch record card area, river code, or stream: Location of catch((-));

((4) Each salmon and sturgeon catch record card shall contain space for)) (d) A species code((-)) for salmon and sturgeon and a marked or unmarked space for salmon;

((5) Each halibut catch record card shall contain)) (e) A space for designating the type of vessel from which ((the)) halibut was taken, either charter (c) or personal/kicker (k) boat((-));

((6) Each sturgeon catch record card shall contain)) (f) A space for the length of ((fish.)) sturgeon;

((7) Each)) (g) For Dungeness crab ((catch record card shall contain space for the following information)):;

((a) Month of catch;

(b) Date of catch;

(c) Catch record card area;

(d)) (i) The type of crab fishery as described on the Dungeness crab catch record card;

((e)) (ii) The total crab retained by fishery type;

((f)) (iii) A tally mark for each crab retained.

**AMENDATORY SECTION** (Amending Order 03-188, filed 8/8/03, effective 9/8/03)

**WAC 220-69-240 Duties of commercial purchasers and receivers.** (1) ((Every)) It is unlawful for any person originally receiving ((or purchasing)) fresh or iced ((feed)) fish or shellfish ((or parts thereof,)) or frozen ((feed)) fish or shellfish ((or parts thereof)) that have not been previously ((landed)) delivered in another state, territory, or country ((from fishers, firms, or individuals)), except purchases or receipts made by individuals or consumers at retail, ((is required)) to fail to be a licensed wholesale fish dealer or fish buyer, and ((must)) to fail to immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket regarding each and every purchase or receipt of such commodities. ((Except, preparation of a fish receiving ticket is not required for fish or shellfish purchased from a fisher who holds either a wholesale dealer's license or a direct retail endorsement and who has previously completed a fish receiving ticket because product was offered for sale to someone other than a licensed wholesale dealer. Purchases from such persons by wholesale fish dealers must be documented by sales receipts or invoices, and the product received must be maintained separately until the product is

~~resold or processed.) Each delivery must be recorded on a separate fish receiving ticket.~~

~~It is unlawful for any original receiver of crab to fail to record all crab aboard the vessel making the delivery to the original receiver. The poundage of any fish or shellfish deemed to be unmarketable, discards, or weighbacks must be shown on the fish receiving ticket and identified as such, but a zero dollar value may be entered for such fish or shellfish.~~

~~(a) Failure to be licensed under this subsection is punishable under RCW 77.15.620.~~

~~(b) Failure to prepare a fish receiving ticket under this subsection is punishable under RCW 77.15.630.~~

~~(2) Any employee of a licensed wholesale dealer who has authorization to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its branch plant locations shall be authorized to initiate and sign fish receiving tickets on behalf of his employer. The business or firm shall be responsible for the accuracy and legibility of all such documents initiated in its name. ((Each delivery must be recorded on a separate state of Washington fish receiving ticket.))~~

~~(3) ((State of Washington fish receiving tickets are required for:~~

~~(a) Fresh food fish and shellfish landed in the state of Washington including fish or shellfish not purchased, which fish shall be recorded as weigh back or take home fish or shellfish.~~

~~(b) Fresh food fish and shellfish previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.~~

~~(c) Frozen food fish or shellfish not previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.~~

~~(4) State of Washington fish receiving tickets are not required for:~~

~~(a) Purchases or receipts from any person possessing a valid Washington wholesale dealer's license or direct retail endorsement except that a wholesale dealer purchasing fish from a commercial fisher shall complete the appropriate fish receiving ticket if the fisher has not previously completed a fish receiving ticket. It is the purchaser's responsibility to obtain the name, address, and Washington wholesale dealer's license or direct retail endorsement number, together with such sales receipt documents or information as may be required, to show the deliverer's name, quantity of fish, and date of the transaction and retain these with the food fish or shellfish.~~

~~(b) Fresh or frozen food fish or shellfish that are in transit through the state of Washington, if no storage, handling, processing, or repackaging occurs within the state.~~

~~(c) Private sector cultured aquatic products.~~

~~(d) Processed fish or shellfish.~~

~~(5) Fishers, fisher wholesalers, and wholesalers shall determine the weight of baitfish contained in an average and normal brail and multiply the number of such brailers of baitfish by this weight factor and report such baitfish in both dozens and total weight: Provided, That it is lawful for such fishers, fisher wholesalers, and wholesalers, when receiving herring, candlefish, anchovy, or pilchards for bait purposes, to delay completing that portion of the fish receiving ticket~~

~~which indicates number of herring received, only if the herring, candlefish, anchovy, or pilchards are sold individually or counted as dozens. Such counts must be entered on the fish tickets immediately.)) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket upon receipt of any portion of a commercial catch. Should the delivery of the catch take more than one day, the date that the delivery is completed is required to be entered on the fish receiving ticket as the date of delivery. If, for any reason, the delivery vessel leaves the delivery site, the original receiver must immediately enter the current date on the fish receiving ticket. Violation of this subsection is punishable under RCW 77.15.630.~~

~~(4) Forage fish: It is unlawful for any person receiving forage fish to fail to report the forage fish on fish receiving tickets that are initiated and completed on the day the forage fish are delivered. Herring are also required to be reported on herring harvest logs. The harvested amount of forage fish is to be entered upon the fish ticket when the forage fish are off-loaded from the catcher vessel. An estimate of herring, candlefish, anchovy, or pilchards caught but not sold due to mortality must be included on the fish ticket as "loss estimate."~~

~~((6) It is lawful for an original receiver, when receiving purse seine caught herring taken from Areas 20A, 20B, 21A, and 21B during the period April 16 through May 31, to delay completing that portion of the fish receiving ticket which indicates the weight of herring received only until the herring are off loaded from the original receiver's vessel. The herring must then be weighed and the weight immediately entered in the appropriate space on the ticket. A separate state of Washington fish receiving ticket must be initiated at the time of each individual receipt of herring from the purse seine catching vessel.~~

~~((7) The original receiver of herring taken from Puget Sound Marine Fish Shellfish Catch Areas 20A, 20B, 21A, and 21B, during the period April 16 through May 31 must report each calendar day's receipts by noon of the following day to the Department of Fish and Wildlife, LaConner, Washington, telephone 360 466-4345 ext. 243.~~

~~((8)) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.~~

~~(5) Geoduck: It is unlawful for any person receiving ((or purchasing)) geoducks ((from fishers, firms, or individuals)), regardless of whether or not the ((purchaser or)) receiver holds a license as required under Title 77 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual ((landing)) delivery of geoducks from the harvesting vessel onto the shore. This fish receiving ticket shall accompany the harvested geoducks from the department of natural resources harvest tract to the point of ((landing)) delivery. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.~~

~~((9)) (6) Pacific whiting: It is unlawful for the original receiver of Pacific whiting to fail to enter an estimated weight of Pacific whiting on the fish receiving ticket immediately upon completion of the ((landing)) delivery. The exact weights of whiting, by grade, and all incidental species in the ((landing)) delivery must be entered on the fish receiving ticket within twenty-four hours of the landing. Violation of~~

this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

((10)) (7) Puget Sound shrimp - Pot gear: It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by pot gear to fail to report to the department the previous week's purchases by 10:00 a.m. the following Monday. For harvest in Crustacean Management Regions 1 or 2, reports must be made to the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the Point Whitney Shellfish Laboratory by voice 1-866-859-8439, extension 600, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous week's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species listed on each ticket. ((The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.)) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(a) ((Every)) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 23A, ((shall)) to fail to record either 23A-C, 23A-E, 23A-W or 23A-S on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(b) ((Every)) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26A, ((shall)) to fail to record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(c) ((Every)) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26B, ((shall)) to fail to record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(d) ((Every)) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Areas 20B, 21A, and 22A, ((shall)) to fail to record either 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

((11)) (8) Puget Sound shrimp - Trawl gear: It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by trawl gear to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. For harvest in Crustacean Management Region 1, reports must be made to the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Region 3, reports must be made to the Point Whitney Shell-

fish Laboratory by voice 1-866-859-8439, extension 600, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous day's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species listed on each ticket. ((The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.)) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

((12)) (9) Puget Sound crab: It is unlawful for any wholesale dealer acting in the capacity of an original receiver of Dungeness crab taken by nontreaty fishers from Puget Sound to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. Reports must be made to the Point Whitney Shellfish Laboratory by facsimile 360-586-8408 or by telephone number 1-866-859-8439 extension 500 and must specify the dealer name, dealer phone number, and total number of pounds of crab caught by nontreaty fishers by Crustacean Management Region. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

((13)) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket immediately upon receipt of any portion of a commercial catch. Should the unloading of a catch take more than one day, the date that the unloading is completed shall be entered on the fish receiving ticket as the date of landing. If, for any purpose, the vessel leaves the unloading site, the original receiver must immediately enter the current date on the fish receiving ticket.

((14)) (10) Salmon and sturgeon: During any fishery opening designated by rule as "quick reporting required," it is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report ((a summary of)) all purchases of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement holder to fail to report ((a summary of)) all salmon offered for retail sale on the previous calendar day. The ((summary)) report must include dealer or holder name and purchasing location, date of purchase, ((list of)) each fish ticket number((s)) used on the purchasing date, and the following ((summary)) catch data for each species purchased: Gear, catch area, species, number and total weight of fish. When quick reporting is required, it is unlawful to fail to comply with the following reporting requirements:

(a) Puget Sound ((summary)) reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-902-2949
- (ii) E-mail to psfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1279

(b) Coastal troll ((summary)) reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-902-2949
- (ii) E-mail to trollfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1279

(c) Grays Harbor and Willapa Bay ((summary)) reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-664-0689
- (ii) E-mail to harborfishtickets@dfw.wa.gov or

(iii) Telephone to 1-866-791-1280

(d) Columbia River ((summary)) reports must be reported by 10:00 a.m. on the day after the purchase date by either:

(i) Fax transmission to 360-906-6776 or 360-906-6777

(ii) E-mail to crfishtickets@dfw.wa.gov or

(iii) Telephone to 1-866-791-1281

((15)) (e) Faxing a copy of each fish receiving ticket used on the previous day satisfies the reporting requirement.

(f) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(11) Sea urchins and sea cucumbers: It is unlawful for any wholesale dealer acting in the capacity of an original receiver and receiving sea urchins or sea cucumbers from nontreaty fishers to fail to report to the department each day's purchases by 10:00 a.m. the following day. For red sea urchins the report must specify the number of pounds received from each sea urchin district. For green sea urchins and sea cucumbers the report must specify the number of pounds received from each Marine Fish-Shellfish Management and Catch Reporting Area. The report must be made by facsimile (fax) transmission to 360-902-2943 or by toll-free telephone to 866-207-8223, extension 866. Additionally, it is unlawful for the original receiver of red sea urchins to fail to record on the fish receiving ticket the sea urchin district where the red sea urchins were taken, and it is unlawful for the original receiver of any sea urchins to fail to record on the fish receiving ticket the name of the port of landing where the sea urchins were landed ashore. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

((16)) It is unlawful for any original receiver of crab to fail to record all crab aboard the vessel making the delivery to the original receiver. The poundage of any crab deemed to be unmarketable, discards, or weigh backs must be shown on the fish receiving ticket, but a zero dollar value may be entered for such crab.

((17)) (12) Coastal spot shrimp: It is unlawful for any original receiver of spot shrimp taken from Marine Fish Management and Catch Reporting Area 60A-1 to fail to record separately on the fish receiving ticket spot shrimp taken north or south of 47°04.00' north latitude. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.-640.

#### AMENDATORY SECTION (Amending Order 04-20, filed 2/10/04, effective 3/12/04)

**WAC 220-69-241 Duties of commercial fishers.** (1) Every fisher selling food fish or shellfish to the consumer, restaurant, boathouse, or other retail outlet, or donating fish or shellfish that have not been previously delivered to an original receiver to a nonprofit or other organization, and every fisher who places, or attempts to place, into inter-state commerce any food fish or shellfish previously landed in this state, or caught, or harvested from the territorial waters of this state, is required to possess a valid wholesale dealer's license or a direct retail endorsement. It is unlawful for such fishers ((must)) to fail to immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket in their own name for each ((landing or))

delivery of fish. The fish receiving ticket must show the total of all fish and shellfish aboard the harvesting vessel upon ((landing or)) delivery. ((The)) It is unlawful for a fisher selling at retail ((must)) to fail to complete a fish receiving ticket before offering fish or shellfish for retail sale except if food fish or shellfish are being offered for sale directly off the catcher vessel the fisher may complete the ticket with an estimated number or weight. At the completion of the retail activity, the fisher who has completed a ticket with an estimated number or weight is required to complete a corrected fish receiving ticket with the actual number and weight of fish or shellfish that were sold at retail. The price shown on the fish ticket must be the actual sale price of the fish or shellfish.

(a) Failure to be licensed under this subsection is punishable under RCW 77.15.620.

(b) Failure to prepare a fish receiving ticket under this subsection is punishable under RCW 77.15.630.

(2) ((Each)) It is unlawful for a fisher offering food fish or shellfish for retail sale ((must)) to fail to maintain a sequentially numbered receipt book, which receipt book contains a receipt duplicate copy, and must give each purchaser of salmon or crab a receipt showing the number, weight and value of food fish or shellfish sold to that purchaser. It is unlawful for the seller to fail to retain the duplicate receipts ((must be retained by the seller)) for one year. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(3) In the commercial geoduck fishery, it is unlawful for a vessel operator so designated by the geoduck tract holder ((must)) to fail to be present at all times on each vessel commercially harvesting geoducks or having commercially harvested geoducks aboard. For each day's harvest of geoducks from each tract, it is unlawful for the designated operator ((must)) to fail to legibly and accurately enter the following information on a fish receiving ticket before leaving the department of natural resources geoduck harvest tract:

(a) Enter in the "dealer's use" column the number of cages of geoducks harvested.

(b) Write across the top of the fish receiving ticket directly below the tear strip, the harvest vessel name, its Washington department identification number and the date.

(c) Sign the fish receiving ticket as the fisher.

((4)) Commercial fishers who are neither wholesale dealers nor holders of a direct retail endorsement must complete a transportation ticket as provided for in WAC 220-69-300 when transporting commercial fish or shellfish away from the catching vessel or, for a fishery that does not require a vessel, the catch site. The transportation ticket is to remain with the fish or shellfish until a fish receiving ticket is completed, and must be presented for inspection by persons transporting, holding, or storing fish or shellfish when requested by authorized department personnel.)

(d) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

**AMENDATORY SECTION** (Amending Order 86-102, filed 9/12/86)

**WAC 220-69-242 Duties of commercial shellfish ((purchasers, receivers, and)) shuckers.** Every person ((receiving, purchasing, or)) shucking shellfish for resale, excluding privately cultured aquatic products, ((shall keep complete and accurate records showing the person from whom the shellfish were received, the quantity received, the quantity of shellfish shucked or opened, if applicable, and the location from which the shellfish were harvested, and shall)) is required to have a wholesale dealers license. It is unlawful for shellfish shuckers originally receiving shellfish that are not private sector cultured aquatic products to fail to completely, accurately, and legibly prepare ((the appropriate)) a state of Washington ((fish)) shellfish receiving ticket for each ((and every)) day's activities.

(1) Failure to be licensed under this section is punishable under RCW 77.15.620.

(2) Failure to prepare a fish receiving ticket under this section is punishable under RCW 77.15.630.

**AMENDATORY SECTION** (Amending Order 86-102, filed 9/12/86)

**WAC 220-69-243 Duties of aquatic farmers.** ((Every)) (1) It is unlawful for an aquatic farmer ((selling or)) shipping out-of-state ((his)) or selling private sector cultured aquatic products ((shall)) to fail to keep complete and accurate records showing the quantity of these products sold and the location of the aquatic farm where they were grown, and ((shall)) to fail to completely, accurately, and legibly prepare an aquatic farm production report. An aquatic farm production report shall ((be prepared for)) document each aquatic farm's monthly production, showing the information required in WAC 220-69-23402 (1)(d) through (g), and shall be mailed to the department within thirty days of the end of each quarter for which production is reported.

(2) Quarterly production report copies are required to be maintained by the aquatic farmer for one year and presented on demand for inspection by authorized department personnel.

(3) Violation of this section is a misdemeanor, punishable under RCW 77.15.350.

**AMENDATORY SECTION** (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

**WAC 220-69-250 Required information on non-treaty fish receiving tickets.** (1) It is unlawful for a person required to complete a non-treaty fish receiving ticket to fail to enter the information required in WAC 220-69-230 (1)(a) through (m), (p), (s), and (t) ((shall be required)) on each ((completed)) non-treaty fish receiving ticket ((except that WAC 220-69-230 (1)(s) and (t) are not required for bottom fish landings from Pacific Ocean waters and waters of Puget Sound west of the mouth of the Skagit River)).

(2) A valid license card or duplicate license card issued by the department shall be used in conjunction with an approved mechanical imprinter in lieu of WAC 220-69-230 (1)(a) through (e) except as provided in WAC 220-69-273.

(3) A valid dealer or buyer card issued by the department shall be used in conjunction with an approved mechanical imprinter in lieu of WAC 220-69-230 (1)(h) and (i).

(4) During the period December 1 through December 30, the crab inspection certificate number is a required entry on all shellfish receiving tickets documenting landings and sale of Dungeness crab from Pacific Ocean, Coastal Washington, Grays Harbor, Willapa Harbor, and Columbia River waters. The crab inspection certificate number must be entered legibly on the left hand side of the ticket in the space indicated for dealer's use.

(5) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

PROPOSED

**AMENDATORY SECTION** (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

**WAC 220-69-254 Required information on treaty Indian fish receiving tickets.** (1) It is unlawful for a person required to complete a treaty Indian fish receiving ticket to fail to enter the information required in WAC 220-69-234 (1)(a) through (l) and (p) ((shall be required)) on each ((completed)) treaty Indian fish receiving ticket.

(2) A valid treaty Indian identification card may be used in lieu of WAC 220-69-234 (1)(a) and (b).

(3) A valid dealer or buyer card issued by the department shall be used in lieu of WAC 220-69-234 (1)(e) and (f).

(4) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

**AMENDATORY SECTION** (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

**WAC 220-69-260 Distribution of copies of ((Puget Sound and troll fish)) non-treaty fish receiving tickets.** State of Washington ((Puget Sound and troll)) non-treaty fish receiving tickets shall be made out in quadruplicate (four copies) at the time of ((landing)) delivery. Upon completion of the fish receiving ticket it is unlawful for the person completing the fish receiving ticket to fail to distribute the copies ((shall be distributed)) as follows:

(1) The dealer ((copy #1)) copies (white and yellow) shall be retained by receiver for their use.

(2) The state copy (green) shall be mailed to the department. It is required that the state copies be received by the department no later than the sixth working day after the day the ticket was completed by the original receiver.

(3) ((Dealer copy #2 (yellow) shall be retained by receiver for their use.))

(4) Fisher copy (gold) shall be retained by the deliverer for their use.

(4) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

**AMENDATORY SECTION** (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

**WAC 220-69-264 Distribution of copies of treaty Indian fish receiving tickets.** State of Washington treaty Indian fish receiving tickets shall be made out in quintupli-

cate (five copies) at the time of landing. Upon completion of the treaty Indian fish receiving ticket, it is unlawful for the person completing the fish receiving ticket to fail to distribute the copies ((shall be distributed)) as follows:

(1) The dealer copy ((#1)) (white) shall be retained by receiver for their use.

(2) The state copy (green) and the ((game)) NWIFC copy (pink) shall be mailed to the Northwest Indian Fisheries Commission, P.O. Box 5247, Lacey, Washington 98509. It is required that the state copy and game copy be received by the Northwest Indian Fisheries Commission no later than the sixth working day after the day the ticket was completed by the original receiver.

(3) The tribal copy (yellow) shall be mailed with the state and ((game)) NWIFC copies to the Northwest Indian Fisheries Commission, P.O. Box 5247, Lacey, Washington 98509: Provided, That upon written agreement received by the department from a specific tribe and buyer indicating the desire to transmit the tribe's copy directly to the ((fisherman's)) fisher's tribe, then that one copy may be so disposed.

(4) The fisherman copy (gold) shall be retained by the deliverer for their use.

(5) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

#### AMENDATORY SECTION (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

**WAC 220-69-26401 Distribution of copies of shellfish receiving ticket.** State of Washington shellfish receiving tickets shall be made out in quintuplicate (five copies) at the time of ((landing)) delivery. Upon completion of the shellfish receiving ticket, it is unlawful for the person completing the fish receiving ticket to fail to distribute the copies ((shall be distributed)) as follows:

(1) The dealer ((copy #1)) copies (white and yellow) shall be retained by receiver of their use.

(2) The state ((copy #1)) copies (green and pink) shall be mailed to the department. It is required that the state ((copy)) copies be received by the department no later than the sixth working day after the day the ticket was completed by the original receiver.

(3) ((The state copy #2 (pink) shall be mailed with state copy #1 (green) to the department.))

(4) The dealer copy #2 shall be retained by the receiver for their use.

((5))) The fisherman copy (gold) shall be retained by the deliverer for their use.

(4) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

#### AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

**WAC 220-69-270 License cards.** ((4))) Upon lawful application, a commercial fishery license in the form of a license card will be issued by the department. The license card will be designed for use with an approved mechanical imprinting device. The license card will contain the licensee's name; license type and gear code; license year; license number. Upon designating a vessel the license card will addition-

ally contain the vessel name for documented vessels; the state registration number for undocumented vessels if state registration is required; the department vessel registration number for vessels for which neither documentation nor state registration is required; the primary operator and date of birth; up to two alternate operators and date of birth for each.

((2) It is unlawful to fish, deliver, possess or sell food fish or shellfish taken in a commercial fishery or by charter boats or salmon guides without having a vessel designated on the commercial license except for those fisheries in which no vessel is required.

((3) It is unlawful for any person to possess a fishery license card other than the licensee or an operator designated on the license.))

#### AMENDATORY SECTION (Amending Order 86-102, filed 9/12/86)

**WAC 220-69-274 Signatures.** (1) It is unlawful for the deliverer of nontreaty ((food)) fish((,)) or shellfish((, or parts thereof, shall)) to fail to sign the complete nontreaty fish receiving ticket, which signature shall be deemed certification of the correctness of all entries thereon. It is unlawful for the original receiver of nontreaty ((food)) fish((,)) or shellfish((, or parts thereof, shall)) to fail to sign the complete non-treaty fish receiving ticket.

(2) It is unlawful for the deliverer of treaty ((food)) fish((,)) or shellfish((, or parts thereof shall)) to fail to sign the tribal copy of the treaty Indian fish receiving ticket, which signature shall be deemed certification of the correctness of all entries on the complete fish receiving ticket. It is unlawful for the original receiver of treaty food fish((,)) or shellfish((, or parts thereof, shall)) to fail to sign the complete treaty Indian fish receiving ticket.

(a) A fisher who fails to sign a fish receiving ticket is in violation of RCW 77.15.560.

(b) An original receiver who fails to sign a fish receiving ticket is in violation of RCW 77.15.640.

(3) Where the fisherman is unable to deliver the catch, an agent of the fisherman is authorized to sign the fish receiving ticket if the person has first obtained an additional operator's license for the fishing vessel operated by the fisherman.

(4) Should the receiver receive the ((food)) fish((,)) or shellfish((, or parts thereof,)) by other than direct delivery, the receiver shall affix his or her signature to the fish receiving ticket, and the fish receiving ticket shall be completed and submitted without the deliverer's signature together with ((a statement as to the reasons the signature was not obtained)) the transportation ticket, and the receiver shall assume complete responsibility for the correctness of all entries.

#### AMENDATORY SECTION (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

**WAC 220-69-280 Fish receiving ticket accountability.** Only current ((year)) state of Washington fish receiving tickets shall be used, and shall be subject to the following orders:

(1) Official state of Washington fish receiving tickets may be ordered free of charge from the department.

(2) It is unlawful to fail to use fish receiving ticket books ((shall be used)) and fish receiving tickets in numerical sequence, starting with the lowest numbered ticket ((book)) issued to the ((purchaser or)) original receiver.

(3) It is unlawful to transfer fish receiving tickets or ticket books ((shall not be transferred)) from one ((purchaser or)) original receiver to another ((purchaser or)) original receiver without written permission from the department.

(4) It is unlawful for any purchaser or receiver terminating business ((shall)) to fail to notify the department in writing and ((shall)) to fail to return all unused fish receiving tickets and ticket books to the department within thirty days after termination of business.

(5) It is unlawful to fail to return the state copy of all fish receiving tickets to the state. All fish receiving tickets that are incorrectly made out, voided, or otherwise unused, ((shall)) are required to be submitted to the department accompanying, and in sequence with, other fish receiving tickets.

(6) It is unlawful to fail to account for all fish receiving tickets that are lost, destroyed, or otherwise missing((, shall be accounted for)) in writing to the department.

(7) It is unlawful to transfer fish receiving tickets to anyone who is not a licensed wholesale fish dealer, licensed fish buyer, or holder of a direct retail sale license endorsement, and it is unlawful for any person not so licensed to have fish receiving tickets in possession.

(8) It is unlawful for a wholesale dealer or holder of a direct retail sale endorsement to fail to maintain the dealer copy or copies at the dealer's or holder's regular place of business for one year after the date of use of the fish ticket.

(9) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

#### AMENDATORY SECTION (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

**WAC 220-69-300 Commercial food fish and shellfish transportation ticket.** (1) It is unlawful for any person to transport commercial quantities of food fish or shellfish in Washington state unless the person has in possession a completed state of Washington commercial food fish and shellfish transportation ticket (referred to hereafter as a "transportation ticket"). Violation of this subsection is punishable under RCW 77.15.290.

(2) The transportation ticket shall contain space for:

- (a) The name of the fisherman who caught the fish.
- (b) The fisherman's vessel registration number.
- (c) The signature of the fisherman or additional operator.
- (d) The name of the transporter.
- (e) The signature of the transporter.

(f) The catch area where the food fish or shellfish were caught.

(g) The species of food fish or shellfish being transported.

(h) The number or approximate pounds of food fish or shellfish being transported.

(3) The information in subsection (2)(a) through (h) of this section are required entries on all completed transportation tickets.

(4) It is unlawful for an original receiver to fail to mail the transportation ticket ((is to be mailed)) together with the state copy of the fish receiving ticket as provided for in WAC 220-69-260, ((220-69-262,)) WAC 220-69-264, and WAC 220-69-26401. Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

(5) It is unlawful for any transporter of commercial quantities of food fish or shellfish to fail to show the transportation ticket, on demand, to a fish and wildlife officer or ex officio fish and wildlife officer. Violation of this subsection is a gross misdemeanor punishable under RCW 77.15.360.

(6) The provisions of this section do not apply to:

(a) Food fish and shellfish purchased at retail, provided the purchaser has, in possession, a sales receipt documenting purchase.

(b) Food fish or shellfish for which a fish receiving ticket has been completed.

(c) Food fish or shellfish being transported by the department.

(d) Hatchery carcass sales.

(e) Private sector cultured aquatic products in transport.

(f) Food fish or shellfish being transported on an Oregon transportation ticket.

(g) Food fish or shellfish being transported in the catching vessel prior to delivery.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-69-262

Distribution of copies of marine and utility fish receiving ticket.



**WSR 04-13-058**  
**EXPEDITED RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed June 11, 2004, 1:46 p.m.]

Title of Rule and Other Identifying Information: Rules relating to the use of microencapsulated methyl parathion, WAC 16-230-250 through 16-230-290.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO George Huffman, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, e-mail [ghuffman@agr.wa.gov](mailto:ghuffman@agr.wa.gov), AND RECEIVED BY August 23, 2004.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal deletes WAC 16-230-250 through 16-230-290, rules relating to the use of microencapsulated methyl parathion. Language prohibiting the use of microencapsulated methyl parathion on blossoming plants and pollen shedding corn was incorporated into WAC 16-228-1220 of the general pesticide rules.

Reasons Supporting Proposal: Language prohibiting the use of microencapsulated methyl parathion on blossoming plants and pollen shedding corn was incorporated into WAC 16-228-1220 of the general pesticide rules.

Statutory Authority for Adoption: Chapters 17.21, 15.58, 34.05 RCW.

Statute Being Implemented: Chapters 17.21, 15.58 RCW.

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

Name of Proponent: Washington State Department of Agriculture, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Ann Wick, 1111 Washington Street, (360) 902-2051; and Enforcement: Cliff Weed, 1111 Washington Street, (360) 902-2036.

June 11, 2004  
 Bob Arrington  
 Assistant Director

**WSR 04-13-059**  
**EXPEDITED RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed June 11, 2004, 1:47 p.m.]

Title of Rule and Other Identifying Information: Rules relating to restricted use pesticides—Ziram, WAC 16-219-010.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO George Huffman, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, e-mail [ghuffman@agr.wa.gov](mailto:ghuffman@agr.wa.gov), AND RECEIVED BY August 23, 2004.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal repeals WAC 16-219-010, rules relating to restricted use pesticides—Ziram. Language regarding restrictions on ziram for use on Bosc pears was incorporated into WAC 16-228-1238 of the general pesticide rules.

Reasons Supporting Proposal: Language regarding restrictions of ziram for use on Bosc pears was incorporated into WAC 16-228-1238 of the general pesticide rules.

Statutory Authority for Adoption: Chapters 17.21, 15.58, and 34.05 RCW.

Statute Being Implemented: Chapters 17.21 and 15.58 RCW.

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

Name of Proponent: Washington State Department of Agriculture, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Ann Wick, 1111 Washington Street, Olympia, WA, (360) 902-2051; and Enforcement: Cliff Weed, 1111 Washington Street, Olympia, WA, (360) 902-2036.

June 11, 2004  
 Bob Arrington  
 Assistant Director

**WSR 04-13-077**  
**EXPEDITED RULES**  
**BUILDING CODE COUNCIL**

[Filed June 16, 2004, 1:45 p.m.]

Title of Rule and Other Identifying Information: Chapter 51-50 WAC, Washington State Building Code adoption and amendment of the 2003 Edition of the International Building Code.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE

OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, AND RECEIVED BY August 24, 2004.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To amend the Washington state amendments to the 2003 International Building Code to correct the reference to the adoption of Appendix E.

**Summary:** Section 107 of Appendix E, the scoping requirements for accessible signage, was omitted from the adoption of the Building Code. This would correct that error.

**Explanation of Rule, its Purpose, and Anticipated Effects:** On November 21, 2003, as part of the adoption of the Building Code, the state Building Code Council repealed the Washington state regulations for barrier-free facilities (Chapter 11, chapter 51-40 WAC) and adopted the accessibility provisions found in the 2003 International Building Code (IBC) and ICC A117.1-1998. These provisions will go into effect on July 1, 2004. Section 107 of Appendix E of the IBC, containing requirements for accessible signage was unintentionally omitted from the adoption. These provisions are equivalent to those currently found in the Washington state regulations for barrier-free facilities. Adoption of this section will bring the state back into equivalency with the Americans with Disability Act accessibility guidelines.

**Reasons Supporting Proposal:** RCW 19.27.190 and 19.27.020.

**Statutory Authority for Adoption:** RCW 19.27.190 and 19.27.020.

**Statute Being Implemented:** Chapters 19.27 and 34.05 RCW.

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

**Name of Proponent:** Washington State Building Code Council, governmental.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Al Rhoades, Olympia, Washington 98504-2525, (360) 725-2970; and **Enforcement:** Local jurisdictions.

June 11, 2004

Stan Price

Council Chair

**[AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03)]**

**WAC 51-50-003 International Building Code.** The 2003 edition of the *International Building Code*, including Sections 101 through ((106)) 107 of Appendix E, published by the International Code Council is hereby adopted by reference with the exceptions noted in this chapter of the Washington Administrative Code.

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

**[AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03)]**

**WAC 51-50-005 International Building Code requirements for barrier-free accessibility.** Chapter 11 and other International Building Code requirements for barrier-free access, including ICC A117.1.1998 and Appendix E Sections 101 through ((106)) 107, are adopted pursuant to chapters 70.92 and 19.27 RCW.

Pursuant to RCW 19.27.040, Chapter 11 and requirements affecting barrier-free access shall not be amended by local governments.

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

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

**WSR 04-13-002**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)  
 [Filed June 2, 2004, 3:19 p.m., effective July 3, 2004]

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

Purpose: On September 2, 2003, the Medical Assistance Administration (MAA) filed a rule-making order amending chapter 388-538 WAC, Managed care, under WSR 03-18-110. Due to an administrative error, the rule omitted listing the department as a party to the MAA fair hearing, and did not clearly state the time limits to request a fair hearing. This amendment corrects these omissions.

Citation of Existing Rules Affected by this Order: Amending WAC 388-538-112.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.522.

Other Authority: RCW 74.09.450.

Adopted under notice filed as WSR 04-07-135 on March 22, 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 0, Amended 1, Repealed 0.

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

Date Adopted: May 28, 2004.

May 28, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 03-18-110, filed 9/2/03, effective 10/3/03)

**WAC 388-538-112 The medical assistance administration's (MAA's) fair hearing process for enrollee appeals of managed care organization (MCO) actions.** (1) The fair hearing process described in chapter 388-02 WAC applies to the fair hearing process described in this chapter. Where a conflict exists, the requirements in this chapter take precedence.

(2) An MCO enrollee must exhaust all levels of resolution and appeal within the MCO's grievance system prior to filing an appeal (a request for a department fair hearing) with MAA. See WAC 388-538-110 for the MCO grievance system.

(3) If an MCO enrollee does not agree with the MCO's resolution of the enrollee's appeal, the enrollee may file a

request for a department fair hearing within the following time frames:

(a) For appeals regarding a standard service, within ninety calendar days of the date of the MCO's notice of the resolution of the appeal.

(b) For appeals regarding termination, suspension, or reduction of a previously authorized service, or the enrollee is requesting continuation of services, within ten calendar days of the date on the MCO's notice of the resolution of the appeal.

(4) The entire appeal process, including the MCO appeal process, must be completed within ninety calendar days of the date the MCO enrollee filed the appeal with the MCO, not including the number of days the enrollee took to subsequently file for a department fair hearing.

(5) Parties to the ((MAA)) fair hearing include the department, the MCO, the enrollee, and the enrollee's representative or the representative of a deceased enrollee's estate.

(6) If an enrollee disagrees with the ((department)) fair hearing decision, then the enrollee may request an independent review (IR) ((per)) in accordance with RCW 48.43.535.

(7) If there is disagreement with the IR decision, the ((state)) department of social and health services (DHS) board of appeals (BOA) issues the final administrative decision.

**WSR 04-13-014**

**PERMANENT RULES**

**NOXIOUS WEED CONTROL BOARD**

[Filed June 4, 2004, 1:18 p.m., effective July 5, 2004]

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

Purpose: Correct two spelling errors.

Citation of Existing Rules Affected by this Order: Amending WAC 16-750-011 and 16-750-015.

Statutory Authority for Adoption: Chapter 17.10 RCW.

Adopted under notice filed as WSR 04-07-021 on March 8, 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 2, Repealed 0.

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

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

Date Adopted: June 4, 2004.

June 4, 2004

Steve McGonigal  
Executive Secretary

**AMENDATORY SECTION** (Amending WSR 03-24-012, filed 11/20/03, effective 12/21/03)

**WAC 16-750-011 State noxious weed list—Class B noxious weeds.**

Name	Will be a "Class B designate" in all lands lying within:	Will be a "Class B designate" in all lands lying within:
(1) alyssum, hoary <i>((Bertero aineang))</i> <i>Berteroa incana</i>	(a) regions 1, 2, 5, 6, 8, 9, 10 (b) region 3, except Okanogan County (c) Okanogan County, of region 3, except Ranges 29 through 31 East of Townships 37 through 40 North (d) Adams and Whitman counties of region 7.	(a) regions 1, 2, 3, 4, 5, 7, 8, 9 (b) region 6 except those portions of Sections 23, 24, 25, and 29 through 36, T16N, R27E, W.M. lying outside Intercity Weed District No. 52 and except Sections 1 through 12, T15N, R27E, W.M. in Grant County and except the area west of Highway 17 and north of Highway 26 in Adams County (c) Franklin, Columbia, Garfield, and Asotin counties of region 10 (d) an area beginning at the Washington—Oregon border at the southwest portion of section 5, R32E, T6N, then north to the northwest corner of section 3, R32E, T7N, then east to the northeast corner of section 3, R36E, T7N, then south to southeast portion of section 15, R36E, T6N, at the Washington—Oregon border, then west along the Washington—Oregon border to the point of beginning.
(2) blackgrass <i>Alopecurus myosuroides</i>	(a) regions 1, 2, 3, 5, 6, 8, 9, 10 (b) Ferry, Stevens, Pend Oreille counties of region 4 (c) Adams County of region 7.	(a) regions 3, 7 (except where intentionally cultivated) (b) Spokane and Ferry counties of region 4 (except where intentionally cultivated)
(3) blueweed <i>Echium vulgare</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10 (b) region 7 except for an area starting at the Stevens County line on SR 291 south to the SR 291 bridge over the Little Spokane River, thence upstream along the Little Spokane River to the first Rutter Parkway Bridge; thence south along the Rutter Parkway to the intersection of Rutter Parkway and Indian Trail Road; thence southerly along Indian Trail Road to a point three miles south (on section line between sections 22 and 27, T-26N, R-42E); thence due west to a point intersecting the line between Ranges 41 and 42; thence north along this line to a point 1/4 mile south of Charles Road; thence northwesterly parallel to Charles Road to a point 1/4 miles south of the intersection of Charles Road and West Shore Road; thence northerly along West Shore Road to the Spokane River (Long Lake); thence southeasterly along the Spokane River to the point of beginning.	(c) region 6, except Yakima County (except where intentionally cultivated) (d) region 9, except Yakima County (except where intentionally cultivated) (e) region 10, except Walla Walla County (except where intentionally cultivated).
(4) broom, Scotch <i>Cytisus scoparius</i>	(a) regions 3, 4, 6, 7, 9, 10.	(a) regions 3, 4, 6, 7, 10 (b) region 9 except Klickitat County.
(5) bryony, white <i>Bryonia alba</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9 (b) region 7 except Whitman County (c) Franklin County of region 10.	(a) regions 1, 3, 4, 6, 7, 9, 10 (b) region 5 except those portions of Thurston County within T15, 16, 17N, R2, 3, 4W (c) region 2 except Guemes Island in Skagit County (d) region 8 except Clark County.
(6) bugloss, common <i>Anchusa officinalis</i>	(a) regions 1, 2, 3, 5, 6, 8, 9, 10 (b) region 4 except Stevens and Spokane counties (c) Lincoln, Adams, and Whitman counties of region 7.	(a) regions 1, 3, 8, 10 (b) region 2 except Skagit County (c) region 4 except Stevens, Ferry, and Pend Oreille counties (d) region 5 except Thurston County (e) region 6 except Yakima County (f) region 7 except Spokane County (g) region 8 except Lewis County (h) region 9 except Klickitat County.
(7) bugloss, annual <i>Anchusa arvensis</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9 (b) Lincoln and Adams counties (c) Whitman County except ranges 43 through 46 East of Townships 16 through 20 North.	

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
(13) cordgrass, smooth <i>Spartina alterniflora</i>	(a) regions 1, 3, 4, 5, 6, 7, 9, 10 (b) region 2 except Padilla Bay of Skagit County (c) region 8 except bays and estuaries of Pacific County.	(23) hawkweed, polar <i>Hieracium atratum</i>	(a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10 (b) region 5 outside the boundaries of Mt. Rainier National Park.
(14) cordgrass, common <i>Spartina anglica</i>	(a) regions 1, 3, 4, 5, 6, 7, 8, 9, 10 (b) region 2 except bays and estuaries of Skagit and Island counties and except bays and estuaries north of Everett in Snohomish County.	(24) hawkweed, queen-devil <i>Hieracium glomeratum</i>	(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10 (b) Ferry County of region 4.
(15) daisy, oxeye <i>Leucanthemum vulgare</i>	(a) regions 7, 10 (b) region 9 except those areas lying within Klickitat and Yakima counties west of Range 13 East (c) region 6 except those areas lying within Yakima and Kittitas counties west of Range 13 E.	(25) hawkweed, smooth <i>Hieracium laevigatum</i>	(a) regions 1, 3, 4, 5, 6, 7, 8, 9, 10 (b) San Juan, Island, and Skagit counties of region 2.
(16) elodea, Brazilian <i>Egeria densa</i>	(a) regions 3, 4, 6, 7, 9, 10 (b) Lewis County of region 8 (c) Clallam County of region 1 (d) King County of region 5, except lakes Washington, Sammamish, Union and Fenwick.	(26) hawkweed, yellow <i>Hieracium caespitosum</i>	(a) regions 1, 2, 3, 5, 6, 7, 8, 10 (b) region 4 except Stevens and Pend Oreille counties (c) region 9 except sections 32, 33 and 34 of T6N, R12E, and sections 4, 5, 6, and 7 of T5N, R12E, and section 12 of T5N, R11E, of Klickitat County.
(17) fanwort <i>Cabomba caroliniana</i>	(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10 (b) region 8 except T8N, R3W of Cowlitz County.	(27) hedgeparsley <i>Torilis arvensis</i>	(a) regions 1, 2, 3, 4, 5, 6, 7, 8, 10 (b) Yakima, Benton, Franklin counties (c) Klickitat County except those lands lying within T4N, R10E, R11E, R12E, R13E, R14E; T3N, R10E, R11E, R12E, R13E; T2N, R12E, R13E.
(18) fieldcress, Austrian <i>Rorippa austriaca</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9 (b) regions 7 and 10 except within the Palouse River Canyon from Big Palouse Falls to the Snake River.	(28) helmet, policeman's <i>Impatiens glandulifera</i>	(a) regions 1, 3, 4, 6, 7, 8, 9, 10 (b) region 2 except Whatcom County (c) region 5 except Pierce and Thurston counties.
(19) floating heart, yellow <i>Nymphoides peltata</i>	(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10 (b) region 4 except the Spokane River between Long Lake Dam and Nine Mile Dam.	(29) herb-Robert <i>Geranium robertianum</i>	(a) regions 3, 4, 6, 7, 9, 10
(20) gorse <i>Ulex europaeus</i>	(a) regions 1, 3, 4, 6, 7, 9, 10 (b) Skagit and Whatcom counties of region 2 (c) Thurston, Pierce, and King counties of region 5 (d) Wahkiakum, Cowlitz, and Lewis counties of region 8.	(30) houndstongue <i>Cynoglossum officinale</i>	(a) Kittitas County of region 6.
(21) hawkweed, mouseear <i>Hieracium pilosella</i>	(a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10 (b) region 5 except Thurston County (c) Thurston County lying within T17N, R1W, S31; T16N, R2W, S30 W1/2; T16N, R3W, S25, SE1/4; T16N, R3W, S36, N1/2; T16N, R2W, S31, NW1/4.	(31) indigobush <i>Anomorpha fruticosa</i>	(a) regions 1, 2, 3, 4, 5, 6 (b) regions 7 and 10 except within 200 feet of the Snake River from Central Ferry downstream (c) regions 8, 9, and 10 except within 200 feet of the Columbia River.
(22) hawkweed, orange <i>Hieracium aurantiacum</i>	(a) regions 3, 6, 9, 10 (b) Clallam County of region 1 (c) Skagit County of region 2 (d) Ferry County of region 4 (e) Thurston and King counties of region 5 (f) Lincoln and Adams counties of region 7 (g) Lewis County of region 8.	(32) knapweed, black <i>Centaurea nigra</i>	(a) regions 1, 2, 3, 4, 7, 9, 10 (b) region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties (c) region 6 except Kittitas County (d) region 8 except Clark County.
		(33) knapweed, brown <i>Centaurea jacea</i>	(a) regions 1, 2, 3, 4, 7, 9, 10 (b) region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties (c) region 6 except Kittitas County (d) region 8 except Clark County.

PERMANENT

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
(34) knapweed, diffuse <i>Centaurea diffusa</i>	<ul style="list-style-type: none"> <li>(a) regions 1, 2, 5, 8</li> <li>(b) Grant County lying in Townships 13 through 16 North, Ranges 25 through 27 East; Townships 17 and 18 N., Ranges 25 through 30 East; Townships 19 and 20 North, Ranges 29 and 30 East; T21N, R23E, Sections 1 through 30; T21N, R26E., Sections 5, 6, 7, 8, 17, and 18; East 1/2 Township 21N, Range 27E.; T21N, Ranges 28 through 30 E; those portions of Townships 22 through 28N, Ranges 28 through 30 E.; those portions of Township 22 through 28N., Ranges 23 through 30E. lying in Grant County; all W.M.</li> <li>(c) Adams County except those areas within T15N, R36E, Section 36; T15N, R37E, Sections 22, 26, 27, 28, 31, 32, 33 and 34; T15N, R37E, western half of Sections 23, 24 and 25; T15N, R38E, Sections 2, 10, 11, 14, 15, 19 and 20; T16N, R38E, Sections 34 and 35; T17N, R37E, Sections 5 and 6</li> <li>(d) Franklin County of regions 9 and 10.</li> </ul>	(39) knotweed, Himalayan <i>Polygonum polystachyum</i>	<ul style="list-style-type: none"> <li>(a) Kittitas County of region 6</li> <li>(b) Pend Oreille County of region 4</li> <li>(c) Lewis County of region 8.</li> </ul>
(35) knapweed, meadow <i>Centaurea jacea x nigra</i>	<ul style="list-style-type: none"> <li>(a) regions 1, 2, 3, 4, 7, 9, 10</li> <li>(b) region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties</li> <li>(c) region 6 except Kittitas County</li> <li>(d) region 8 except Clark County.</li> </ul>	(40) knotweed, Japanese <i>Polygonum cuspidatum</i>	<ul style="list-style-type: none"> <li>(a) Kittitas County of region 6</li> <li>(b) Chelan County of regions 3 and 6</li> <li>(c) Pend Oreille County of region 4.</li> </ul>
(36) knapweed, Russian <i>Acropitilon repens</i>	<ul style="list-style-type: none"> <li>(a) regions 1, 2, 5, 7, 8</li> <li>(b) region 4 except that area lying within the boundaries of the Colville Indian Reservation within Ferry County</li> <li>(c) Adams County of region 6 except for the area west of Highway 17 and North of Highway 26</li> <li>(d) Intercounty Weed District No. 52</li> <li>(e) region 10 except Franklin County.</li> </ul>	(41) kochia <i>Kochia scoparia</i>	<ul style="list-style-type: none"> <li>(a) Clallam County of region 1</li> <li>(b) Skagit and Whatcom counties of region 2</li> <li>(c) Pend Oreille County of region 4</li> <li>(d) King County of region 5</li> <li>(e) Kittitas County of region 6.</li> </ul>
(37) knapweed, spotted <i>Centaurea biebersteinii</i>	<ul style="list-style-type: none"> <li>(a) regions 1, 2, 3, 5, 6, 9</li> <li>(b) Ferry County of region 4</li> <li>(c) Adams and Whitman counties of region 7</li> <li>(d) region 8, except that portion of Lewis County below the ordinary high watermark of the Tilton River from Hwy. 508 to Lake Mayfield</li> <li>(e) region 10 except Garfield County.</li> </ul>	(42) lepyrodielis <i>Lepyrodielis holosteoides</i>	<ul style="list-style-type: none"> <li>(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10</li> <li>(b) region 7 except an area within Whitman County east of the Pullman—Wawawai Road from Wawawai to Pullman and south of State Highway 270 from Pullman to Moscow, Idaho.</li> </ul>
(38) knotweed, giant <i>Polygonum sachalinense</i>	<ul style="list-style-type: none"> <li>(a) Kittitas County of region 6</li> <li>(b) Pend Oreille County of region 4.</li> </ul>	(43) loosestrife, garden <i>Lysimachia vulgaris</i>	<ul style="list-style-type: none"> <li>(a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10</li> <li>(b) region 5 except King County</li> <li>(c) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line.</li> </ul>
		(44) loosestrife, purple <i>Lythrum salicaria</i>	<ul style="list-style-type: none"> <li>(a) regions 1, 4, 7, 8</li> <li>(b) region 2 except Snohomish County</li> <li>(c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside</li> <li>(d) Grays Harbor, Mason, Kitsap, and Thurston counties of region 5</li> <li>(e) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line</li> <li>(f) Pierce County, except those areas lying within T2D, 21, 22N, R1W and R1E, all sections</li> <li>(g) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed</li> </ul>

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
(45) loosestrife, wand <i>Lythrum virgatum</i>	<ul style="list-style-type: none"> <li>(h) region 9 except Benton County</li> <li>(i) region 10 except Walla Walla County</li> <li>(j) Intercounty Weed Districts No. 51 and No. 52.</li> <li>(a) regions 1, 4, 7, 8</li> <li>(b) region 2 except Snohomish County</li> <li>(c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside</li> <li>(d) region 5 except King County</li> <li>(e) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line</li> <li>(f) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed</li> <li>(g) region 9 except Benton County</li> <li>(h) region 10 except Walla Walla County</li> <li>(i) Intercounty Weed Districts No. 51 and No. 52.</li> </ul>		<ul style="list-style-type: none"> <li>Yakima/Benton County Line from a point beginning at the County Line and Highway 22 (near Byron) continuing westerly along Highway 22 (to near the city of Mabton) to the intersection of Highway 22 and the Reservation Boundary (Division Road) and continuing north to the Yakima River. Then it will follow the river northwest to the Wapato-Donald Road continuing north along said road to Highway 12 then Highway 12 to Parker Heights Road.</li> <li>(ii) an area lying southerly of State Route 14 and within T2N, Ranges 13 and 14 E of Klickitat County</li> </ul>
(46) nutgrass, yellow <i>Cyperus esculentus</i>	<ul style="list-style-type: none"> <li>(a) regions 1, 2, 3, 4, 5, 6, 7, 8</li> <li>(b) region 6 except those areas lying between State Highway 26 and State Highway 28, and westerly of Dodson Road in Grant County, and except S 1/2, Sec. 2, T20N, R25E., W.M.</li> <li>(c) region 9 except: <ul style="list-style-type: none"> <li>(i) except those areas lying within the following boundary description within Yakima County: Beginning at the intersection of Highway 12 and Parker Heights Road and continuing easterly to Konnowac Pass Road follow said road north to the intersection of Konnowac Pass Road and Nightingale Road. The northern boundary shall be the Roza Canal, continuing from the established point at Nightingale Road. The boundaries will follow the Roza Canal easterly to the County Line Road. The east boundaries will be the</li> </ul> </li> </ul>	(47) oxtongue, hawkweed <i>Picris hieracioides</i>	<ul style="list-style-type: none"> <li>(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10</li> <li>(b) region 8 except Skamania County.</li> </ul>
		(48) parrotfeather <i>Myriophyllum aquaticum</i>	<ul style="list-style-type: none"> <li>(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10</li> <li>(b) region 8 except Clark, Cowlitz, and Wahkiakum counties.</li> </ul>
		(49) pepperweed, perennial <i>Lepidium latifolium</i>	<ul style="list-style-type: none"> <li>(a) regions 1, 2, 3, 4, 5, 7, 8, 10</li> <li>(b) Intercounty Weed Districts No. 51 and 52</li> <li>(c) Kittitas County of region 6</li> <li>(d) Adams County of region 6 except for the area west of Highway 17 and north of Highway 26.</li> </ul>
		(50) primrose, water <i>Ludwigia hexapetala</i>	<ul style="list-style-type: none"> <li>(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10</li> <li>(b) region 8 except T8N, R3W, S14 of Cowlitz County.</li> </ul>
		(51) puncturevine <i>Tribulus terrestris</i>	<ul style="list-style-type: none"> <li>(a) Skagit County of region 2</li> <li>(b) Kittitas County of region 6</li> <li>(c) Adams County</li> <li>(d) Clallam County of region 1.</li> </ul>
		(52) ragwort, tansy <i>Senecio jacobaea</i>	<ul style="list-style-type: none"> <li>(a) regions 3, 4, 6, 7, 9, 10</li> <li>(b) region 5, that portion of Pierce County lying south or east of a boundary beginning at the White River and State Highway 410, then west along State Highway 410 to intersection with State Highway 162 (Orting) to intersection with Orville Road, then south along Orville Road to intersection with Kapowsin Highway (304th Street East), then west following Kapowsin Highway to intersection with State Route 7, then south along State Route 7 to intersection with State Route 702, then west along State Route 702 to intersection with State Route 507, then southwest along State Route 507 to intersection with the Nisqually River.</li> </ul>

**PERMANENT**

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
(53) Saltcedar <i>Tamarix ramosissima</i>	<ul style="list-style-type: none"> <li>(a) regions 1, 2, 3, 4, 5, 7, 8, unless intentionally established prior to 2004</li> <li>(b) region 6 except Grant County, unless intentionally established prior to 2004</li> <li>(c) region 9 except Benton and Franklin counties, unless intentionally established prior to 2004</li> <li>(d) region 10 except Franklin County, unless intentionally established prior to 2004.</li> </ul>	(56) sowthistle, perennial <i>Sonchus arvensis</i> ssp. <i>arvensis</i>	<ul style="list-style-type: none"> <li>(a) regions 1, 2, 3, 4, 7, 8, 9, 10</li> <li>(b) Adams County of region 6</li> <li>(c) region 5 except for sections 28, 29, 30, 31, 32, and 33 in T19N, R1E of Thurston and Pierce counties.</li> </ul>
(54) sandbur, longspine <i>Cenchrus longispinus</i>	<ul style="list-style-type: none"> <li>(a) regions 1, 2, 3, 4, 5, 7, 8</li> <li>(b) Adams County of region 6 except for that area lying within Inter-county Weed District No. 52</li> <li>(c) Intercounty Weed District No. 51</li> <li>(d) Kittitas County of region 6.</li> </ul>	(57) spurge, leafy <i>Euphorbia esula</i>	<ul style="list-style-type: none"> <li>(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10</li> <li>(b) region 7 except as follows: <ul style="list-style-type: none"> <li>(i) T27N, R37E, Sections 34, 35, 36; T27N, R38E, Sections 31, 32, 33; T26N, R37E, Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 26; T26N, R38E, Sections 5, 6, 7, 8 of Lincoln County</li> <li>(ii) T24N, R43E, Section 12, Qtr. Section 3, Parcel No. 9068 of Spokane County.</li> </ul> </li> </ul>
(55) skeletonweed, rush <i>Chondrilla juncea</i>	<ul style="list-style-type: none"> <li>(a) regions 1, 2, 3, 5, 8, 9</li> <li>(b) Franklin County except T13N, R36E; and T14N, R36E</li> <li>(c) Adams County except those areas lying east of a line running north from Franklin County along the western boundary of Range 36 East to State Highway 26 then north on Sage Road until it intersects Lee Road, then due north until intersection with Providence Road, then east to State Highway 261, then north along State Highway 261 to its intersection with Interstate 90, henceforth on a due north line to intersection with Bauman Road, then north along Bauman Road to its terminus, then due north to the Lincoln County line.</li> <li>(d) region 6 except that portion lying within Grant County that is southerly of State Highway 28, northerly of Interstate Highway 90 and easterly of Grant County Road I Northwest</li> <li>(e) Stevens County north of Township 33 North of region 4</li> <li>(f) Ferry and Pend Oreille counties of region 4</li> <li>(g) Asotin County of region 10</li> <li>(h) Garfield County south of Highway 12</li> <li>(i) Columbia County from the Walla Walla County line on Highway 12, all areas south of Turner Road; at Turner Road to the Garfield county line, all areas south and east of Turner Road</li> <li>(j) Whitman County lying in Ranges 43 through 46 East of Townships 15 through 20 North; T14N, Ranges 44 through 46 East; and T13N, Ranges 45 and 46 East.</li> </ul>	(58) spurge, myrtle <i>Euphorbia myrsinites L</i>	<ul style="list-style-type: none"> <li>(a) Pend Oreille County of region 4.</li> <li>(b) regions 1, 2, 3, 5, 6, 8</li> </ul>
		(59) starthistle, yellow <i>Centaurea solstitialis</i>	<ul style="list-style-type: none"> <li>(a) region 4 except those areas within Stevens County bounded by a line beginning at the intersection of State Highway 20 and State Highway 25, then north to intersection with Pinkston Creek Road, then east along Pinkston Creek Road to intersection with Highland Loop Road, then south along Highland Loop Road to intersection with State Highway 20, then west along State Highway 20 to intersection with State Highway 25</li> <li>(c) region 7 except those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border</li> <li>(d) Franklin County</li> <li>(e) region 9 except Klickitat County</li> <li>(f) in all lands lying within Asotin County, Region 10, except as follows: T11N, R44E, Sections 25, 26, 27, 28, 29, 31, 32, 33, 34, and 35; T11N, R45E, Sections 21, 22, 23, and 25; T11N, R36E, Sections 19, 20, 21, 28, 29, 30, 31, 32, and 33; T10N, R44E, Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 15, and 16; T10N, R45E, Sections 23 and 24; T10N, R46E, Sections 7, 8, 17, 18, 19, 20, 21, 22, 27, 34, and 35; T9N, R46E, Sections 1, 2, 12, 13, 14, 23, 24, 25, 26, 35, and 36; T9N, R47E, Sections 18, 19, 30, and 31; T8N, R46E, Sections 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 23,</li> </ul>

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
(60) Swainsonpea <i>Sphaerophysa salsula</i>	and 24; T8N, R47E, Sections 8, 17, 18, 19, 20, 29, 30, 31, and 32. (a) regions 1, 2, 3, 4, 5, 7, 8 (b) Columbia, Garfield, Asotin, and Franklin counties (c) an area beginning at the Washington—Oregon border at the southwest portion of Section 15, R32E, T6N, then north to the northwest corner of Section 3, R32E, T7N, then east to the northeast corner of Section 3, R36E, T7N, then south to the southeast portion of Section 15, R36E, T6N, at the Washington—Oregon border, then west along the Washington—Oregon border to the point of beginning (d) Weed District No. 3 of Grant County (e) Adams County of region 6. (a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10 (b) Spokane and Pend Oreille counties.	(ii) those areas lying west of the Klickitat River and within Klickitat County. (65) watermilfoil, Eurasian <i>Myriophyllum spicatum</i>	(a) regions 1, 9, 10 (b) region 7 except Spokane County (c) region 8 except within 200 feet of the Columbia River (d) Adams County of region 6 (e) in all water bodies of public access, except the Pend Oreille River, in Pend Oreille County of region 4.
(61) thistle, musk <i>Carduus nutans</i>			
(62) thistle, plumeless <i>Carduus acanthoides</i>	(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10 (b) region 4 except those areas within Stevens County lying north of State Highway 20.		
(63) thistle, Scotch <i>Onopordum acanthium</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9 (b) region 7 except for those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border (c) Franklin County. (a) regions 1, 2, 5, 8, 10 (b) Douglas County of region 3 lying south of T25N, west of R25E, and east of R28E (c) Okanogan County lying within T 33, 34, 35N, R19, 20, 21, 22E, except the southwest, southeast, and northeast quarters of the northeast quarter of section 27, T35N, R21E; and the northeast quarter of the southeast quarter of section 27, T35N, R21E (d) Kittitas, Chelan, Douglas, and Adams counties of region 6 (e) Intercounty Weed District No. 51 (f) Weed District No. 3 of Grant County (g) Lincoln and Adams counties (h) The western two miles of Spokane County of region 7 (i) region 9 except as follows: (i) those areas lying within Yakima County		
(64) toadflax, Dalmatian <i>Linaria dalmatica</i> ssp. <i>dalmatica</i>			

PERMANENT

**AMENDATORY SECTION** (Amending WSR 03-24-012, filed 11/20/03, effective 12/21/03)**WAC 16-750-015 State noxious weed list—Class C noxious weeds.**

Common Name	Scientific Name
babysbreath	<i>Gypsophila paniculata</i>
beard, old man's	<i>Clematis vitalba</i>
bindweed, field	<i>Convolvulus arvensis</i>
canarygrass, reed	<i>Phalaris arundinacea</i>
cockle, white	<i>Silene latifolia</i> ssp. <i>alba</i>
cocklebur, spiny	<i>Xanthium spinosum</i>
cress, hoary	<i>Cardaria draba</i>
dodder, smoothseed alfalfa	<i>Cuscuta approximata</i>
goatgrass, jointed	<i>Aegilops cylindrica</i>
groundsel, common	<i>Senecio vulgaris</i>
hawkweed, nonnative species	<i>Hieracium</i> sp., except species designated in the note in the left-hand column

**Note:**

This listing includes all species of *Hieracium*, except the following:

- Species designated as Class A noxious weeds in WAC 16-750-005;
- Species designated as Class B noxious weeds in WAC 16-750-011;
- Native species designated below:
  - Canada hawkweed (*H. canadense*)
  - houndstongue hawkweed (*H. cynoglossoides*)
  - long-beaked hawkweed (*H. longiberbe*)
  - narrow-leaved hawkweed (*H. umbellatum*)
  - slender hawkweed (*H. gracile*)
  - western hawkweed (*H. albertinum*)
  - white-flowered hawkweed (*H. albiflorum*)
  - woolley-weed (*H. scouleri*)

*Hyoscyamus niger*  
*Iris pseudocorus*

Common Name	Scientific Name
ivy, English, 4 cultivars only:	<i>Hedera hibernica 'Hibernicia'</i>
	<i>Hedera helix 'Baltica'</i>
	<i>Hedera helix 'Pittsburgh'</i>
	<i>Hedera helix 'Star'</i>
((knotweed)) knotweed, Bohemian mayweed, scentless poison-hemlock reed, common, nonnative geno types rye, cereal spikeweed St. Johnswort, common tansy, common thistle, bull thistle, Canada toadflax, yellow water lily, fragrant whitetop, hairy willow-herb, hairy wormwood, absinth	<i>Polygonum x Bohemicum</i> <i>Matricaria perforata</i> <i>Conium maculatum</i> <i>Phragmites australis</i>  <i>Secale cereale</i> <i>Hemizonia pungens</i> <i>Hypericum perforatum</i> <i>Tanacetum vulgare</i> <i>Cirsium vulgare</i> <i>Cirsium arvense</i> <i>Linaria vulgaris</i> <i>Nymphaea odorata</i> <i>Cardaria pubescens</i> <i>Epilobium hirsutum</i> <i>Artemisia absinthium</i>

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 1, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 4, 2004.

June 4, 2004

Paul Trause  
Director

**AMENDATORY SECTION** (Amending WSR 01-23-059, filed 11/20/01, effective 1/1/02)

**WAC 296-17-31013 Building construction.** (1) Does this same classification approach apply to building and construction contractors?

Yes, but it may not appear that way without further explanation. We classify contractors by phase and type of construction since it is common for each contract to vary in scope.

*Example: A contractor who builds and remodels private residences may frame the structure and work on no other phases of the project. On another job the same contractor may do only the interior finish carpentry. On still another job the contractor may install a wood deck or build a garden arbor. Each of these carpentry activities is covered by a different classification code. To ensure that contractor businesses receive the same treatment as other businesses, we assign classifications according to the phases and types of construction they contract to perform. Since some contractors specialize in one area of construction, such as plumbing, roofing, insulation, or electrical services, this classification approach mirrors that of nonbuilding contractor businesses. The policy of assigning several basic classifications to contractors engaged in multiple phases of construction may seem to be in conflict with the classification approach used for nonbuilding contractor businesses, but we have simply used the multiple business classification approach.*

If we have assigned multiple classifications to your construction business you should take special care in maintaining the records required in the auditing and recordkeeping section of this manual. If we discover that you have failed to keep the required records we will assign all worker hours for which the records were not maintained to the highest rated classification applicable to the work that was performed.

(2) Who does this rule apply to?

If you are a building, construction or erection contractor and we have assigned one or more of the following classifications to your business, this rule applies to you: 0101, 0103, 0104, 0105, 0107, 0108, 0201, 0202, 0210, 0212, 0214, 0217, 0219, 0301, 0302, 0303, 0306, 0307, 0403, 0502, 0504, 0506, 0507, 0508, 0509, 0510, 0511, 0512, 0513, 0514, 0516, 0517,

WSR 04-13-017  
PERMANENT RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES

[Filed June 4, 2004, 3:57 p.m., effective July 5, 2004]

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

Purpose: Workers' compensation classification plan, chapter 296-17 WAC, General reporting rules, classifications, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance.

Amended sections:

WAC 296-17-31013 Construction industry rule.

- Clarify construction debris clean-up and erection of scaffolding.

WAC 296-17-895 Base rate table.

- Establish new rate for classification 5302 - computer service business.

New section:

WAC 296-17-67701 Classification 5302.

- Establish new risk classification for computer service business.

Citation of Existing Rules Affected by this Order:  
Amending WAC 296-17-31013 and 296-17-895.

Statutory Authority for Adoption: RCW 51.04.020 General authority.

Other Authority: RCW 51.16.035 Classification plan/base rate.

Adopted under notice filed as WSR 04-07-122 on March 19, 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

0518, 0519, 0521, 0540, 0541, 0550, 0551, 0601, 0602, 0603, 0607, 0608, and 0701.

**(3) Can I have a single classification assigned to my business to cover a specific construction project?**

Yes, to simplify recordkeeping and reporting requirements we will assign a single classification to cover an entire project.

**(4) How do I request the single classification for one of my construction projects?**

You should send your request to the attention of your policy manager at the address below:

Department of Labor and Industries  
P.O. Box 44144  
Olympia, Washington 98504-4144

**(5) If I have asked for a single classification on one of my construction projects, how do you determine which classification will apply?**

You must supply us with a description of the project and a break down of the total number of hours of exposure by phase of construction that you are responsible for.

*Example: You notify us that your company will be responsible for all plumbing and iron erection work on a commercial building site. You have requested a single classification for this project. In your request you tell us that you estimate that it will take one thousand work hours to perform all the plumbing work and five hundred work hours to do the steel erection work.*

With this information we will estimate the premiums by classification.

*Example: We determine that the plumbing work is covered under classification 0306 and the steel erection work is covered under classification 0518. Assume that classification 0306 has an hourly premium rate of \$1.50 and classification 0518 has an hourly premium rate of \$2.55. We estimate the total premium on this job to be \$2,775 (1,000 hours x \$1.50 = \$1,500 + 500 hours x \$2.55 = \$1,275).*

Our next step in this process is to develop an average hourly rate for the project. We will use this information to select the single classification which will apply to this project.

*Example: We will take the estimated premium (\$2,775) and divide this number by the estimated hours (1,500) and arrive at an average hourly rate of \$1.85.*

To select the single classification that will apply to a construction project, we will compare the average hourly rate that we have computed to the rates of the classifications applicable to the project. We will select the classification whose hourly rate is the closest to the average hourly rate that we computed from the information you supplied us with.

*Example: From the information you supplied, we have determined that the average hourly rate for this project is \$1.85. We also know that the rate for the plumbing classification (0306) is \$1.50 per hour and the rate for steel erection is \$2.55 per hour. We would assign classification 0306 as the single classification applicable to this project.*

**(6) How will I know what classification will apply to my construction project?**

We will send you a written notice which will specify the basic classification and premium rate that will apply to this project.

**(7) If I have asked for a single classification to cover one of my construction projects, am I required to use the single classification which you gave me?**

No, but you should call your policy manager to verify what other classifications would apply to the project. The name and phone number of your policy manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at (360) 902-4817 and we will put you in contact with your assigned policy manager.

**(8) I am a general construction or erection contractor, I subcontract all my work and have no employees of my own. Do I have to report to the department of labor and industries?**

No, since you do not have employees, you do not need to report to the department of labor and industries. You should be aware that the workers' compensation insurance laws of Washington include certain independent contractors as workers. If we determine that an independent contractor that you used qualifies as a covered worker, you will be responsible for the premium due for their work time. You can also be held responsible for premiums due to labor and industries if you subcontract with an unregistered contractor and they fail to pay premiums on behalf of their employees. It is in your best interest to make sure that your subcontractors are registered contractors by contacting us at 1-800-647-0982.

**(9) Am I required to keep any special records of subcontractors that I use?**

Yes, you are required to keep certain information about the subcontractors that you use. The information required is:

- Subcontractor's legal name;
- Contractor registration number and expiration date;
- UBI number (or labor and industries account ID number).

If you supply materials to a subcontractor, also keep a record of the:

- Amount of material supplied;
- Project name or location;
- Date material was supplied; and
- Completion date of contracted work.

Failure to maintain these records may result in the subcontractor being considered a covered worker for whom you must report hours.

**(10) What classification should I use to report construction site cleanup by my employees? You should report the cleanup of construction debris in the same classification that applied to the work which generated the debris unless another classification treatment is provided for in other rules. For example, if you are a roofing contractor and you have an employee pick up roofing debris at the construction (project) site, you would report the employee involved in the site cleanup in the roofing classification (0507). If you are the general contractor at a construction site and have either classification 0510 "wood frame building construction" or classification 0518 "nonwood frame building construction" assigned to your business, you would report site cleanup in the classification applicable to the type of building**

you are constructing. For example, if you are a general contractor and you are engaged in building a single-family wood frame dwelling, you would report construction site cleanup by your employees in classification 0510 "wood frame building construction."

(11) I am a construction site clean-up contractor, my employees only pick up construction debris, we do no construction work, what classification do I report site cleanup in? If your employees are cleaning a construction site where a wood frame building was erected, you would report their work time in classification 0510 "wood frame building construction." If your employees are cleaning a construction site where a nonwood frame building was erected, you would report their work time in classification 0518 "non-wood frame building construction." If your employees are cleaning other nonbuilding construction sites, you would report their work time in the same classification that applied to the construction work that generated the nonbuilding construction debris. For example, if you are doing site cleanup for a concrete contractor that was involved in pouring and finishing sidewalks and driveways, you would report the work time of your employees involved in this construction site clean-up project in classification 0217 "concrete flatwork."

(12) What classification should I use to report the work time of my employees when they are involved in the set up of scaffolding, hoists, cranes, towers or elevators at a construction site? We use the same classification treatment for this type of work as we do with construction site cleanup. For example, if you are a roofing contractor and you have an employee set up scaffolding at the construction (project) site, you would report the employee involved in the set up of scaffolding in the roofing classification (0507). If you are the general contractor at a construction site and have either classification 0510 "wood frame building construction" or classification 0518 "nonwood frame building construction" assigned to your business, you would report the set up of scaffolding at the construction in the classification applicable to the type of building you are constructing. For example, if you are a general contractor and you are engaged in building a single-family wood frame dwelling, you would report scaffolding set up by your employees in classification 0510 "wood frame building construction." Helicopter services that are engaged to assist in lifting beams, air conditioning units, statues and other objects onto buildings or structures are to be reported separately in classification 6803.

(13) Is preoccupancy cleanup of a building by my employees classified the same as debris cleanup at a construction site? Since your understanding of what preoccupancy clean-up work is may be different from ours, we need to share with you our understanding before we can answer this question. Our understanding in this area is that preoccupancy cleanup occurs after the building is finished. The clean-up work consists of washing paint and overspray from windows, vacuuming carpets, washing floors and fixtures, and dusting woodwork, doors and cabinets. If you have employees whose duties are limited to this type of cleaning, we will allow you to report their work time in classification 6602 "janitors."

(14) If I have an employee who does some construction work, construction site cleanup and preoccupancy cleanup, can I divide their work time between the janitor and a construction classification? No, we will not permit you to divide the work time of an employee between the janitor classification and a construction classification. If you have an employee who does preoccupancy clean-up work for you, and that employee also performs other nonpreoccupancy clean-up work for you such as construction work, shop work or construction site debris clean-up work, then you must report all of their work time in the applicable construction or nonshop classification.

## NEW SECTION

**WAC 296-17-67701 Classification 5302. 5302-00 Computer consulting, programming, software and website development, and internet service providers (ISPs), N.O.C.**

Applies to establishments engaged in providing computer consulting - primarily recommending and designing hardware systems and/or software for the needs of the contracting entity. Consultants may provide training on software programs and hardware systems. Programming may include creating or maintaining programs using computer language code. Activities include product conceptualization, design of the blueprint, creating flowcharts, coding the program, beta testing, etc. Included is website development.

Software development firms design and develop "packaged" software for sale in retail stores for mainframe systems or PCs, or they may develop general application programs, educational, entertainment or games software. Additional program aspects could include musical and sound code applications, visual representation and animation artists.

Internet service providers offer business and commercial computer users access to the internet by various telephony, digital and wireless means. Most ISPs charge subscribers a monthly or annual fee. Some may offer a variety of free web-related services as part of a total package—i.e., search engines, e-mail address, personal web page, quick links to popular websites, twenty-four hour customer service and technical support and instant messaging. Tech support is generally engaged in troubleshooting and will frequently walk users through whatever steps are needed to correct a computer problem. Some ISPs have technical professionals who assist clients by designing, upgrading, and/or maintaining their business website or home page. This classification includes clerical office and outside sales personnel who travel from one office environment to another.

This classification excludes adjustments, service, or repairs and hardware installations to business machines for others which are to be reported separately in classification 4107; computer technical support staff for firms not in the computer industry are inclusive within that firm's primary class, i.e., a law firm's computer support staff are inclusive within class 5301-11; retail and internet store activities are to be reported separately in classification 6406; CD copy/write scanning are to be reported separately in classification 6506; electrical prewiring when performed by a specialty contractor not in the business to install computer equipment is to be

reported separately in classification 0608; assembly and repair of premanufactured parts into operative computer components, shop only, is to be reported separately in classification 3602; business that has instructors/trainers (only) is to be reported in either 4904 or 6303 depending on training room location.

**AMENDATORY SECTION** (Amending WSR 03-24-066, filed 12/1/03, effective 1/1/04)

**WAC 296-17-895 Industrial insurance accident fund base rates and medical aid base rates by class of industry.** Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

		Base Rates Effective January 1, 2004	
		Accident Fund	Medical Aid Fund
0101	1.5814	0.7743	
0103	1.7560	1.0231	
0104	1.0798	0.5941	
0105	1.4448	0.9613	
0107	1.2655	0.7206	
0108	1.0798	0.5941	
0112	0.7788	0.4591	
0201	2.7967	1.3868	
0202	3.8070	2.0165	
0210	1.4498	0.6811	
0212	1.2948	0.6731	
0214	1.4592	0.7138	
0217	1.3036	0.6971	
0219	1.0750	0.7601	
0301	0.5567	0.4307	
0302	2.2802	0.9416	
0303	2.1458	0.9612	
0306	1.1713	0.5736	
0307	0.9965	0.5767	
0308	0.5270	0.4263	
0403	1.6656	1.2385	
0502	1.7909	0.8089	
0504	1.3821	0.8266	
0506	5.5423	3.0267	
0507	3.1811	1.8865	
0508	2.4737	1.0339	
0509	1.8702	0.8009	
0510	1.6703	0.9807	
0511	1.8921	0.9897	
0512	1.4169	0.7795	
0513	0.9884	0.5366	
0514	1.7316	1.0394	
0516	1.6703	0.9807	

Base Rates Effective  
January 1, 2004

Class	Accident Fund	Medical Aid Fund
0517	1.6780	1.0950
0518	1.8366	0.9328
0519	1.9295	1.0901
0521	0.6989	0.4450
0601	0.6461	0.3862
0602	0.7255	0.4146
0603	1.1661	0.5393
0604	0.9048	0.7316
0606	0.4319	0.3655
0607	0.4193	0.3175
0608	0.3621	0.2512
0701	2.5501	0.8175
0803	0.4758	0.3517
0901	1.8366	0.9328
1002	1.0578	0.7479
1003	0.8656	0.6100
1004	0.5325	0.3268
1005	8.3826	4.4172
1007	0.3697	0.2374
1101	0.6527	0.4899
1102	1.4175	0.7790
1103	1.1092	0.8062
1104	0.4796	0.4454
1105	1.0193	0.7100
1106	0.3168	0.3134
1108	0.6003	0.4657
1109	1.2172	0.9398
1301	0.7260	0.3982
1303	0.2359	0.1719
1304	0.0242	0.0194
1305	0.3640	0.2850
1401	0.4888	0.4061
1404	0.6507	0.5258
1405	0.4630	0.3620
1407	0.6507	0.5258
1501	0.5898	0.3839
1507	0.5258	0.3512
1701	1.0139	0.5815
1702	2.2784	1.0454
1703	1.0410	0.3854
1704	1.0139	0.5815
1801	0.5893	0.3974
1802	0.6768	0.4355
2002	0.6934	0.5787

Base Rates Effective January 1, 2004			Base Rates Effective January 1, 2004		
Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
2004	0.8083	0.6479	3506	1.3008	0.5776
2007	0.4262	0.3258	3509	0.3666	0.3533
2008	0.3220	0.2403	3510	0.3547	0.2989
2009	0.3158	0.3162	3511	0.6851	0.5304
2101	0.7157	0.5397	3512	0.3102	0.2838
2102	0.5026	0.4361	3513	0.4529	0.4138
2104	0.2749	0.2907	3602	0.1106	0.1023
2105	0.6066	0.4813	3603	0.4591	0.3661
2106	0.4257	0.3452	3604	0.8039	0.6965
2201	0.2517	0.1986	3605	0.5317	0.3611
2202	0.7279	0.5211	3701	0.2780	0.2292
2203	0.4299	0.4196	3702	0.4132	0.3523
2204	0.2517	0.1986	3708	0.6358	0.4386
2401	0.4450	0.3439	3802	0.1591	0.1422
2903	0.6146	0.5552	3808	0.4550	0.3078
2904	0.6859	0.5526	3901	0.1328	0.1528
2905	0.5029	0.4761	3902	0.4252	0.3863
2906	0.3469	0.2639	3903	1.0296	0.9966
2907	0.4824	0.4221	3905	0.1328	0.1528
2908	1.0443	0.7208	3906	0.4828	0.4052
2909	0.3880	0.3364	3909	0.2477	0.2366
3101	1.0798	0.6249	4002	1.4293	0.7720
3102	0.2780	0.2292	4101	0.2771	0.2120
3103	0.5594	0.4228	4103	0.3652	0.4111
3104	0.6477	0.4140	4107	0.1533	0.1235
3105	0.7218	0.6194	4108	0.1366	0.1195
3303	0.4072	0.3326	4109	0.2105	0.1737
3304	0.4851	0.4488	4201	0.7318	0.3596
3309	0.4086	0.3370	4301	0.6271	0.5697
3402	0.5131	0.3800	4302	0.5894	0.4574
3403	0.2011	0.1529	4304	0.8819	0.7071
3404	0.5017	0.4108	4305	1.3133	0.7131
3405	0.3030	0.2306	4401	0.3790	0.3197
3406	0.1946	0.1855	4402	0.7470	0.6336
3407	0.6760	0.4481	4404	0.4702	0.4284
3408	0.1647	0.1198	4501	0.1791	0.1584
3409	0.1400	0.1350	4502	0.0387	0.0385
3410	0.2301	0.2230	4504	0.0931	0.1040
3411	0.4844	0.3267	4601	0.6942	0.5520
3412	0.5755	0.3539	4802	0.2337	0.2024
3414	0.5520	0.3888	4803	0.2168	0.2237
3415	0.7473	0.5298	4804	0.5433	0.4452
3501	1.0049	0.7260	4805	0.2414	0.2437
3503	0.2692	0.2962	4806	0.0483	0.0468

Base Rates Effective January 1, 2004			Base Rates Effective January 1, 2004		
Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
4808	0.4569	0.3766	6109	0.0898	0.0712
4809	0.3475	0.3139	6110	0.4754	0.3989
4810	0.1253	0.1330	6201	0.3725	0.2394
4811	0.2220	0.2256	6202	0.6046	0.5298
4812	0.3461	0.2991	6203	0.0708	0.1013
4813	0.1526	0.1368	6204	0.1278	0.1223
4900	0.3773	0.2508	6205	0.2342	0.2049
4901	0.0746	0.0543	6206	0.2116	0.1761
4902	0.0957	0.0748	6207	0.9203	1.0906
4903	0.1176	0.0846	6208	0.1942	0.2291
4904	0.0280	0.0252	6209	0.2548	0.2471
4905	0.2850	0.3019	6301	0.1353	0.0832
4906	0.0959	0.0747	6302	0.1506	0.1407
4907	0.0450	0.0396	6303	0.0651	0.0572
4908	0.0830	0.1583	6304	0.2883	0.3111
4909	0.0371	0.0696	6305	0.0848	0.0943
4910	0.4052	0.3337	6306	0.2906	0.2495
5001	5.6626	2.5112	6308	0.0547	0.0484
5002	0.6043	0.4230	6309	0.1578	0.1568
5003	2.0838	0.9576	6402	0.2798	0.2622
5004	1.0382	0.7851	6403	0.1352	0.1383
5005	0.7259	0.4013	6404	0.1730	0.1758
5006	1.9405	0.9896	6405	0.5698	0.4319
5101	0.9430	0.6911	6406	0.0873	0.0926
5103	0.6953	0.6625	6407	0.2469	0.2313
5106	0.6953	0.6625	6408	0.3740	0.3030
5108	0.9034	0.7555	6409	0.8659	0.5358
5109	0.6908	0.4594	6410	0.2515	0.2082
5201	0.4178	0.3177	6501	0.1576	0.1317
5204	0.9292	0.6996	6502	0.0324	0.0317
5206	0.3773	0.2508	6503	0.0819	0.0470
5207	0.1420	0.1531	6504	0.3363	0.3718
5208	0.8731	0.6533	6505	0.0845	0.0987
5209	0.8321	0.5874	6506	0.0847	0.0899
5301	0.0286	0.0263	6509	0.3189	0.3214
<u>5302</u>	<u>0.0286</u>	<u>0.0263</u>	6510	0.5002	0.3039
5305	0.0520	0.0520	6511	0.2683	0.2825
5306	0.0578	0.0507	6601	0.1744	0.1621
5307	0.4812	0.3319	6602	0.3962	0.3475
6103	0.0673	0.0798	6603	0.3395	0.2526
6104	0.3592	0.3227	6604	0.0628	0.0606
6105	0.2903	0.2119	6605	0.2132	0.2917
6107	0.1032	0.1306	6607	0.1770	0.1510
6108	0.3710	0.3912	6608	0.6719	0.3123

PERMANENT

Base Rates Effective January 1, 2004			Base Rates Effective January 1, 2004		
Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
6614	987*	927*	7118	1.0394	0.9808
6615	358*	356*	7119	1.2604	0.9886
6616	271*	238*	7120	5.7871	4.6097
6617	102*	92*	7121	5.5522	4.3375
6618	99*	50*	7201	1.3512	0.8174
6620	4.5954	3.4827	7202	0.0414	0.0264
6704	0.1531	0.1352	7203	0.0997	0.1276
6705	0.6840	0.8359	7204	0.0000	0.0000
6706	0.2997	0.3124	7301	0.4601	0.3847
6707	2.6228	2.3616	7302	0.8603	0.6898
6708	6.4860	8.3254	7307	0.4975	0.4589
6709	0.2315	0.2619	7308	0.2130	0.2885
6801	0.5513	0.3850	7309	0.2315	0.2619
6802	0.3743	0.3762	*		
6803	0.9264	0.5238	These rates are calculated on a per license basis for parimutuel race tracks and are base rated.		
6804	0.2581	0.2058			
6809	4.7942	4.4011			
6901	0.0000	0.0691			
6902	1.1874	0.4826	<b>WSR 04-13-025</b>		
6903	8.8112	4.6583	<b>PERMANENT RULES</b>		
6904	0.4889	0.2997	<b>DEPARTMENT OF</b>		
6905	0.4082	0.2813	<b>NATURAL RESOURCES</b>		
6906	0.0000	0.2414	[Order 712—Filed June 8, 2004, 2:04 p.m., effective July 9, 2004]		
6907	1.1483	0.8577	Effective Date of Rule: Thirty-one days after filing.		
6908	0.4866	0.3980	Purpose: This rule regulates logging, land clearing, or other industrial operations that may start a forest fire. This proposal reduces these restrictions to allow certain types of equipment to operate. The amendment will allow the operation of an approved motorized carriage, which is new technology that will operate under high fire conditions without causing a fire.		
6909	0.1067	0.0968	Citation of Existing Rules Affected by this Order:		
7100	0.0303	0.0261	Amending WAC 332-24-301.		
7101	0.0248	0.0203	Statutory Authority for Adoption: RCW 76.04.015.		
7102	2.9027	4.5880	Adopted under notice filed as WSR 04-08-094 on April 6, 2004.		
7103	0.5655	0.3505	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.		
7104	0.0272	0.0236	Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.		
7105	0.0264	0.0254	Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.		
7106	0.1772	0.1606	Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.		
7107	0.2057	0.2255	Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Mak-		
7108	0.1596	0.2033			
7109	0.1293	0.1253			
7110	0.4185	0.2625			
7111	0.4096	0.2851			
7112	0.5838	0.4891			
7113	0.3442	0.3640			
7114	0.5276	0.5917			
7115	0.5057	0.4960			
7116	0.5758	0.5188			
7117	1.2566	1.0693			

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 8, 2004.

Pat McElroy

Executive Director  
of Regulatory Programs

**AMENDATORY SECTION** (Amending WSR 96-21-094, filed 10/18/96, effective 11/18/96)

**WAC 332-24-301 Industrial restrictions.** (1) When in the opinion of the regional manager, for the department's administrative region, weather conditions arise which present a hazard to lands protected by the department, whereby life and property may be endangered, the regional manager, through the authority granted the department in RCW 76.04.015 and 76.04.325, may designate industrial precaution levels thereby regulating logging, land clearing or other industrial operations which may cause a fire to start on or adjacent to forest lands. The restrictions shall be for periods designated and shall only affect those portions of the state under the administrative jurisdiction of the area manager.

(2) In making a decision as to when restrictions or shutdowns should occur, the area manager shall utilize available information as to current and projected fire danger, current and projected weather, current fire activity and available resources for fire suppression.

(3) All persons performing logging, land clearing or other operations which may cause a fire to start on or adjacent to forest lands shall comply with the restrictions described in the designated industrial precaution level.

(a) The industrial fire precaution levels shall be:

(i) Level 1. Closed season - Fire precaution requirements are in effect. A fire watch/security is required at this and all higher levels unless otherwise waived.

(ii) Level 2. Partial hootowl - The following may operate only between the hours of 8 p.m. and 1 p.m. local time:

- Power saws except at loading sites;
- Cable yarding;
- Blasting;
- Welding or cutting of metal.

(iii) Level 3. Partial shutdown - The following are prohibited except as indicated:

• Cable yarding - except that gravity operated logging systems employing nonmotorized carriages or approved motorized carriages may operate between 8 p.m. and 1 p.m. when all block and moving lines, except for the line between the carriage and the chokers, are suspended ten feet above the ground;

• Power saws - except power saws may be used at loading sites and on tractor/skidder operations between the hours of 8 p.m. and 1 p.m. local time.

In addition, the following are permitted to operate between the hours of 8 p.m. and 1 p.m. local time:

• Tractor, skidder, feller-buncher, forwarder, or shovel logging operations where tractors, skidders, or other equipment with a blade capable of constructing fireline, are immediately available to quickly reach and effectively attack a fire start;

• Mechanized loading and hauling of any product or material;

• Blasting;

• Welding or cutting of metal.

(iv) Level 4. General shutdown - All operations are prohibited.

(b) The following definitions shall apply to these industrial fire precaution levels:

(i) "Loading sites" means a place where any product or material, including but not limited to logs, firewood, slash, soil, rock, poles, posts, etc., is placed in or upon a truck or other vehicle.

(ii) "Cable yarding systems" means a yarding system employing cables and winches in a fixed position.

(iii) "Approved motorized carriages" means a cable yarding system employing a motorized carriage with two fire extinguishers, each with at least a 5 BC rating, mounted securely on opposite sides of the carriage, an emergency motor cutoff, and an approved exhaust system.

(iv) "Low hazard area" means any area where the department has determined the combination of elements reduces the probability of fire starting and/or spreading.

((i+)) (v) "Closed season" is that season of the year when a fire hazard exists as declared by the department or other responsible agency.

(c) A written waiver may be issued by the department for fire-safe activities in low-hazard areas.

(d) Where hauling involves transit through more than one shutdown/regulated use area, the precaution level at the woods loading site shall govern the level of haul restriction, unless otherwise prohibited by other than the industrial precaution level system.

**WSR 04-13-032**

**PERMANENT RULES**

**OFFICE OF MINORITY AND  
WOMEN'S BUSINESS ENTERPRISES**

[Filed June 9, 2004, 11:59 a.m., effective July 10, 2004]

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

**Purpose:** Establish new formula for the calculation of fees paid by political subdivisions of the state to the Office of Minority and Women's Business Enterprises.

**Citation of Existing Rules Affected by this Order:** Amending WAC 326-02-034.

**Statutory Authority for Adoption:** RCW 39.19.220.

**Adopted under notice filed as WSR 04-07-041 on March 9, 2004.**

**Changes Other than Editing from Proposed to Adopted Version:** WAC 326-02-034 (3)(b) is rewritten to clarify that the data used for future biennia would be taken from the most recent preceding biennium rather than the specific data set forth in subsection (3)(a).

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

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

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

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

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

Date Adopted: June 8, 2004.

Carolyn Crowson  
Director

**AMENDATORY SECTION** (Amending WSR 98-13-075, filed 6/15/98, effective 7/16/98)

**WAC 326-02-034 Political subdivision fees.** (1) It is the intent of the state legislature that political subdivisions within the state of Washington contribute to the costs of the state's certification program for minority and women's business enterprises. For the purpose of this section, political subdivisions means any city, town, county, special purpose district, public corporation created by the state, municipal corporation, or quasi-municipal corporation within the state of Washington that administers a policy or program, or funds from whatever source, which requires or encourages the use of certified minority, women, or disadvantaged business enterprises.

(2) Effective July 1, 1993, the office shall allocate a portion of its biennial operational costs to political subdivisions. Each political subdivision shall pay a ((percentage)) proportionate share of this allocation based on the formula set forth in subsection ((3)) (4) of this section.

(3)(a) The fee charged to each political subdivision for the period, July 1, ((1997)) 2003 - June 30, ((1999)) 2005, and subsequent bienniums unless revised by rule, ((will be calculated as follows:

((a)(i) Cities with populations up to one thousand five hundred will not be charged.

((ii) Cities with populations of one thousand five hundred to twenty-five thousand will be charged one hundred dollars each.

((iii) Cities with populations of twenty-five thousand to fifty thousand will be charged two hundred dollars each.

((iv) Cities with populations over fifty thousand will be charged based on the formula set forth in subsection (4) of this section.

((b)(i) Counties with populations up to ten thousand will not be charged.

((ii) Counties with populations of ten thousand to one hundred thousand will be charged one hundred dollars each.

((iii) Counties with populations of one hundred thousand to five hundred thousand will be charged two hundred dollars each.

((iv) Counties with populations over five hundred thousand will be charged based on the formula set forth in subsection (4) of this section.

((e)(i) Ports with revenues up to two million dollars will not be charged.

((ii) Ports with revenues of two million dollars to ten million dollars will be charged two hundred dollars each.

((iii) Ports with revenues over ten million dollars will be charged based on the formula set forth in subsection (4) of this section.

((d)(i) Educational service districts and public school districts with enrollments up to one thousand will not be charged.

((ii) Educational service districts and public school districts with enrollments of one thousand to ten thousand will be charged one hundred dollars each.

((iii) Educational service districts and public school districts with enrollments of ten thousand to twenty thousand will be charged two hundred dollars each.

((iv) Educational service districts and public school districts with enrollments over twenty thousand will be charged based on the formula set forth in subsection (4) of this section.

((e)(i) Transit authorities with capital expenditures less than one hundred thousand dollars will not be charged.

((ii) Transit authorities with capital expenditures of one hundred thousand dollars to one million dollars will be charged one hundred dollars each.

((iii) Transit authorities with capital expenditures of one million dollars to ten million dollars will be charged two hundred dollars each.

((iv) Transit authorities with capital expenditures greater than ten million dollars will be charged based on the formula set forth in subsection (4) of this section.

((f)(i) Housing authorities that own or manage less than three hundred total units will not be charged.

((ii) Housing authorities that own or manage three hundred to nine hundred ninety-nine total units will be charged one hundred dollars each.

((iii) Housing authorities that own or manage one thousand to four thousand nine hundred ninety-nine total units will be charged two hundred dollars each.

((iv) Housing authorities that own or manage five thousand or more units will be charged based on the formula set forth in subsection (4) of this section.

((4) Each political subdivision not subject to a fixed fee under subsection (3) of this section shall report to the office the total dollars committed to certified businesses in construction (including direct awards, subcontracts, and related suppliers) during the previous biennium or its fiscal years ending in the previous biennium.

((a) The construction dollar commitment of each political subdivision will be divided by the sum of those commitments reported to calculate its proportionate share of the net allocation. The net allocation is the amount remaining after deduction of the amounts charged under subsection (3) of this section from the total allocated to all political subdivisions.

((b) The percentage calculated for each reporting political subdivision will be applied to the total due from all political subdivisions required to report to determine their respective fees. Provided, That the fee charged under this subsection shall be no less than the highest flat fee charged to a political subdivision in subsection (3) of this section.

(e) When a political subdivision fails to report as required by this section, the net allocation will be further reduced by an amount calculated as follows:

(i) The number of political subdivisions reporting will be divided by the total number of political subdivisions required to report at that time.

(ii) The resulting percentage will be used to calculate the portion of the net allocation due from the political subdivisions which is to be apportioned among those who reported. The balance of the net allocation will be charged equally among those who fail to report.

(5) After the initial billing, which will include the total amount due for the biennium beginning July 1, 1997, the office will mail invoices on a quarterly basis one month before the start of each quarter for the outstanding balance at that time. Payments shall be due within thirty calendar days after receipt of the invoice.) shall be based on the annual average of expenditures for capital projects, supplies and other services for fiscal years 1999-2001 as reflected in the state auditor's on-line BARS report, when available. Data on the annual average of capital expenditures by the transit districts during the relevant period will be taken from a report produced by the Washington state department of transportation entitled, *2001 Summary of Public Transportation Systems in Washington State*. Data on the annual average of expenditures by school districts and educational service districts will be obtained from the office of the superintendent of public instruction. The basis for the fee to be charged to the Housing Authorities is the number of low-income units owned or managed during the last fiscal year as reported to the U.S. Department of Housing and Urban Development. The maximum amount charged to any political subdivision shall not exceed \$40,000.00 in a single biennium.

(b) For the biennium beginning July 1, 2005, and subsequent biennia, similar data reflecting expenditures during the previous biennium or in the case of Housing Authorities, the average number of low-income units owned or managed during the previous biennium will be used to calculate the fee charged to each political subdivision.

(c) When insufficient data is available to calculate the average expenditures from the sources listed in (a) of this subsection, the office may either use other sources for the data or estimate the amount of relevant expenditures. In either event, the office shall allow the affected political subdivisions to offer alternative data on which to base its calculation. New political subdivisions will be charged based on the office's estimate of the annual average of relevant expenditures by the entity for the current biennium.

(d) After paying the fee, the political subdivisions may challenge the office about the accuracy of the data used to calculate the fee under (b) of this subsection. Upon verification by the state auditor, the fee may be revised and refund issued or additional fee assessed.

(e) Following the initial billing in each biennium, which will include the total amount due for the biennium beginning July 1, 2003, the office will mail invoices on a quarterly basis one month before the start of each quarter for the outstanding balance at that time. Payments shall be due within thirty calendar days after receipt of the invoice.

(4)(a) The following formula will be used to calculate the fees:

For the annual average of expenditures ranging from \$1m - \$50.99m, a sliding scale as follows: (\$1m - \$10m = \$100; \$11m - \$20m = \$150; \$21m - \$30m = \$200; \$31m - \$40m = \$250; \$41m - \$50m = \$300). For \$51m - \$99.99m, the formula will be the annual average of expenditures multiplied by .0001. At \$100m, a sliding scale resumes; beginning at \$10k and increasing in increments of \$5k for each additional \$100m in the annual average of expenditures; e.g., \$200m - \$299m = \$15k; \$300m - \$399m = \$20,000; etc. Fees will not be charged to any political subdivision with an average annual expenditure totaling less than \$1m during the period under review.

(b) The fee to Housing Authorities will be \$1 per low-income unit owned or managed during the last fiscal year.

(5) The office shall develop a policy and procedure for collection of any invoice that is not paid within thirty calendar days. The office shall distribute the collection policy and procedure to all political subdivisions along with the initial and quarterly billings.

PERMANENT

#### WSR 04-13-044

#### PERMANENT RULES

#### BOARD OF BOILER RULES

[Filed June 10, 2004, 2:43 p.m., effective June 30, 2004]

**Effective Date of Rule:** June 30, 2004.

**Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule:** The June 30, 2004, effective date of these rules is necessary to ensure for the public health, safety, and welfare associated with the statutorily mandated services (chapter 70.79 RCW) provided by the boiler program (program). These rules increase fees to the maximum allowable fiscal growth factor for fiscal year 2004 pursuant to RCW 43.135.055 and chapter 70.79 RCW. These fee increases are necessary to address inflation and ensure for the financial health and operational effectiveness of the program.

This rule adoption was originally filed in the Washington State Register 04-12. Unfortunately, the filing contained an incorrect adoption date, and therefore the need for this rule adoption and effective date.

**Purpose:** The Board of Boiler Rules is proposing a 3.2% (rounded down to the nearest tenth of a dollar) general fee increase. The 3.2% rate is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 2004. The general fee increase is necessary to help offset inflation and to maintain the financial health and operational effectiveness of the program.

**Citation of Existing Rules Affected by this Order:** Amending WAC 296-104-700.

**Statutory Authority for Adoption:** Chapter 70.79 RCW.

Adopted under notice filed as WSR 04-08-115 on April 6, 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 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.

Date Adopted: June 10, 2004.

Craig Hopkins, Chair  
Board of Boiler Rules

**AMENDATORY SECTION** (Amending WSR 04-01-194, filed 12/24/03, effective 1/24/04)

**WAC 296-104-700 What are the inspection fees—Examination fees—Certificate fees—Expenses?** The following fees shall be paid by, or on behalf of, the owner or user upon the completion of the inspection. The inspection fees apply to inspections made by inspectors employed by the state.

**Heating boilers:**

	Internal	External
Cast iron—All sizes	((29.40)) <u>\$30.30</u>	((23.50)) <u>\$24.20</u>
All other boilers less than 500 sq. ft.	((35.40)) <u>\$36.50</u>	((23.50)) <u>\$24.20</u>
500 sq. ft. to 2500 sq. ft.	((59.00)) <u>\$60.80</u>	((29.40)) <u>\$30.30</u>
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	((23.50)) <u>\$24.20</u>	((11.70)) <u>\$12.00</u>
<b>Power boilers:</b>		
Less than 100 sq. ft.	((29.40)) <u>\$30.30</u>	((23.50)) <u>\$24.20</u>
100 sq. ft. to less than 500 sq. ft.	((35.40)) <u>\$36.50</u>	((23.50)) <u>\$24.20</u>
500 sq. ft. to 2500 sq. ft.	((59.00)) <u>\$60.80</u>	((29.40)) <u>\$30.30</u>
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	((23.50)) <u>\$24.20</u>	((11.70)) <u>\$12.00</u>

**Pressure vessels:**

Automatic utility hot water supply heaters per RCW 70.79.090	((5.70))	<u>\$5.80</u>
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**All other pressure vessels:**

Square feet shall be determined by multiplying the length of the shell by its diameter.

	Internal	External
Less than 15 sq. ft.	((23.50)) <u>\$24.20</u>	((17.60)) <u>\$18.10</u>
15 sq. ft. to less than 50 sq. ft.	((35.40)) <u>\$36.50</u>	((23.50)) <u>\$18.10</u>
50 sq. ft. to 100 sq. ft.	((41.20)) <u>\$42.50</u>	((23.50)) <u>\$24.20</u>
For each additional 100 sq. ft. or any portion thereof	((41.20)) <u>\$42.50</u>	((11.70)) <u>\$12.00</u>

**Certificate of inspection fees:** For objects inspected, the certificate of inspection fee is ((17.60)) \$18.10 per object.

Boiler and pressure vessel installation/reinstallation permit (excludes inspection and certificate of inspection fee) \$50.00

Nonnuclear shop inspections, field construction inspections, and special inspection services:

For each hour or part of an hour up to 8 hours	((35.40))	<u>\$36.50</u>
For each hour or part of an hour in excess of 8 hours	((53.00))	<u>\$54.60</u>

Nuclear shop inspections, nuclear field construction inspections, and nuclear triennial shop survey and audit:

For each hour or part of an hour up to 8 hours	((53.00))	<u>\$54.60</u>
For each hour or part of an hour in excess of 8 hours	((82.60))	<u>\$85.20</u>

Nonnuclear triennial shop survey and audit:

When state is authorized inspection agency:	
For each hour or part of an hour up to 8 hours	((35.40))
For each hour or part of an hour in excess of 8 hours	((53.00))
	<u>\$36.50</u>

When insurance company is authorized inspection agency:	
For each hour or part of an hour up to 8 hours	((53.00))
For each hour or part of an hour in excess of 8 hours	((53.00))
	<u>\$54.60</u>

For each hour or part of an hour up to 8 hours	((53.00))	<u>\$54.60</u>
For each hour or part of an hour in excess of 8 hours	((82.60))	<u>\$85.20</u>

**Examination fee:** A fee of ((65.40)) \$67.40 will be charged for each applicant sitting for an inspection examination(s).

Special inspector commission: An initial fee of \$25 and an annual renewal fee of \$10 will be charged.

Expenses shall include:

Travel time and mileage: The department shall charge for its inspectors' travel time from their offices to the inspection sites and return. The travel time shall be charged for at the same rate as that for the inspection, audit, or survey. The department shall also charge the current Washington office of financial management accepted mileage cost fees or the actual cost of purchased transportation. Hotel and meals: Actual cost not to exceed the office of financial management approved rate.

Washington state specials: For each vessel to be considered by the board for a Washington state special certificate, a fee of ~~(((\$327.69)))~~ \$338.00 must be paid to the department before the board meets to consider the vessel. The board may, at its discretion, prorate the fee when a number of vessels that are essentially the same are to be considered.

**WSR 04-13-048**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)

[Filed June 10, 2004, 4:41 p.m., effective July 11, 2004]

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

Purpose: The rule will allow the department to use a broader database for calculating relative weights for the diagnostic-related group (DRG) formula.

Citation of Existing Rules Affected by this Order: Amending WAC 388-550-3100.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050.

Adopted under notice filed as WSR 04-08-123 on April 7, 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 0, Amended 1, Repealed 0.

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

Date Adopted: June 10, 2004.

Brian H. Lindgren, Manager  
 Rule and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 99-06-046, filed 2/26/99, effective 3/29/99)

**WAC 388-550-3100 Calculating DRG relative weights.** (1) ((MAA sets Washington Medicaid-specific DRG relative weights, as follows)) This section describes how the medical assistance administration (MAA) calculates Washington diagnostic-related group (DRG) relative weights, MAA:

(a) ((Uses)) Classifies the Washington hospital admissions data using the all-patient grouper (AP-DRG) (to classify Washington Medicaid hospital admissions data)).

(b) Statistically tests each DRG for adequacy of sample size to ensure that relative weights meet acceptable reliability and validity standards.

(c) Establishes a single set of Medicaid-specific relative weights from Washington ((Medicaid)) hospital admissions data. These relative weights may be stable or unstable.

(d) Tests the stability of ((Washington Medicaid)) the relative weights from subsection (1)(c) of this section using a reasonable statistical test to determine if the weights are stable. MAA accepts as stable and adopts those ((Washington Medicaid)) relative weights that pass the reasonable statistical test.

(e) ((Pays admissions for DRGs having unstable Washington Medicaid relative weights using the RCC method)) May compare the Medicaid-specific relative weights to non-Medicaid relative weights. MAA:

(i) May combine the Medicaid-specific relative weights with the non-Medicaid relative weights if the non-Medicaid relative weights are statistically comparable to the Medicaid-specific weights; or

(ii) Uses only the Medicaid-specific relative weights if the non-Medicaid relative weights are not statistically comparable to the Medicaid-specific relative weights.

(f) Uses the ratio of costs-to-charges (RCC) method to pay for hospital stays that have unstable DRG relative weights.

(2) When using ratios with a ((Washington Medicaid)) DRG relative weight as base, MAA adjusts all stable ((Medicaid)) relative weights so that the average weight of the case mix population equals 1.0.

**WSR 04-13-049**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)

[Filed June 10, 2004, 4:42 p.m., effective July 11, 2004]

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

Purpose: In accordance with the Maternity Care Access Act of 1989, the Medical Assistance Administration (MAA) is redesigning its maternity services and First Steps program to improve quality of services offered and to contain expenditure growth.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-533-0350; and amending WAC 388-533-0300.

Statutory Authority for Adoption: RCW 74.08.090.  
 Other Authority: RCW 74.09.760 through 74.09.910  
 (Maternity Care Access Act of 1989).

Adopted under notice filed as WSR 04-05-083 on February 17, 2004.

Changes Other than Editing from Proposed to Adopted Version: The following changes, other than editing changes, have been made to the rules as proposed (additions indicated by underlined text, deletions indicated by strikethrough text):

#### AMENDED SECTIONS:

#### **WAC 388-533-0345 Maternity support services—Reimbursement.**

In an effort to compensate providers for the added tobacco cessation measure requirement, MAA will include reimbursement for the service. The following line has been added to the rule.

(3)(d) A one-time-only fee per client, per pregnancy for the tobacco cessation performance measure.

#### **WAC 388-533-0370(1) Infant case management—Eligibility.**

In response to several public hearing testimonies, the department has reconsidered the ICM eligibility criteria and (1) expanded the criteria as requested; and (2) included the eligibility criteria into this section as requested. The text below is the revised version:

- (1) To be eligible for infant case management (ICM):
  - (a) The infant must be covered under one of the medical programs listed in WAC 388-533-0320 (1)(a) of this section;
  - (b) The parent(s) must need assistance in accessing or providing care for the infant; and
  - (c) ~~The parent or infant must meets At least one of the following criteria exists: described in the department of social and health services (DHS) ICM intake form (DHS 43-658.)~~

i. The parent(s) are unable to care for infant specifically due to at least one of the following:

- A. Incarceration of the mother within the last year;
- B. Low functioning ability (e.g., needs repeated instructions, not attuned to infant cues, leaves infant with inappropriate caregivers, parent has the equivalent of less than an eighth grade education).

C. Unstable mental health issue (regardless of whether the mental health issue is being treated or not).

D. Physical impairment.

E. Infant's mother is experiencing postpregnancy depression or mood disorder or has a history of depression/mood disorder.

F. Infant's parent(s) are unable to access resources due to age (nineteen years of age or younger).

G. Social isolation (e.g., family is new to the community, parent(s) do not have a support system, family moves frequently, lack of supportive living environment).

H. Inability to access resources due to language or cultural barrier.

ii. The infant's safety is a concern specifically due to at least one of the following:

A. Domestic or family violence in present or past relationship that keeps the parent(s) feeling unsafe.

B. Substance abuse by the infant's mother and/or father that is impacting ability to parent.

C. Secondhand smoke exposure to the infant.

D. Child Protective Service involvement within the last year or mother/father had parental rights terminated in the past.

E. Unstable living situation (e.g., homelessness, couch surfing, unsafe conditions, no cooking facilities, heat, or water).

iii. The infant's health is a concern specifically due to at least one of the following:

A. Low birth weight - less than five and one half pounds.

B. Premature birth - less than thirty-seven weeks gestation.

C. Failure to thrive (e.g., baby is not gaining weight, significant feeding difficulty, no eye contact, or baby is listless).

D. Multiple births (twins, triplets, etc.).

E. Excessive fussiness or infant has irregular sleeping patterns (e.g., parent(s) sleep deprivation, exhaustion and/or need for respite child care).

F. Infant has an identified medical problem or disability.

A final cost-benefit analysis is available by contacting Wendy Boedigheimer, MAA, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1306, fax (360) 586-9727, e-mail boediwl@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 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 15, Amended 1, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 15, Amended 1, Repealed 1.

Date Adopted: June 10, 2004.

Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

#### AMENDATORY SECTION (Amending WSR 00-14-068, filed 7/5/00, effective 8/5/00)

**WAC 388-533-0300 Enhanced benefits for pregnant women.** Pursuant to the 1989 Maternity Care Access Act, also known as First Steps, the medical assistance administration (MAA) provides enhanced services to eligible women during and after their pregnancy(–)

(1) Refer to WAC 388-462-0015 for client eligibility requirements.

(2) MAA requires providers to have specific MAA approval prior to becoming an approved maternity support services (MSS) provider. MSS services must be provided by professionals from all of the following fields:

(a) Community health nursing;

- (b) Nutrition; and
- (e) Social work.

~~(3) MAA allows paraprofessional community health workers to provide MSS services to eligible clients when both of the following are met:~~

~~(a) The services are provided under the supervision of one of the qualified professionals described in subsection (2) of this section; and~~

~~(b) The services provided are limited to basic health education.~~

~~(4) A client may choose to receive MSS services from any MAA approved MSS provider.~~

~~(5) In addition to the client's standard scope of care, MAA covers the following enhanced benefits (MSS) for eligible women during and after their pregnancy:~~

~~(a) One childbirth education course per pregnancy (see subsection (9) in this section);~~

~~(b) Assessment, counseling, education, and interventions by those qualified professionals described in subsections (2) and (3) of this section; and~~

~~(c) Child care for the client's children (see subsection (7) of this section).~~

~~(6) MSS providers refer a client who may need chemical dependency assessment to a provider who is contracted with the division of alcohol and substance abuse (DASA) (see chapter 440-22 WAC). Enhanced benefits for eligible pregnant women through DASA include:~~

- ~~(a) Assessment for alcohol/drug use;~~
- ~~(b) Parenting education; and~~
- ~~(c) Treatment for alcohol/drug use.~~

~~(7) MAA requires the MSS provider to do the following for child care under this section:~~

~~(a) Screen for the eligible woman's need for child care;~~

~~(b) Discuss and encourage a safe and healthy child care plan; and~~

~~(c) Authorize the child care. The MSS provider may authorize child care for any of the following reasons:~~

~~(i) Health care appointments for the client;~~

~~(ii) The maternity services medical provider ordered bed rest for the client; or~~

~~(iii) Other circumstances that the MSS provider considers necessary and are specifically approved by MAA.~~

~~(8) MAA covers up to ten MSS visits. If it is determined that a client is at high risk for a poor birth outcome (see the maternity case management program), MAA may cover up to twenty visits. The MSS provider must maintain documentation of the high risk circumstances in the client's file.~~

~~(9) MAA allows a provider to bill only once per client per pregnancy for childbirth education. The provider must document that the client attended at least one childbirth education session in order for MAA to reimburse for the service.~~

~~(10) MAA publishes MSS program billing instructions that contain specific process requirements for the MSS program)). The enhanced services include:~~

~~(1) Maternity support services (see WAC 388-533-0310 through 388-533-0345;~~

~~(2) Infant case management services (see WAC 388-533-0360 through 388-533-0386);~~

~~(3) Alcohol and drug assessment and treatment services (see WAC 388-533-0701);~~

~~(4) Childbirth education classes (see WAC 388-533-0390); and~~

~~(5) Childcare services (see WAC 388-533-1000).~~

## MATERNITY SUPPORT SERVICES

### NEW SECTION

#### **WAC 388-533-0310 Maternity support services—**

**Purpose.** The integrated Maternity Support Services (MSS) program provides enhanced preventive health and education services to eligible pregnant women and their families during the maternity cycle. The purpose of the enhanced services is to improve birth outcomes and respond to clients' individual risks and needs. MSS is collaboratively managed by the department of health and the medical assistance administration. This MSS program combines the previous MSS and maternity case management programs.

### NEW SECTION

#### **WAC 388-533-0315 Maternity support services—**

**Definitions.** The following definitions and those found in WAC 388-500-0005 apply to the Maternity Support Services (MSS) program.

**"Advocacy"** - For the purposes of the MSS program, means actions taken to support the parent(s) in accessing needed services or goods and helping the parent(s) to develop skills to access services.

**"Assurances document"** - A signed agreement documenting that the provider understands and agrees to maintain certain required program elements; and to work toward integrating other specifically recommended practices. Also referred to as the MSS/ICM assurances document.

**"Basic health messages"** - For the purposes of the MSS program, means the preventative health education messages designed to promote healthy pregnancies, healthy newborns and healthy parenting during the first year of life.

**"Case management"** - For the purposes of the MSS program, means services to assist individuals who are eligible under the Medicaid state plan, to gain access to needed medical, social, educational, and other services.

**"Childbirth education classes (CBE)"** - A series of educational sessions offered in a group setting and led by an approved instructor to prepare a pregnant woman and her support person for an upcoming childbirth.

#### **"Childcare"**

**"DASA (division of alcohol and substance abuse)"** - Childcare for women attending DASA-funded outpatient alcohol or drug treatment services that may be provided through the treatment facility.

**"First Steps"** - Childcare funded through the First Steps Program for the care of children of pregnant or postpregnant women who are attending appointments for Medicaid-covered services, pregnant women on physician ordered bed rest, and for visits to the Neonatal Intensive Care Unit (NICU) after delivery.

**"Community and family health (CFH)"** - Refers to the division within the state department of health whose mission is to improve the health and well-being of Washington resi-

dents with a special focus on infants, children, youth, pregnant woman, and prospective parents.

**"Consultation"** - For the purposes of the MSS program, means the practice of conferring with other professionals to share knowledge and problem solve with the intent of providing the best possible care to clients.

**"Core services"** - For the purposes of the MSS program, means the services that provide the framework for interdisciplinary, client-centered maternity support services and infant case management. These services include: client screening, basic health messages, basic linkages, and minimum interventions.

**"Department of health (DOH)"** - The agency whose mission is to protect and improve the health of people in Washington state.

**"Department of social and health services (DSHS)"** - The state agency that administers social and health services programs for the state of Washington.

**"First Steps"** - The 1989 Maternity Care Access Act, known as First Steps. This program provides enhanced maternity care for pregnant and postpregnant women, and health care for infants. The program is managed collaboratively by DSHS and DOH. First Steps maternity care consists of obstetrical care, maternity support services, childbirth education classes, and infant case management.

**"First Steps Childcare"** - See Childcare.

**"Home visit"** - For the purposes of the MSS program, means services delivered in the client's place of residence or other setting as described in the medical assistance administration's published MSS/ICM billing instructions.

**"Infant case management (ICM)"** - A program that provides case management services to eligible high-risk infants and their families. Eligibility for ICM may be established at the end of the maternity cycle and up to the infant's first birthday.

**"Interagency agreement"** - A written letter of agreement between two agencies for the exchange of referrals or service provision (e.g., a written agreement in letter format that agrees to an exchange of referrals or services for MSS/ICM clients).

**"Interdisciplinary team"** - Members from different professions and occupations that work closely together and communicate frequently to optimize care for the client (pregnant woman and infant). Each team member contributes specialized knowledge, skills and experience to support and augment the contributions of the other team members.

**"Linkages"** - Networking and/or collaboration between agencies in order to assure proper referral of clients and avoid duplication of services.

**"Maternal and infant health (MIH)"** - A section within the state department of health. MIH works collaboratively with DSHS to provide clinical consultation, oversight and monitoring of the MSS/ICM programs.

**"Maternity cycle"** - An eligibility period for maternity support services that begins during pregnancy and continues to the end of the month in which the sixtieth-day postpregnancy occurs.

**"Maternity support services (MSS)"** - Preventive health services for pregnant/postpregnant women including: professional observation, assessment, education, intervention

and counseling. MSS services are provided by an interdisciplinary team consisting of at minimum, a community health nurse, a nutritionist, and a behavioral health specialist. Additional MSS services may be provided by community health workers.

**"Medical assistance administration (MAA)"** - The administration within DSHS authorized to administer medical assistance programs.

**"Minimum interventions"** - Defined levels of client assessment, education, intervention and outcome evaluation for specific risk factors found in client screening for MSS/ICM services, or identified during ongoing services.

**"Performance measure"** - An indicator used to measure the results of a focused intervention or initiative.

**"Risk factors"** - The biopsychosocial factors that could lead to negative pregnancy or parenting outcomes. The MSS/ICM program design identifies specific risk factors and corresponding minimum interventions.

**"Service plan"** - The written plan of care that must be developed and maintained throughout the eligibility period for each client in the MSS/ICM programs.

**"Staff"** - For the purposes of the MSS program, means the personnel employed by providers.

**"Unit of service"** - Fifteen minutes of one-to-one service delivered face-to-face.

## NEW SECTION

**WAC 388-533-0320 Maternity support services—Client eligibility.** (1) To be eligible for Maternity Support Services (MSS), a client must be:

(a) Covered under one of the following medical assistance administration programs:

(i) Categorically needy program (CNP);

(ii) Categorically needy program—Children's health insurance program; (CNP-Children's health insurance program); or

(iii) Categorically needy program—Emergency medical only (CNP-Emergency medical only); and

(b) Pregnant or still within the maternity cycle.

(2) Clients meeting the eligibility criteria in WAC 388-533-0320(1) who are enrolled in an MAA managed care plan, are eligible for MSS services outside their plan. MSS services delivered outside the managed care plan are reimbursed on a fee-for-service basis and subject to the same program rules as apply to nonmanaged care clients.

## NEW SECTION

**WAC 388-533-0325 Maternity support services—Provider requirements.** (1) Services under this program are provided only by approved Maternity Support Services (MSS)/Infant Case Management (ICM) providers. Representatives from the medical assistance administration (MAA) and the department of health (DOH) recruit and approve providers using the following criteria:

(a) Services are to be delivered in area of geographic need as determined by MAA/DOH; and

(b) Providers must:

(i) Deliver both MSS and ICM services;

- (ii) Provide services in both office and home visit settings; and
  - (iii) Assure maintenance of staffing requirements and delivery of core services according to program design.
- (2) To participate in the MSS program, a provider must:
- (a) Comply with the clinical supervision/clinical consultation guidelines as required in the assurances document;
  - (b) Notify the appropriate state discipline-specific consultant when a staff person joins or leaves a designated position;
  - (c) Ensure that all newly hired staff receive an orientation to First Steps as soon as possible, but no later than sixty days from the hire date;
  - (d) Refer clients who may need chemical dependency assessment and/or treatment to a provider contracted with the division of alcohol and substance abuse (DASA) (see chapter 440-22 WAC);
  - (e) Authorize First Steps childcare for the MSS client as appropriate to facilitate MSS and First Step objectives (see WAC 388-533-1000 for rules governing First Steps childcare);
  - (f) Complete and document case conferencing activities.
  - (3) To be reimbursed by MAA for MSS, providers must:
    - (a) Meet the requirements in chapter 388-502 WAC, Administration of medical programs—Providers rules;
    - (b) Have a completed, approved MSS/ICM assurance document, signed by an officer or employee qualified to sign on behalf of the provider, on file with MAA;
    - (c) Meet the DOH/MAA requirements for a qualified MSS interdisciplinary team as prescribed in the assurances document;
    - (d) Ensure that staff meet the minimum qualifications for the MSS rules they perform; and
    - (e) Submit billings as instructed in MAA's published MSS/ICM billing instructions.

#### NEW SECTION

**WAC 388-533-0330 Maternity support services—Covered services.** (1) The medical assistance administration (MAA) covers services under the Maternity Support Services (MSS) program subject to the restrictions and limitations in this section and other applicable published WAC.

- (2) Covered services include:
  - (a) Community health nursing visits;
  - (b) Nutrition visits;
  - (c) Behavioral health visits; and
  - (d) Community health worker visits under the direction of a professional member of the team.
- (3) The services listed in WAC 388-533-0330(2) are covered under this program only when the services are:
  - (a) Documented in the client's record;
  - (b) Provided on an individual basis in a face-to-face encounter;
  - (c) Delivered by a qualified staff person acting within her/his area of expertise; and
  - (d) Used for the purposes of the MSS program to provide:
    - (i) Risk screening;

- (ii) Education that relates to improving pregnancy (and parenting outcomes);
  - (iii) Brief counseling;
  - (iv) Interventions for identified risk factors;
  - (v) Basic health messages;
  - (vi) Referral and linkages to other services; or
  - (vii) Family planning screening.

#### NEW SECTION

**WAC 388-533-0340 Maternity support services—Noncovered services.** (1) The following are considered non-covered services under the MSS program. Any service:

- (a) Not within the scope of the program;
  - (b) Not listed in WAC 388-533-0330; or
  - (c) Any service provided by staff not qualified to deliver the service.
- (2) MAA evaluates requests for services listed as non-covered under the provisions of WAC 388-501-0165.

#### NEW SECTION

**WAC 388-533-0345 Maternity support services—Reimbursement.** Services provided under the Maternity Support Services (MSS) program are reimbursed on a fee-for-service basis subject to the following limitations:

- (1) MAA reimburses under this program only for services billed using approved procedure codes and modifiers as identified in MAA's published MSS/ICM billing instructions;
- (2) MAA reimburses MSS services in units of time with one unit being equal to fifteen minutes of service;
- (3) MAA reimburses a maximum of:
  - (a) Six units per client, per day for any combination of office or home visits;
  - (b) Sixty total units per client, from all disciplines, over the maternity cycle;
  - (c) A one-time-only fee per client for the family planning performance measure; and
  - (d) A one-time-only fee per client per pregnancy for the tobacco cessation performance measure.

#### **INFANT CASE MANAGEMENT SERVICES**

#### NEW SECTION

**WAC 388-533-0360 Infant case management—Purpose.** The Infant Case Management (ICM) program serves high-risk infants and their families. The goal of ICM is to improve self-sufficiency of the parent(s) in gaining access to needed medical, social, educational, and other services (SSA 1915(g)).

#### NEW SECTION

**WAC 388-533-0365 Infant case management—Definitions.** The following definitions and those found in WAC 388-500-0005, Medical definitions and 388-533-0315, Maternity support services definitions apply to this section:

**"Infant case management (ICM)"** - The program that provides case management services to eligible high-risk infants and their families. Eligibility for ICM may be estab-

lished at the end of the maternity cycle up to the end of the month of the baby's first birthday.

#### NEW SECTION

**WAC 388-533-0370 Infant case management—Eligibility.** (1) To be eligible for Infant Case Management (ICM):

(a) The infant must be covered under one of the medical programs listed in WAC 388-533-0320 (1)(a) of this chapter;

(b) The parent(s) must need assistance in accessing or providing care for the infant; and

(c) At least one or more of the following criteria exists:

(i) The parent(s) are unable to care for infant specifically due to at least one of the following:

(A) Incarceration of the mother within the last year;

(B) Low functioning ability (e.g., needs repeated instructions, not attuned to infant cues, leaves infant with inappropriate caregivers, parent has the equivalent of less than an eighth grade education);

(C) Unstable mental health issue (regardless of whether the mental health issue is being treated or not);

(D) Physical impairment;

(E) Infant's mother is experiencing postpregnancy depression or mood disorder or has a history of depression/mood disorder;

(F) Infant's parent(s) are unable to access resources due to age (nineteen years of age or younger);

(G) Social isolation (e.g., family is new to the community, parent(s) do not have a support system, family moves frequently, lack of supportive living environment);

(H) Inability to access resources due to language or cultural barrier.

(ii) The infant's safety is a concern specifically due to at least one of the following:

(A) Domestic or family violence in present or past relationship that keeps the parent(s) feeling unsafe;

(B) Substance abuse by the infant's mother and/or father that is impacting ability to parent;

(C) Secondhand smoke exposure to the infant;

(D) Child protective service involvement within the last year or mother/father had parental rights terminated in the past;

(E) Unstable living situation (e.g., homelessness, couch surfing, unsafe conditions, no cooking facilities, heat, or water).

(iii) The infant's health is a concern specifically due to at least one of the following:

(A) Low birth weight - less than five and one half pounds;

(B) Premature birth - less than thirty-seven weeks gestation;

(C) Failure to thrive (e.g., baby is not gaining weight, significant feeding difficulty, no eye contact, or baby is listless);

(D) Multiple births (twins, triplets, etc.);

(E) Excessive fussiness or infant has irregular sleeping patterns (e.g., parent(s)' sleep deprivation, exhaustion and/or need for respite childcare);

(F) Infant has an identified medical problem or disability.

(2) Clients meeting the eligibility criteria in WAC 388-533-0370(1) who are enrolled in an MAA managed care plan are eligible for ICM services outside their plan. ICM services delivered outside the managed care plan are reimbursed on a fee-for-service basis and subject to the same program rules as apply to nonmanaged care clients.

#### NEW SECTION

**WAC 388-533-0375 Infant case management—Provider requirements.** (1) Services under this program are provided only by approved integrated Maternity Support Services (MSS)/Infant Case Management (ICM) providers. Representatives from the department of health (DOH) and the department of social and health services' (DSHS) medical assistance administration (MAA) recruit and approve providers using the following criteria:

(a) Services are to be delivered in area of geographic need as determined by MAA/DOH; and

(b) Provider must:

(i) Deliver both MSS and ICM services;

(ii) Provide services in both office and home visit settings; and

(iii) Assure maintenance of staffing requirements and delivery of service according to program design.

(2) To participate in the ICM program, a provider must:

(a) Comply with the clinical supervision/clinical guidelines as prescribed in the assurances document;

(b) Notify the MAA program manager when there is a staff change in a designated position;

(c) Ensure that all newly hired staff receive an orientation to First Steps services as soon as possible, but not later than sixty days from the hire date; and

(d) Submit billings as instructed in MAA's published MSS/ICM billing instructions.

(3) To be reimbursed by MAA for ICM, a provider must:

(a) Meet the requirements in chapter 388-502 WAC, Administration of medical programs—Providers rules;

(b) Have a completed, approved MSS/ICM assurances document, signed by an officer or employee qualified to sign on behalf of the provider, on file with MAA; and

(c) Ensure that staff meet the minimum qualifications for the ICM roles they perform.

#### NEW SECTION

**WAC 388-533-0380 Infant case management—Covered services.** (1) The medical assistance administration (MAA) covers services under the Infant Case Management (ICM) program subject to the restrictions and limitations in this section and other applicable published WAC.

(2) The ICM program reimburses approved providers for case management including:

(a) Assessing risk and need;

(b) Reviewing and updating the infant and parent(s) service plan;

(c) Referring and linking the client to other agencies; and

(d) Advocating for the client with other agencies.

(3) The case management activities listed in WAC 388-533-0380(2) are covered under the ICM program only when:

(a) Documented in the client's record;

- (b) Provided on an individual basis in a face-to-face encounter;
- (c) Performed by a qualified staff person acting within her/his area of expertise; and
- (d) Provided according to program design as described in the MSS/ICM assurances document.

#### NEW SECTION

**WAC 388-533-0385 Infant case management—Non-covered services.** (1) The following are considered noncovered services under the Infant Case Management (ICM) program:

- (a) Any direct delivery of services other than case management activities listed in WAC 388-533-0380(2); and
  - (b) Any service provided by staff not qualified to deliver the service.
- (2) MAA evaluates requests for services listed as non-covered under the provisions of WAC 388-501-0165.

#### NEW SECTION

**WAC 388-533-0386 Infant case management services—Reimbursement.** The medical assistance administration (MAA) reimburses for Infant Case Management (ICM) services on a fee-for-service basis subject to the following terms and limitations:

- (1) ICM is reimbursed in units of service with one unit being equal to fifteen minutes of service;
- (2) MAA reimburses:
  - (a) No more than six ICM units per month, per client; and
  - (b) No more than forty ICM units total per client through the end of the month of the baby's first birthday; and
  - (c) Only for services billed using the approved ICM procedure code and modifier identified in MAA's published MSS/ICM billing instructions.

#### NEW SECTION

**WAC 388-533-0390 Childbirth education classes (CBE).** (1) Purpose. The childbirth education services described in this section are intended to help prepare the pregnant client and her support person for labor and delivery.

(2) Definitions. The following definitions apply to WAC 388-533-0390:

(a) Approved instructor - A childbirth instructor meeting specific criteria set by the Washington department of health (DOH) maternal and infant health section and approved by the DOH health education consultant to provide childbirth education to pregnant clients.

(b) Childbirth education classes (CBE) - A series of educational sessions offered in a group setting; with a minimum of eight hours of instruction and led by an approved instructor to prepare a pregnant woman and her support person for an upcoming childbirth.

(c) Social services payment systems (SSPS) - The payment method used by the department of social and health services (DSHS) for certain social services and independent providers.

(3) Client eligibility. Childbirth education classes under WAC 388-533-0390 are available to women who are:

- (a) Pregnant; and
- (b) Covered under one of the following medical assistance administration (MAA) programs:
  - (i) Categorically needy program (CNP);
  - (ii) Categorically needy program - Children's health insurance program; (CNP-Children's health insurance program); or
  - (iii) Categorically needy program emergency medical only (CNP-Emergency medical only).

(4) Provider requirements. A childbirth educator providing services under WAC 388-533-0390 must:

- (a) Be an approved CBE provider (individual or agency) with an assigned SSPS/CBE billing number, and a signed program assurances document on file with MAA;
- (b) Deliver CBE services in group sessions;
- (c) Bill the medical assistance administration (MAA):
  - (i) Using the assigned SSPS/CBE billing number; and
  - (ii) According to the form and instruction requirements in MAA's CBE billing instructions; and
- (d) Accept the MAA fee as final and complete payment for a client.

(5) Covered services. MAA covers childbirth education when the instruction is:

- (a) Provided to clients eligible under WAC 388-533-0390(3);
- (b) Delivered in group sessions with a minimum of eight hours of instruction; and
- (c) Delivered according to a curriculum approved by the MAA/DOH program managers.

(6) Noncovered services. The following are considered noncovered services under childbirth education:

- (a) Any services beyond the scope of CBE; and
- (b) Any education about childbirth that is provided during a one-to-one home or office visit. (CBE provided in a one-to-one home or office visit must be billed according to WAC 388-533-0340 and 388-533-0345, Maternity Support Services rules.)

(7) Reimbursement. MAA reimburses CBE services subject to the following terms and limitations:

- (a) Reimbursement:
  - (i) Is limited to one series per client, per pregnancy;
  - (ii) Must be for the clients specifically enrolled in the session; and
  - (iii) Includes all classes, core materials, publications and educational materials provided throughout the class series. (MAA clients must receive the same materials as are offered to other attendees.)

(b) A client must attend at least one CBE session in order for the provider to be reimbursed for the CBE services to the client.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-533-0350

Maternity case management.

**WSR 04-13-052**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
**(Board of Physical Therapy)**  
[Filed June 11, 2004, 9:31 a.m., effective July 12, 2004]

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

**Purpose:** These rules require physical therapists to perform specific tasks and only utilize physical therapist assistants and physical therapy aides who meet specific criteria. The rules protect the public by assuring that skilled professionals only provide physical therapy services and that only qualified appropriately supervised support staff provides their care. There is potential for significant patient harm due to inadequate training, incompetence or negligence in the supervision of physical therapist assistants or physical therapy aides for which there is no licensure requirement; or for graduate physical therapists under an interim permit who have little or no professional experience. The proposed rules address these issues.

**Citation of Existing Rules Affected by this Order:** Amending WAC 246-915-010 Definitions, 246-915-078 Interim permits, 246-915-140 Personnel identification, and 246-915-160 Responsibilities of supervision.

**Statutory Authority for Adoption:** RCW 18.74.023 (3), (6) and (7).

Adopted under notice filed as WSR 04-08-046 on April 1, 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 4, Repealed 0.

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

**Number of Sections Adopted Using Negotiated Rule Making:** New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 4, Repealed 0.

**Date Adopted:** May 18, 2004.

May 18, 2004

Sam Stockton, PT, Chair  
Board of Physical Therapy

**AMENDATORY SECTION** (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

**WAC 246-915-010 Definitions.** For the purposes of this chapter and administering chapter 18.74 RCW, the following ((terms are to be construed as set forth herein)) words and phrases have the following meanings:

(1) The "performance of tests of neuromuscular function" includes the performance of electroneuromyographic examinations.

(2) "Consultation" means a communication regarding a patient's evaluation and proposed treatment plan with an authorized health care practitioner.

(3) "Supervisor" ((shall)) means the licensed physical therapist.

(4) ((Physical therapist assistant" shall mean a graduate of an approved school of physical therapy who is eligible for licensure but has not been licensed to practice physical therapy in Washington state, or an individual who has received an associate degree as a physical therapist assistant from an approved school.

(5) "Physical therapist aide" shall mean an individual who shall have received on-the-job training from a physical therapist.

(6) "Immediate supervision" shall mean the supervisor is in audible or visual range of the patient and the person treating the patient.

(7)) "Trained supportive personnel" as described in RCW 18.74.010(3) means:

(a) "Physical therapist assistant." An individual who has successfully completed a board approved physical therapist assistant program; or

(b) "Physical therapy aide." An individual who is involved in direct physical therapy patient care who does not meet the definition of a physical therapist or physical therapist assistant and receives ongoing on-the-job training.

(5) "Direct supervision" ((shall)) means the supervisor is on the premises, is quickly and easily available and the patient has been examined by the physical therapist at such time as acceptable physical therapy practice requires, consistent with the delegated health care task.

((8)) (6) "Indirect supervision" ((shall)) means the supervisor is not on the premises, but has given either written or oral instructions for treatment of the patient and the patient has been examined by the physical therapist at such time as acceptable health care practice requires, and consistent with the particular delegated health care task.

((9)) (7) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

((10)) (8) "Office on AIDS" means ((that)) the section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

((11)) (9) "Spinal manipulation" or "manipulative mobilization" ((is defined as)) means movement beyond the normal physiological range of motion.

**AMENDATORY SECTION** (Amending Order 403B, filed 2/4/94, effective 3/7/94)

**WAC 246-915-078 Interim permits.** An applicant who has not previously taken the physical therapy examination or an applicant who has not previously held an interim or temporary permit in Washington or another state, may be eligible for an interim permit under RCW 18.74.075 upon submission of the following:

(1) Payment of the application fee ((and interim permit fee));

(2) Evidence of having obtained a physical therapy degree from a board approved school;

(3) Completed a physical therapy license application on which the applicant:

(a) ((Requests to be scheduled for the first examination for which he or she is eligible no later than sixty days before the date of the examination;))

((b))) Requests to receive an interim permit;

((c))) (b) Provides the name, location and telephone number of his or her place of employment;

((d))) (c) Provides the name and license number of his or her licensed supervising physical therapist; and

((e))) (d) Provides written confirmation from the licensed supervising physical therapist attesting that he or she will:

(i) Ensure that a licensed physical therapist will remain on the premises at all times to provide "graduate supervision" as specified in RCW 18.74.075;

(ii) Report to the board any change in supervision or any change in location where services are ((to be)) provided;

(iii) Ensure that the holder of the interim permit wears ((a badge identifying)) identification showing his or her clinical title and/or role in the facility as a graduate physical therapist; and

(iv) Ensure that the holder of the interim permit ceases practice immediately upon notification of examination failure; or

(v) Ensure that the holder of the interim permit obtains his or her physical therapy license immediately upon notification of having passed the examination.

#### AMENDATORY SECTION (Amending Order 403B, filed 2/4/94, effective 3/7/94)

**WAC 246-915-140 (Delineation of responsibilities—Supportive) Personnel identification.** ((A physical therapist is professionally and legally responsible for patient care given by supportive personnel under the physical therapist's supervision. If a physical therapist fails to adequately supervise patient care given by supportive personnel, the board may take disciplinary action against the physical therapist. Supervision of supportive personnel requires that the physical therapist perform the following activities:

(1) Provide initial evaluation of the patient.

(2) Develop a treatment plan and program, including treatment goals.

(3) Assess the competence of supportive personnel to perform assigned tasks.

(4) Select and delegate appropriate portions of the treatment plan and program.

(5) Direct and supervise supportive personnel in delegated functions.

(6) Reevaluate the patient and adjust the treatment plan as acceptable physical therapy practice requires, consistent with the delegated health care task.

(7) Document sufficient in-service training and periodic evaluation of performance to assure safe performance of the tasks assigned to supportive personnel.

(8) Provide discharge planning.)) (1) Each person shall wear identification showing his or her clinical title, and/or

role in the facility as a physical therapist, a physical therapist assistant, a physical therapy aide, or a graduate physical therapist as appropriate. Supportive personnel may not use any term or designation which indicates or implies that he or she is licensed as a physical therapist in the state of Washington.

(2) The licensee must post the license or interim permit, or a certified copy of the license or interim permit, in a safe, conspicuous location at the licensee's work site. The licensee may block out his or her address before posting the license or interim permit.

#### AMENDATORY SECTION (Amending Order 403B, filed 2/4/94, effective 3/7/94)

**WAC 246-915-160 ((Personnel identification—Responsibilities of supervision.))** (((1) Each person shall wear identification showing his or her clinical title, and/or role in the facility as a physical therapist, a physical therapist assistant, [or] a physical therapy aide, or a graduate physical therapist as appropriate. Supportive personnel shall not use any term or designation which indicates or implies that he or she is licensed in the state of Washington.

(2) The license or interim permit[,] or a certified copy of the license or interim permit shall be posted in a safe, conspicuous location at the licensee's work site. The licensee's address may be blocked out before posting the license or interim permit.)) A physical therapist is professionally and legally responsible for patient care given by supportive personnel under his or her supervision. If a physical therapist fails to adequately supervise patient care given by supportive personnel, the board may take disciplinary action against the physical therapist.

(1) Regardless of the setting in which physical therapy services are provided, only the licensed physical therapist may perform the following responsibilities:

(a) Interpretation of referrals.

(b) Initial examination, problem identification, and diagnosis for physical therapy.

(c) Development or modification of a plan of care that is based on the initial examination and includes the goals for physical therapy intervention.

(d) Determination of which tasks require the expertise and decision-making capacity of the physical therapist and must be personally rendered by the physical therapist, and which tasks may be delegated.

(e) Assurance of the qualifications of all assistive personnel to perform assigned tasks through written documentation of their education or training that is maintained and available at all times.

(f) Delegation and instruction of the services to be rendered by the physical therapist, physical therapist assistant or physical therapy aide, including, but not limited to, specific tasks or procedures, precautions, special problems and contraindicated procedures.

(g) Timely review of documentation, reexamination of the patient and revision of the plan of care when indicated.

(h) Establishment of a discharge plan.

(2) Supervision requires that the patient reevaluation is performed:

(a) Every fifth visit, or if treatment is performed more than five times per week, reevaluation must be performed at least once a week;

(b) When there is any change in the patient's condition not consistent with planned progress or treatment goals.

(3) Supervision of supportive personnel means:

(a) Physical therapist assistants may function under direct or indirect supervision;

(b) Physical therapy aides shall function under direct supervision;

(c) The physical therapist may supervise a total of two supportive personnel at any one time.

Date Adopted: June 11, 2004.

June 11, 2004

Cheryl Payseno, Chair  
Nursing Care Quality Assurance Commission

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:

### WSR 04-13-053

#### PERMANENT RULES

#### DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance)

[Filed June 11, 2004, 9:33 a.m., effective June 11, 2004]

Effective Date of Rule: June 11, 2004.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: An effective date of June 11, 2004, is necessary as allowed under RCW 34.05.380(3). There is an emergency clause in chapter 258, Laws of 2003. Emergency rules are in place and will expire on June 11, 2004.

Purpose: Adopt rules to implement chapter 258, Laws of 2003, requiring registration of nursing technicians. This amends current rules and adds new section WAC 246-840-905 How to register as a nursing technician. Emergency rules currently in place are due to expire on June 11, 2004.

Citation of Existing Rules Affected by this Order: Amending WAC 246-840-010, 246-840-840, 246-840-850, 246-840-860, 246-840-870, 246-840-880, 246-840-890 and 246-840-900.

Statutory Authority for Adoption: Chapter 18.79 RCW and chapter 258, Laws of 2003.

Adopted under notice filed as WSR 04-09-057 on April 16, 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 1, Amended 8, Repealed 0.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 8, Repealed 0.

(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)) means 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)) means 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)) means 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)) means 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 undue hardship such as difficulty scheduling the examination through no fault of their own, receipt of the examination results after thirty days after the nurse technician's date of graduation, or an unexpected family crisis which caused him or her to delay sitting for the examination. Failure of the examination is not "good cause."

(16) "Good standing" as applied to a nursing technician, means the nursing technician is enrolled in a registered nursing program approved by the commission and is successfully meeting all program requirements.

(17) "Immediately available" as applied to nursing technicians, means that a registered nurse who has agreed to act

as supervisor is on the premises and is within audible range and available for immediate response as needed. This may include the use of two-way communication devices which allow conversation between the nursing technician and a registered nurse who has agreed to act as supervisor.

(a) In a hospital setting, a registered nurse who has agreed to act as supervisor is on the same patient care unit as the nursing technician and the patient has been assessed by the registered nurse prior to the delegation of duties to the nursing technician.

(b) In a nursing home setting, a registered nurse who has agreed to act as supervisor is in the same building and on the same floor as the nursing technician and the patient has been assessed by the registered nurse prior to the delegation of duties to the nursing technician.

(18) "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)) (19) "Minimum standards of competency" means the functions that are expected of the beginning level nurse.

((17)) (20) "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)(e) 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. (21) "Nursing technician" means a nursing student preparing for registered nurse licensure who is employed in a hospital licensed under chapter 70.41 RCW or a nursing home licensed under chapter 18.51 RCW, and who:

(a) Is currently enrolled in good standing and attending a nursing program approved by the commission and has not graduated; or

(b) Is a graduate of a nursing program approved by the commission who graduated:

(i) Within the past thirty days; or

(ii) Within the past sixty days and has received a determination that there is good cause to continue the registration period.

(c) Approved schools for nursing technicians include the list of registered nursing programs (schools) approved by state boards of nursing as preparation for the NCLEX registered nurse examination, and listed in the NCLEX bulletin as meeting minimum standards. Approved schools do not

include nontraditional schools as defined in WAC 246-840-030(3).

((20)) (22) "Philosophy" means the beliefs and principles upon which the curriculum is based.

((21)) (23) "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)) (24) "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)) (25) "Registered nurse" as used in these rules shall mean a nurse as defined by RCW 18.79.030(1).

((24)) (26) "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)) (27) "Standards" means the overall behavior which is the desired outcome.

((26)) (28) "Terminal objectives" means the statements of goals which reflect the philosophy and are the measurable outcomes of the total curriculum.

((27)) (29) 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 credential is to provide ((opportunity)) additional work related opportunities 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)) to gain valuable judgment and knowledge through expanded 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) their authorization under chapter 18.79 RCW and shall be responsible and accountable for ((practicing within the scope and guidelines of policies defined by the employing agency.

(4)) the specific nursing functions which they can safely perform as verified by their nursing program.

(3) The nursing technician shall work directly for the hospital or nursing home and may not be employed ((by)) in these facilities through 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)(21) shall use the title nursing technician ((and this title shall not be abbreviated)).

(2) No ((other)) person ((shall assume such title)) may practice or represent oneself as a nursing technician by use of any title or description of services without being registered under chapter 18.79 RCW, unless otherwise exempted by chapter 18.79 RCW.

#### 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; or

(c) Sixty days after graduation if the student has received a determination from the secretary that there is good cause to continue the registration period.

(d) Current enrollment ((will not be construed to)) does not include:

(i) Leaves of absence or withdrawal, temporary or permanent, from the nursing educational program.

(ii) ((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.

(iii))) Students who are awaiting the opportunity to reenroll in nursing courses.

(3) 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 is authorized only to perform specific nursing functions within the limits of their education, up to their skills and knowledge, as verified by their nursing program. The nursing technician:

(1) ((Shall)) May 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)) May not ((be responsible for performing the)) assume ongoing responsibility for assessments, planning, implementation, (and) or evaluation of the care of patients. The nursing technician may participate in all aspects of the nursing care process under the guidance of the registered nurse and within the scope of the nursing technician's education.

(4) ((Shall)) May never function ((as an independent practitioner,)) independently, act as a ((team leader, charge nurse, or in a supervisory capacity)) supervisor, or delegate tasks to licensed practical nurses, nursing assistants, or unlicensed personnel.

(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)) May 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.))

(6) May not perform any task or function that does not appear on the verification sent to the nursing technician's employer by the nursing program in which the nursing technician is enrolled. This document verifies that the nursing technician has demonstrated the ability and is safe to perform these tasks and functions. If the nursing technician is requested to perform any task not verified by the nursing program, the nursing technician must inform their supervisor that the task or function is not within their scope and must not perform the task.

**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 who is responsible for supervising the nursing technician:

(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/resident.

(4) Shall be immediately available at all times to the nursing technician ((and shall be physically present within the health care facility)).

(5) Shall have knowledge of the specific nursing functions the nursing technician is authorized to perform. The

authorized functions appear on the verification sent to the nursing technician's employer by the nursing program in which the nursing technician is enrolled.

**AMENDATORY SECTION** (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

**WAC 246-840-890 ((Responsibilities)) Functions of the employing facility.** In addition to the responsibilities required by RCW 18.79.360 (4)(e), 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)) that the nursing technician continues to qualify as a nursing technician and continues to be in good standing within three weeks of completion of each academic term (semester or quarter) ((within two weeks of completion date)).

(3) Obtain and maintain written documentation of the specific nursing functions that the nursing technician may perform 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.)) Follow their own guidelines, policies, principles and procedures relating to nursing technicians.

(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."

(6) Advise the department and nursing program of any practice-related action taken against the nursing technician. The employing facility shall notify the department at P.O. Box 47864, Olympia, Washington, 98504-7864.

(7) Provide training regarding the provisions of RCW 18.79.330 through 18.79.370 as specified in RCW 18.79.360 (4)(e).

**AMENDATORY SECTION** (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

**WAC 246-840-900 ((Responsibilities)) Functions of the ((nurse administrator)) nursing program.** ((The nursing administrator or designee shall:

(1) Ensure that the nursing technician has been thoroughly oriented to the facility.  
 (2) Ensure that WAC 246-840-890 (3), (4), (5), (6), and (7) are accomplished prior to patient care assignments.

(3) Observe, evaluate, and document the skill level of the nursing technician in the administration of oral, intermuscular, and subcutaneous medication and nursing care skills.

(4) Convey in writing to all facility departments the scope within which the nursing technician may practice.

(5) Provide the supervising licensed registered nurse a written job description for the nursing technician.) The nursing program in which the nursing technician is enrolled should:

(1) Provide to the employer written documentation of specific nursing functions the nursing technician may perform. This documentation should be based upon, and limited to, the nursing technician's education and demonstrated ability to safely perform the functions listed.

(2) Provide to the employer and the commission written documentation when a nursing technician is no longer considered to be in good standing as defined in WAC 246-840-010(16). The nursing program should notify the employer and the commission immediately if the nursing technician is no longer in good standing. Notification to the commission should be sent to P.O. Box 47864, Olympia, Washington, 98504-7864.

#### NEW SECTION

**WAC 246-840-905 How to register as a nursing technician.** (1) An individual shall complete an application for registration on an application form prepared and provided by the secretary of the department of health. This application shall be submitted to P.O. Box 47864, Olympia, Washington, 98504-7864.

(2) Every applicant shall provide:

(a) The application fee under WAC 246-840-990.

(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 from the applicant's nursing program verifying enrollment in, or graduation from, the nursing program. If the applicant has not yet graduated, this statement will include the anticipated graduation date.

(d) A signed statement 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 RCW 18.79.360(4).

**WSR 04-13-070**  
**PERMANENT RULES**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**

[Filed June 15, 2005, 8:05 a.m., effective July 17, 2004]

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

Purpose: WAC 139-05-210 Basic law enforcement equivalency certification, this change would allow peace officers to work in Washington state without holding a Wash-

ington state driver's license. This change is necessary for peace officers that reside in another state (e.g., Idaho and Oregon) and work in Washington state.

Statutory Authority for Adoption: RCW 43.101.080.

Adopted under notice filed as WSR 04-07-145 on March 23, 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 1, Repealed 0.

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

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

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

Date Adopted: June 9, 2004.

June 15, 2004

Sharon M. Tolton

Deputy Director

**AMENDATORY SECTION** (Amending WSR 03-07-099, filed 3/19/03, effective 4/19/03)

**WAC 139-05-210 Basic law enforcement equivalency certification.** (1) A certificate of equivalent basic law enforcement training shall be issued only to applicants who successfully complete the equivalency process as required by the Washington state criminal justice training commission. For this purpose, the term "process" shall include all documentation and prerequisites set forth in subsection (6) of this section, and successful completion of all knowledge and skills requirements within the basic equivalency academy. A certificate of equivalent basic law enforcement training shall be recognized in the same manner as the certificate of completion of the basic law enforcement academy.

(2) Eligibility for participation in the basic equivalency process shall be limited to ((regular, full-time,)) fully commissioned law enforcement officers of a city, county, or political subdivision of the state of Washington, who otherwise are eligible to attend the basic law enforcement academy, and who have attained basic certification through completion of a basic training program in this or another state. For this purpose, the term "basic training program" shall not include any military or reserve training program, or any federal training program not otherwise approved by a majority of the commission membership.

(3) The participation of any eligible and approved applicant for a certificate of equivalent basic law enforcement training shall be effected within, and limited to, the first available session of the basic equivalency academy following such applicant's date of hire; provided that no applicant shall be required to attend a session of the basic equivalency acad-

emy which is conducted within the initial sixty days of the employment for which certification is requested.

It shall be the responsibility of the applicant's agency to ensure that all necessary forms and documentation are completed and submitted to the commission in a timely manner and as necessary to ensure that the participation provided by this section is effected.

The participation of any applicant in any session of the basic equivalency academy not otherwise provided herein shall require the approval of the commission.

(4) In those instances wherein an applicant has attended more than one basic training program, eligibility for participation in the basic equivalency process shall not be approved if such applicant, for whatever reason, failed to successfully complete the most recent of such programs attended.

(5) The decision to request an officer's participation within the equivalency process shall be discretionary with the head of the officer's employing agency, who shall advise the commission of that decision by appropriate notation upon the hiring notification submitted to the commission for such officer. Upon receipt of such notification, the commission shall provide to such agency head all necessary forms and information required for the processing of a request for a certificate of equivalent basic training.

(6) Upon approval of an applicant's eligibility to participate in the equivalency process, the applicant's employing agency shall submit to the commission the following documentation as a precondition of participation within such process:

- (a) A copy of applicant's current and valid ((Washington state)) driver's license;
- (b) A copy of applicant's current and valid basic first-aid card;
- (c) A statement of applicant's health and physical condition by an examining physician;
- (d) A record of applicant's firearms qualification;
- (e) A liability release agreement by the applicant; and
- (f) A criminal records check regarding such applicant.

(7) If such training has not been completed previously, the applicant shall be required to complete the commission's forty hour emergency vehicle operation course, as scheduled by the commission.

(8) Upon completion of the equivalency process and review and evaluation of applicant's performances therein, the commission shall:

- (a) Issue a certificate of equivalent basic training;
- (b) Issue a certificate of equivalent basic training upon applicant's successful completion of additional training as the training commission may require; or
- (c) Require completion of the basic law enforcement academy.

(9) Any action or determination by the commission staff regarding a requestor or applicant for equivalency certification shall, upon written request of the involved individual or agency, be reviewed by the executive director of the training commission.

(10) Any waiver of, or variance in, any above requirement for equivalency participation and/or certification may be granted by the commission if it determines that sufficient justification exists for such action.

## WSR 04-13-071

### PERMANENT RULES

### CRIMINAL JUSTICE TRAINING COMMISSION

[Filed June 15, 2004, 8:07 a.m., effective July 17, 2004]

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

**Purpose:** WAC 139-10-210 Requirement of basic corrections training, several courses were reconfigured to meet specific constituent needs. New titles and descriptions more accurately describe course focus and job classifications served.

**Statutory Authority for Adoption:** RCW 43.101.080.

**Adopted under notice filed as WSR 04-09-069 on April 19, 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 1, Repealed 0.

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

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

**Date Adopted:** June 9, 2004.

June 15, 2004

Sharon M. Tolton  
Deputy Director

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

**WAC 139-10-210 Requirement of basic corrections training.** As provided in RCW 43.101.220, all full-time corrections employees of the state of Washington or of any city, county, or political subdivision of the state of Washington, shall, as a condition of continued employment, successfully complete a basic corrections academy as prescribed, sponsored or conducted by the Washington state criminal justice training commission. This requirement to complete basic training shall be fulfilled within the initial six months of corrections employment unless otherwise extended or waived by the commission. Requests for extension or waiver of the basic training requirement shall be submitted to the commission in writing as designated by its policies.

(1) Corrections personnel shall attend basic academy training according to job function as described below:

(a) Corrections officers academy. All employees whose primary job function is to provide for the custody, safety and security of adult prisoners in jails, penal institutions and detention facilities. Representative job classifications include, but are not limited to, custody and correctional officers.

(b) ((~~Adult services~~)) Misdemeanant probation/classification academy. All employees whose primary job function is the case management of offenders under county/city supervision, to include assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, ((~~community corrections officers~~)) adult probation ((~~counselors~~)) officers, ((~~institution~~)) jail classification counselors, and ((~~psychiatric social workers~~)) work crew supervisors.

(c) Community corrections officers academy. All employees whose primary job function is the case management in the community of adult offenders under state department of corrections supervision including monitoring adjustment of offenders involved with in/outpatient treatment programs; counseling offenders and/or referring them for counseling or other resource/treatment programs; making home/field visits pursuant to offender classification standards. Representative job classifications include, but are not limited to, community corrections officer, community risk management specialist, hearings officers and victim advocates.

(d) Institutional corrections counselors academy. All employees whose primary job function is to provide classification and program services to adult felony offenders housed in a state institutional setting: Parole planning; work/training release and prerelease referrals; academic/vocational/work program reviews; disciplinary and living unit program reviews; risk management identification. Representative job classes include, but are not limited to, correctional counselor, classification counselor, institution risk management specialist and corrections mental health counselors.

(e) Juvenile services academy. All employees working with juveniles whose primary job function is the case management of offenders, to include assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, juvenile probation and parole counselors, case aides/assistants, trackers, juvenile rehabilitation community counselors, juvenile drug court counselors, and community surveillance officers.

((d)) (f) Juvenile ((~~security workers~~)) corrections officers academy. All employees responsible for the care, custody, and safety of youth in county and state juvenile custody facilities. Representative job class includes, but ((is)) are not limited to, juvenile detention workers, juvenile corrections officers, and juvenile supervision officers((, and juvenile rehabilitation residential counselors)).

((e)) (g) Juvenile residential counselors academy. All employees responsible for the case management, custody, counseling, supervision and application of researched based treatment to youth in state institutions. Representative job classes include, but are not limited to, juvenile residential rehabilitation counselor, juvenile residential rehabilitation counselor assistant, and juvenile rehabilitation supervisor.

(h) Work release academy. All employees responsible for the safety, custody and care of adult offenders in a work release facility. Representative job class includes, but is not limited to, work release officers ((and)), work release counselors, and work release program monitors.

(2) It shall be the responsibility of the employing agency to determine the most appropriate basic academy for an

employee to attend within the guidelines set by the commission.

An agency may elect to forgo completely any basic academy training if such employee occupies a middle management or an executive position, as defined in WAC 139-10-410, 139-10-510, and 139-25-110.

(3) Failure to comply with the above requirements shall result in a notification of noncompliance from the commission directed to the individual employee, and, as appropriate, the employing agency director, chief or sheriff, the civil service commission, and/or the state auditor's office, and the chief executive of the local unit of government.

(4) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide the commission with employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

## WSR 04-13-086

### PERMANENT RULES

### UNIVERSITY OF WASHINGTON

[Filed June 17, 2004, 9:07 a.m., effective August 16, 2004]

**Effective Date of Rule:** August 16, 2004.

**Purpose:** To amend chapter 478-116 WAC, Parking and traffic rules of the University of Washington, Seattle.

**Citation of Existing Rules Affected by this Order:** Amending WAC 478-116-051, 478-116-061, 478-116-101, 478-116-111, 478-116-114, 478-116-116, 478-116-121, 478-116-125, 478-116-131, 478-116-141, 478-116-145, 478-116-161, 478-116-165, 478-116-167, 478-116-171, 478-116-181, 478-116-184, 478-116-186, 478-116-191, 478-116-201, 478-116-211, 478-116-227, 478-116-251, 478-116-253, 478-116-255, 478-116-271, 478-116-301, 478-116-311, 478-116-431, 478-116-520, 478-116-531, and 478-116-670.

**Statutory Authority for Adoption:** RCW 28B.10.560 and 28B.20.130.

**Adopted under notice filed as WSR 04-11-055 on May 17, 2004.**

**Changes Other than Editing from Proposed to Adopted Version:** WAC 478-116-211(2) was modified to reflect statewide meter practices.

WAC 478-116-532 (1) and (2) were rewritten to simplify and clarify the explanation of the parking citation petition submittal process and the standards by which petitions submitted after the "default response date" would be reviewed for acceptance.

**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; **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 32, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 32, Repealed 0.

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

Date Adopted: June 11, 2004.

Rebecca Goodwin Deardorff  
Director of Rules Coordination

**AMENDATORY SECTION** (Amending WSR 01-20-030, filed 9/26/01, effective 10/27/01)

**WAC 478-116-051 Definitions.** (1) Access card. A card issued by parking services that actuates the automatic gate arms controlling certain parking areas.

(2) Allowed meter time. The maximum time allowed on a pay meter at any one time.

((2)) (3) Assign/assignment. Area(s) designated for a person to park.

((3)) (4) Bicycle. Any device defined as a bicycle in chapter 46.04 RCW.

((4)) (5) Campus. The state lands located in Seattle, Washington devoted mainly to the activities of the University of Washington.

((5)) (6) Designate/((designated)) area designator. Parking area assignment for a person to park per WAC 478-116-261. An area designator is the permit information that identifies a driver's assigned parking area(s).

((6)) (7) Fee. A charge for the use of the permit issued.

((7)) (8) Hours of operation. The hours of operation assigned by parking services to a particular parking area, parking lot, or parking space.

((8)) (9) Impoundment. The removal of the vehicle to a storage facility either by an officer or authorized agent of the University of Washington police department.

((9)) Key card. A plastic card which actuates the automatic gate arms controlling certain parking areas, and is issued by parking services.)

(10) Legal owner. Person(s) having a security interest in a vehicle perfected in accordance with chapter 46.12 RCW or the registered owner of a vehicle unencumbered by a security interest.

(11) Motorcycles and scooters. A motor vehicle designed to travel on not more than three wheels in contact with the ground, on which the driver rides astride the motor unit or power train and is designed to be steered with a handle bar. For the purposes of these rules, motorcycles, motorized bicycles, and scooters are considered to be motor vehicles and are subject to all traffic and parking rules controlling other motor vehicles.

(12) Motor home. A motor vehicle or portable vehicle with facilities for human habitation which include lodging and cooking and ((garbage)) waste disposal.

(13) Nonmotor/nonmotorized vehicle. A device other than a motor vehicle used to transport persons. ((Nonmotor)) Nonmotorized vehicles include, but are not limited to, bicycles, skateboards, roller blades and roller-skates.

(14) Operator or driver. Every person who drives or is in actual physical control of a motor vehicle or ((nonmotor)) nonmotorized vehicle.

(15) Parking space. A space ((designated)) for parking one motor vehicle designated by: Lines painted on either side of the space, and/or at the rear of the space, a ((concrete block)) wheelstop positioned in the front of the space, a sign or signs, or other markings.

(16) Pedestrian. Any person afoot, as defined in chapter 46.04 RCW.

(17) Permit. A document issued by parking services that authorizes a person to park.

(18) Register/registration. The listing of any motor vehicle with parking services, for the purposes of obtaining a parking permit for the university.

(19) Registered owner. The person ((whose)) who has the lawful right of possession of a vehicle ((has)) most recently ((been)) recorded with any state department of licensing.

(20) Reissue. The replacement of a permit when the original has been stolen, lost, or following a change of parking lot designation, or vehicle(s).

(21) Renewal/renew. The replacement of ((an expired)) a parking permit ((at the end of the permit's effective period)) prior to its time of expiration.

(22) Reserved. Area for individuals who have been assigned a "reserved" designator.

(23) Roller-skate/roller blade. A device used to attach ((a wheel or)) wheels to the foot or feet of a person.

(24) Skateboard. Any oblong board of whatever composition, with a pair of ((small)) wheels at each end, which ((device)) may be ridden by a person.

(25) Traffic. ((Vehicular)) Motorized and ((nonvehicular)) nonmotorized modes of transportation defined in chapter 46.04 RCW.

(26) University. The University of Washington.

(27) University vehicle. A state of Washington-owned, university-operated motor vehicle.

(28) Vehicle. Any ((motor)) motorized vehicle or ((nonmotor)) nonmotorized vehicle.

**AMENDATORY SECTION** (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

**WAC 478-116-061 Liability of the university.** The university assumes no liability for vehicles parked on university properties. No bailment but only a license is created by the purchase and/or issuance of a permit.

**AMENDATORY SECTION** (Amending WSR 01-20-030, filed 9/26/01, effective 10/27/01)

**WAC 478-116-101 Numbering of parking areas, parking allocation and issuance of permits.** (1) Parking services shall designate and mark the various parking areas on the campus with numbers and/or letters and their hours of operation by the posting of signs in those areas.

(2) Parking services shall allocate parking spaces and hours of operation in a manner that will best satisfy the objectives of these rules.

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(3) Parking services is authorized to issue permits to park.

(4) Permits issued by parking services shall ((be accompanied by small area designators specifying)) indicate the ((area or)) area(s) of parking for which the permit is valid. Parking services may change area assignments ((in a manner which will)) to promote ((the)) its objectives of these rules.

(5) All outstanding campus parking violation fines and penalties associated with the permit or motor vehicle registered (or to be registered) under the permit must be satisfactorily settled before a parking permit may be issued, reissued, or renewed.

#### AMENDATORY SECTION (Amending WSR 01-20-030, filed 9/26/01, effective 10/27/01)

**WAC 478-116-111 Valid permit.** A valid permit is one of the following:

(1) An unexpired and unrecalled vehicle permit ((and)) with an area designator that is properly registered and displayed on a vehicle in accordance with WAC 478-116-223.

(2) A temporary permit authorized by parking services and displayed in accordance with instructions on the permit.

(3) A parking permit issued by a gate attendant((;)) which ((shall be)) is displayed face up on the vehicle dashboard and ((shall be)) is fully visible from the exterior of the motor vehicle.

#### AMENDATORY SECTION (Amending WSR 01-20-030, filed 9/26/01, effective 10/27/01)

**WAC 478-116-114 Transferable permits.** (1) Permit holders may transfer one valid permit between motor vehicles ((when used by the permit holder)). Improper transfer of a permit shall include, but not be limited by, the wrongful sale, lending, or bad faith transfer of a parking permit.

(2) Permits displaying license plate numbers shall only be ((used)) valid in the vehicles whose license number ((is)) matches the number written on the permit.

#### AMENDATORY SECTION (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

**WAC 478-116 ((Temporary)) Alternate and replacement permits.** (1) Any permit holder may obtain ((without charge a temporary)) an alternate vehicle permit from parking services when ((necessary due to nonavailability of his or her permit. The temporary)) their assigned permit is unavailable for use. This permit shall not be used on a vehicle while the regular permit is used on another vehicle nor shall the request for issuance be allowed as a common practice for the permit holder.

(2) Any permit holder ((may obtain a replacement permit)), upon completion of a signed ((certificate as provided in the fee schedule)) replacement form from parking services, may pay for a replacement permit as provided in the fee schedule when ((his or her)) the assigned permit has been lost, stolen or destroyed.

**AMENDATORY SECTION** (Amending WSR 01-20-030, filed 9/26/01, effective 10/27/01)

**WAC 478-116-121 Visitor parking.** (1) No permit shall be required for the following motor vehicles:

(a) Public safety and emergency vehicles while performing services;

(b) Marked taxis, marked tow trucks, marked commercial delivery vehicles and marked media vehicles which have agreed to comply with university guidelines and have received prior written approval ((of)) from parking services; and

(c) School buses and tour buses parking in ((designated)) assigned locations.

(2) Permits shall be ((provided)) available during parking ((service's)) services' hours of operation at no cost to the driver for the following:

(a) Unmarked commercial delivery motor vehicles under contract to the university, for limited time periods;

(b) Unmarked vehicles operated by members of the non-university press presenting recognized credentials, while pursuing a story;

(c) Properly identified persons retired from the university but not reemployed by the university shall be provided complimentary parking. Their parking fee shall be recharged to the appropriate university department;

(d) For a limited time period, persons ((who drop)) dropping off and ((pick)) picking up children enrolled in ((established)) authorized university programs ((for limited time periods));

(e) Utility meter readers and other city, county or state agencies making inspections; and

(f) Contractors hired by the university for a particular job parked inside approved fenced construction sites or peripheral contractor parking areas approved in advance by parking services.

(3) University departments may pay parking services directly for all or part of the parking fees ((of)) for their guests((. The rate charged will be that of the "departmental commuter ticket." Parking services may establish mechanisms to allow departments to pay for all or part of the parking fee of sponsor department's guests)) based on the established fee schedule.

(4) University departments may pay parking services directly for the parking fees ((of their department's)) for employees not stationed on campus who are required to occasionally come to campus. The rate charged will be that of the ("departmental commuter ticket.")) gate issued permit hourly parking rate.

#### AMENDATORY SECTION (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

**WAC 478-116-125 Other types of permits.** (1) Temporary employees, maintenance or service personnel, contractors, persons serving the university without pay, and other visitors who must frequently visit the campus on official business, may be issued parking permits at the established rate.

(2) Parking designators, such as (((")))reserve (R), (((")))U, (((")))US, and (((")))SS)) universal (U), universal limited (UL), and

service (S) may be issued by parking services upon payment of the ((prescribed)) established fee.

(3) Motor homes used by patients and their visitors shall be permitted in designated areas for not more than fifteen consecutive days, upon approval of parking services and payment of the established fee.

(4) Persons retired from the university who are reemployed at forty percent or less of full-time employment may purchase individual commuter tickets at the established rate or annual permits at forty percent of the annual permit ((eest)) fee.

**AMENDATORY SECTION** (Amending WSR 02-20-044, filed 9/25/02, effective 10/26/02)

**WAC 478-116-131 Parking for events and other university functions.** (1) Parking for attendees to events that may displace regular parking customers or that may require added parking services staffing shall be accommodated only if parking services can find suitable alternatives for regular parking customers. Parking fees will be charged as follows:

(a) Parking for attendees at freshman convocation will be complimentary. Parking services will charge the cost of staff and services used expressly for the event to the sponsoring department;

(b) An event rate will be charged to attendees of events that require staffing to collect fees; and

(c) ((Parking services shall negotiate)) The cost of prepurchased parking and alternative transportation for Husky football games shall be negotiated with the department of intercollegiate athletics.

(2) Parking services may ((lease)) rent available parking facilities to sponsors of events(((-)) or to university departments that require parking areas to conduct their business who shall pay in advance and be charged at a per ((staff)) space fee for the particular ((leased)) rented facility.

(3) Parking services may extend its hours of operations to encompass the hours of an event. The following conditions shall ((trigger charging)) require a parking fee for events scheduled outside the normal hours of operation:

(a) Any activity which in the judgment of parking services is expected to attract over five hundred vehicles to campus; or

(b) Any event requiring a city of Seattle special event permit.

(4) University departments which sponsor functions such as athletic events, conferences, seminars and dinners may arrange ((for)) parking ((of)) for their guests ((and this parking will be provided)) on a space available basis. Departments have the option of paying for ((guests')) guest parking((-)); otherwise, their guests will be responsible for the parking fee. Departments may also collect parking fees to facilitate prepaid parking ((and)) with the prior approval of parking services(( prior approval, departments may act as its agent in the collection of parking fees)).

(5) Parking services may displace permit holders from their regularly assigned areas during special events. Permit holders shall be provided an alternate area assignment during special events at no extra charge.

**AMENDATORY SECTION** (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

**WAC 478-116-141 Annual and quarterly permit periods.** The annual permit period begins July 1 of each year. Quarterly permit periods for staff and faculty parking begin July 1, October 1, January 1 and April 1 of each year. Quarterly permit periods for student parking ((begin each quarter at a date which predates the beginning of school, and is determined by parking services. Student quarterly permits are valid for ninety days)) start at the beginning of each academic quarter.

**AMENDATORY SECTION** (Amending WSR 01-20-030, filed 9/26/01, effective 10/27/01)

**WAC 478-116-145 ((Evening)) Night and swing permits.** (1) ((Evening)) Night and swing((,-annual, or quarterly)) permits ((are allowed)) allow for parking ((during)) within the period of time printed on the permit. Parking on Saturday is allowed in unrestricted areas unless otherwise reserved for event parking as authorized by parking services.

(2) Gate-issued or machine-issued evening permits are valid only until 7:30 a.m. of the following day.

(3) ((Evening)) Night permit holders((,-)) who purchase gatehouse parking weekdays between ((7:30 a.m. --)) 2:30 p.m. and 4:00 p.m., will be charged the ((appropriate gate-house entry parking fee)) night extension rate.

**AMENDATORY SECTION** (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

**WAC 478-116-161 ((Annual)) Parking fee payment.** Regardless of payment method used, payment for ((an annual)) a parking permit is the sole responsibility of the permit holder and failure to pay the parking permit fee is grounds for recall under WAC 478-116-184 (1)(d). The permit holder remains responsible for payment of parking fees until the permit is returned or expires. Payment for ((an annual)) a parking permit may ((only)) be made in one of the following ways:

(1) By cash, by Husky Card account debit, and by check or money order payable to the ((-))University of Washington(( directly to parking services. Cash should not be sent by mail)). In the case of payment by Husky Card account debit, any previously uncollected fees will be charged to Husky Card accounts when sufficient balances become available.

(2) Permanent faculty and staff members ((on the regular monthly payroll may select the payroll deduction plan for payment of the annual permit only)) regularly receiving University of Washington semimonthly paychecks may pay for a permit by payroll deduction.

(a) Deductions will be ((made)) taken from ((each bimonthly)) the semimonthly paycheck for ((that month's parking installment)) the current period and for all previous parking periods not yet collected. Persons selecting this plan must complete a payroll deduction authorization form online or in person in addition to the appropriate parking permit application.

(b) Deductions ((will be)) are terminated by completing a payroll deduction termination form and returning any unexpired permit.

**AMENDATORY SECTION** (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

**WAC 478-116-165 Vehicle and driver's licenses required.** Any applicant for a permit must possess a driver's license recognized as valid by the state of Washington ((and)). The vehicle for which the applicant seeks a permit must also be licensed and registered in a way recognized as valid by the state of Washington.

**AMENDATORY SECTION** (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

**WAC 478-116-167 Right to refuse to issue a permit.** The university reserves the right to refuse the issuance of a parking permit. The basis for refusing to issue a parking permit includes, but is not limited to, the following circumstances:

- (1) When the issuance would compromise or conflict with the mission of the university;
- (2) When the applicant has falsified a parking permit application or ((failed to pay)) has unpaid parking fees and fines; or
- (3) When the applicant has counterfeited or altered a permit, area designator, or ((key)) access card.

**AMENDATORY SECTION** (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

**WAC 478-116-171 Responsibility of person to whom the permit is issued.** The person to whom a permit is issued pursuant to these rules shall be responsible for all violations of these rules involving that permit. Such responsibility does not afford a defense to another person who jointly violates these rules.

**AMENDATORY SECTION** (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

**WAC 478-116-181 Refund conditions for parking permits.** (1) Refunds will be made for unused portions of permits which were paid for in full at the time of acquisition following the return of the permit to parking services. The refund schedule will be established by parking services.

(2) If the permit is being paid by using the payroll deduction plan, then a payroll deduction termination form must be completed.

(3) Any unpaid fine for a violation of these rules will be deducted from any refund due, including refunds due to revocation of parking privileges.

**AMENDATORY SECTION** (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

**WAC 478-116-184 Recall of permits.** (1) Permits are the property of the university((,)) and may be recalled by parking services for any of the following reasons:

(a) When the purpose for which the permit was issued changes or no longer exists;

(b) When a permit, area designator, Husky Card or ((gate key)) access card is used by an unauthorized person;

(c) Falsification on a parking permit application;

(d) Nonpayment of parking fees;

(e) Counterfeiting or altering of permits, area designators or ((gate key)) access cards;

(f) Failure to comply with a final decision of the citation hearing office; or

(g) When the person to whom the permit is issued receives in excess of twelve citations under these rules within any twelve-consecutive month time period.

(2) Recall may take the form of denial of card access when applicable.

(3) Vehicles displaying recalled permits will be subject to impoundment on sight and confiscation of the permit for return to parking services.

**AMENDATORY SECTION** (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

**WAC 478-116-186 Recall of carpool permits.** Abuse of carpool privileges, such as but not limited to carpools ((formed within one half mile)) with members residing within the no carpool zone of campus, and/or falsified application information may constitute grounds for the university to ((suspend or revoke)) cancel parking privileges ((from the offender(s))). The no carpool zone is identified on the no carpool zone map available from parking services.

**AMENDATORY SECTION** (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

**WAC 478-116-191 Regulatory signs, barricades, and markings.** (1) Signs, barricades, markings and directions shall be so made and placed ((as will)) to best meet the objectives stated in WAC 478-116-020 of these rules.

(2) No unauthorized person shall remove, move, deface, or in any way change a sign, barricade, marking, or direction so placed, or previously placed, for the purpose of regulating traffic or parking. Authority to make temporary changes of this nature with respect to streets or roadways must be obtained from the university police department.

**AMENDATORY SECTION** (Amending WSR 01-20-030, filed 9/26/01, effective 10/27/01)

**WAC 478-116-201 Permits required for motor vehicles parked during hours of operation—Assigned parking areas.** (1) Except as provided in WAC 478-116-121 and 478-116-151, no person shall park or leave any motor vehicle unattended by a licensed driver upon the campus during the hours of operation without a valid permit issued by parking services.

(2) Permission to park shall be shown by display of a valid permit. ((Possession)) Display of a ((gate key)) Husky Card debit account or access card does not, in itself, constitute permission to park in a designated parking area.

**AMENDATORY SECTION** (Amending WSR 01-20-030, filed 9/26/01, effective 10/27/01)

**WAC 478-116-211 Metered parking.** (1) Except as provided in subsections (2) and (3) of this section, any vehicle, other than a university vehicle, which occupies a metered space is subject to payment of the meter fee in accordance with the hours posted, even though the vehicle may display a valid permit.

(2) Vehicles displaying a disability permit or disability license issued by a state department of licensing shall not be subject to payment of the meter fee ((during the allowed meter time limit)).

(3) Parking services may designate and post certain meters to allow valid permit holders to park at the meter for the allowed meter time without payment.

(4) Motor vehicles parked after the maximum time shall be subject to a citation for parking over the posted time limit.

**AMENDATORY SECTION** (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

**WAC 478-116-227 Permit transfer.** Parking permits((, parking credit cards, and key cards)) and other parking services authorized parking arrangements or permits issued to departments or individuals are not transferable between unregistered individuals, but can be transferred between cars operated by registered permit holder(s).

**AMENDATORY SECTION** (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

**WAC 478-116-251 Obeying regulatory signs and ((directions)) instructions.** (1) Operators of vehicles shall obey regulatory signs which are posted by the university consistent with the parking and traffic rules of the University of Washington.

(2) Drivers of motor vehicles shall also comply with ((directions)) instructions issued by members of parking services in the assignment and use of parking space and in the collection of parking fees.

**AMENDATORY SECTION** (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

**WAC 478-116-253 Prohibited parking area(s).** (1) No motor vehicle shall be parked at any place where official signs prohibit parking such as, but not limited to, "tow zone," "fire zone," "prohibited," or "no parking."

(2) No motor vehicle shall be parked within fifteen feet of a fire hydrant.

**AMENDATORY SECTION** (Amending WSR 01-20-030, filed 9/26/01, effective 10/27/01)

**WAC 478-116-255 Prohibited parking—Space designated ((for a)) as disability or wheelchair.** No motor vehicle shall be parked in a disability, wheelchair ((area)) space or lot without an appropriate permit.

**AMENDATORY SECTION** (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

**WAC 478-116-271 Parking within a designated parking space.** No motor vehicle shall be parked so as to occupy any portion of more than one parking space or stall within a parking area or so as to extend beyond any marked rear stripe. The fact that other motor vehicles may have been so parked as to require the motor vehicle to occupy a portion of more than one parking space or stall shall not constitute an excuse or defense for a violation of this section. This section shall not apply to stack parking for athletic events.

**AMENDATORY SECTION** (Amending WSR 01-20-030, filed 9/26/01, effective 10/27/01)

**WAC 478-116-301 Citation for motor vehicle violations.** (1) The university police department may issue a citation for a violation of these rules. The citation shall set forth the date, approximate time, locality, and nature of the violation. The citation shall be served upon the person charged with the violation by delivery, mail, or placement upon the vehicle involved.

(2) The following information shall be printed on the parking citation:

(a) The violation fine ((schedule)) and instructions for payment;

(b) Instruction for contesting the citation, including where to obtain petitions; and

(c) Notice that failure to pay fines or contest the citation within the time specified in these rules can result in the sanctions set forth in WAC 478-116-561.

**AMENDATORY SECTION** (Amending WSR 01-20-030, filed 9/26/01, effective 10/27/01)

**WAC 478-116-311 Motor vehicle fines and penalties.** The following schedule of fines for violation of the rules listed below is hereby established:

OFFENSE	MAXIMUM FINE
01 Obstructing traffic or pedestrian movements .....	\$ ((30.00))
WAC 478-116-245	<u>35.00</u>
02 Enter/exit without paying .....	25.00
WAC 478-116-251	
03 Failure to lock ignition and/or set brakes ...	((+0.00))
WAC 478-116-281	<u>15.00</u>
04 Improper display of vehicle permit.....	((7.00))
WAC 478-116-223	<u>12.00</u>
05 Permit not registered to this vehicle .....	5.00
WAC 478-116-227	
06 Occupying more than one stall or space ....	((+0.00))
WAC 478-116-271	<u>20.00</u>
07 Parking in restricted parking area.....	((30.00))
WAC 478-116-251	<u>35.00</u>
08 Parking in prohibited area.....	((30.00))
WAC 478-116-253	<u>35.00</u>

OFFENSE	MAXIMUM FINE
09 Parking on planted areas . . . . . WAC 478-116-261	25.00
10 Parking out of assigned area . . . . . WAC 478-116-261	((10.00)) <u>15.00</u>
11 Parking over posted time limit . . . . . WAC 478-116-251	((25.00)) <u>30.00</u>
12 Parking with no valid permit displayed . . . . . WAC 478-116-201	((25.00)) <u>30.00</u>
13 Parking at expired meter . . . . . WAC 478-116-211	((25.00)) <u>30.00</u>
14 Parking outside cycle area . . . . . WAC 478-116-221	10.00
15 Parking in space/area not designated for parking . . . . . WAC 478-116-261	25.00
16 Parking while privilege suspended . . . . . WAC 478-116-184	100.00
17 Use of forged/stolen vehicle permit . . . . . WAC 478-116-184 and 478-116-227	250.00
18 Use of revoked permit . . . . . WAC 478-116-231	100.00
19 Unauthorized overnight parking of a motor home . . . . . WAC 478-116-125	50.00
20 Impound . . . . . WAC 478-116-291	At cost
21 Other violations of the university parking and traffic rules . . . . .	25.00
22 Parking in space designated for disability or wheelchair . . . . . WAC 478-116-255	250.00
23 <u>Penalty for failure to pay fine, respond, or comply with final decision of citation hearing office within time limits . . . . .</u> WAC 478-116-520	<u>25.00</u>

**AMENDATORY SECTION** (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

**WAC 478-116-431 Notice and redemption of impounded vehicles.** (1) Not more than ((twenty-four hours)) one business day after impoundment of any vehicle, the University of Washington police department shall mail a notice to the registered owner of the vehicle, as may be disclosed by the vehicle license number, if such be obtainable, and to any other person who claims the right to possession of the vehicle, if such a claim is known to an officer, agent or employee of the University of Washington police department who has knowledge of the impoundment. The notice shall be mailed to the registered owner at the address provided by the Washington state department of licensing or the corresponding agency of any other state or province. If a police officer who has knowledge of the impoundment has reason to

believe that an owner, or one who claims to be an owner, is residing or in custody at some different address which is known to the officer, a copy of the notice shall be mailed or personally delivered to such owner or claimant in a manner designed, as nearly as may be practicable, to give actual notice to the owner. The notice shall contain the full particulars of the impoundment, redemption, and an opportunity to contest the propriety of the impoundment as provided in WAC 478-116-541.

Similar notice shall be given to each person who seeks to redeem an impounded vehicle. If a vehicle is redeemed prior to the mailing of notice, the notice need not be mailed.

(2) Motor vehicles impounded shall be redeemed only under the following circumstances:

(a) Only the registered owner who has a valid driver's license or person authorized by the registered owner who has a valid driver's license and who produces proof of authorization and signs a receipt ((therefor)) therefore, may redeem an impounded motor vehicle.

(b) Any person so redeeming a motor vehicle impounded shall pay the cost of such impoundment (towing and storage), together with such fines as are outstanding against the vehicle if impoundment was made pursuant to WAC 478-116-401 prior to redemption, except as provided in (c) of this subsection.

(c) Any person seeking to redeem a motor vehicle impounded under WAC 478-116-401, 478-116-411 or 478-116-421 has a right to contest the validity of impoundment or the amount of towing and storage charges and shall have the motor vehicle released upon requesting a review as provided in WAC 478-116-541, and paying any outstanding fines, ((and executing a promissory note, naming the University of Washington as payee, in an amount to include both the costs of towing and storage and a civil penalty of seventy-five dollars which promissory note shall immediately become due and owing in the event such person fails to pay within ten business days after service of a final decision of the citation hearing office on the petition contesting impoundment or the amount of any towing and storage charges for which such person may be found liable)) towing and storage charges.

(3) In addition to any other penalty which may be imposed as a result of actions described in subsection (2)(c) of this section, campus parking privileges shall be suspended until all such debts are paid.

((4) The promissory note shall be automatically canceled and discharged when a person either:

(a) Pays the towing and storage charges and cancels the request for a review; or

(b) Pays, within ten business days after service of a final decision of the citation hearing office on the petition contesting impoundment, towing and storage charges for which such person may be liable.))

**AMENDATORY SECTION** (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

**WAC 478-116-520 Motor vehicles—Payment of fines and penalties.** (1) The fines that may be assessed for violations of these rules are those detailed in WAC 478-116-311. The applicable fine for a citation must be paid ((within)) on

or before the default response date, which is twenty days ((ef)) from the date of the citation unless on or before the default date the person charged with the violation ((elects to contest)) contests the citation as provided in WAC 478-116-531, then any applicable fine amount owed must be paid within the time limits set forth in WAC 478-116-531.

(2) Fines must be delivered in person to the citation hearing office or postmarked on or before the default response date or applicable due date specified in these rules to avoid additional penalties. An additional fine of ((ten)) twenty-five dollars per offense shall be imposed for each citation which is not responded to within the time limits set forth in these rules. In the case of a citation that is contested under WAC 478-116-531, an additional fine of twenty-five dollars per offense shall be imposed for a failure to pay, within the time limits set forth in that section, any fine owed under a decision of a presiding officer or a reviewing officer that is not timely contested or appealed. In the case of a citation which has a petition submitted after the default response date, the additional fine of twenty-five dollars per offense shall remain imposed and only if the petition is accepted for review by the citation hearing office for good cause shall the additional fine be subject to decision rendered by the citation hearing office under WAC 478-116-531.

(3) The rules contained in this chapter shall be available in the citation hearing office, the university police department, and parking services.

#### AMENDATORY SECTION (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

**WAC 478-116-531 Motor vehicles—Election to pay fine or contest citation.** (1) A person who receives a citation shall, within twenty days of the date thereof, either pay the applicable fine or contest the issuance of the citation in the manner prescribed in this section. Payment of the fine shall constitute a waiver of the right to contest the citation. Failure to either pay the fine or timely contest the citation ((within twenty days of the date of the citation)) shall automatically result in a final decision of the citation hearing office.

(2) A person wishing to contest a citation may do so by completing and submitting a parking and traffic citation petition (hereinafter "petition") to the citation hearing office within twenty days of the date of the citation (the "default response date"). The petition shall include a statement explaining the reasons for contesting the citation. ((The presiding)) A petition contesting a citation that is received by the citation hearing office either within twenty-one days after the default response date, or by such later date as may be specified in a written default notice issued to the registered vehicle owner by the citation hearing office, may be accepted (and considered timely) for review under this section if, in the discretion of a hearing officer, good cause for such late submission is shown. Absent extraordinary circumstances, a petition received more than twenty-one days after the default response date (or after the later date specified in a written default notice issued to the registered vehicle owner by the citation hearing office) shall not be accepted for review. Any petition submitted after the default response date should include both a statement explaining the reasons for contesting

the citation and an explanation of why the petition was not submitted by the default response date. A hearing officer shall review the petition and provide written notification of his or her decision to the person submitting the petition within ten days of taking action on the petition. If the petition is denied, the notification shall include a brief statement of the reasons for the decision and information about the opportunity for further review. Any fine owed on a written decision on a petition not contested as provided in subsection (3) of this section shall be paid within twenty-one days after service of the decision.

(3) A person wishing to contest the written decision on the petition may request a review by contacting the citation hearing office orally or in writing within twenty-one days after service of the decision. The request for review shall contain an explanation of the ((alleged violator's)) petitioner's position and a statement of reasons why the initial decision on the petition was incorrect. The reviewing officer shall, within twenty days of the date of the ((request)) receipt, conduct a review and ((render)) enter a final written decision, which shall include a brief statement of the reasons for the decision and information about the opportunity to appeal the decision to the district court. Any final decision of the reviewing officer not appealed as provided in subsection (5) of this section shall be paid within ten days after service of the decision.

(4) If neither party has requested a review of the written decision on the petition, the citation hearing office may, within twenty days after service of the written decision, conduct a review and issue a final decision on its own motion and without notice to the parties, but it may not take any action on review less favorable to the ((alleged violator)) petitioner than the written decision on the petition without giving the ((alleged violator)) petitioner notice and opportunity to explain his or her view of the matter.

(5) A person wishing to appeal a final decision of the citation hearing office to the district court may, within ten days of service of the final decision, file a written notice with the university police department. Documents relating to the appeal shall immediately be forwarded to the district court, which shall have jurisdiction to hear the appeal de novo. No appeal to the district court may be taken unless the citation has been contested as provided in subsections (2) and (3) of this section.

(6) A person who files a petition under subsection (2) of this section may request the opportunity to provide an oral statement before the presiding officer. A request to make an oral statement must be included in the petition. If the request for an oral statement is made, the presiding officer shall provide reasonable notice of the time and place for receiving the oral statement. At the discretion of the reviewing officer, oral statements may also be considered in requests under subsection (3) of this section. A request to make an oral statement must be included in the request for review. If the request for an oral statement is granted by the reviewing officer, the reviewing officer shall provide reasonable notice of the time and place for receiving oral statements.

**AMENDATORY SECTION** (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

**WAC 478-116-670 Use of skateboards.** (1) Skateboard use in pedestrian areas, including but not limited to walkways, ramps, concourses, and plazas (such as "Red Square"), and on internal university streets and loading areas on the campus is restricted solely to transporting an individual from one campus destination to another. Any recreational, athletic, or other exhibitional use of skateboards unrelated to transportation is strictly prohibited, unless expressly approved in advance by the committee on the use of university facilities, pursuant to chapter 478-136 WAC.

(2) Skateboard use in violation of this section shall result in the following:

(a) For the first offense, the university police department will record the name of the individual and provide a written warning against further skateboard use in violation of this section. Individuals who cannot produce satisfactory identification will be given a receipt for their skateboard, which will be impounded at the university police station until they are able to return with the receipt and identification. There will be no ((impound)) impoundment fee.

(b) For a second offense, within twenty-four months of any previous offense or warning, the skateboard will be impounded for not less than forty-eight hours and the offender shall be subject to a fine of not less than ten dollars plus applicable ((impound)) impoundment fee.

(c) For a third or subsequent offense, within twenty-four months of any previous two offenses, warnings, or combination thereof, the skateboard will be impounded for not less than thirty days and the offender shall be subject to a fine of not less than thirty dollars plus applicable ((impound)) impoundment fee.

(d) Impounded skateboards will be held by the university police department and released only during regular business hours to individuals with satisfactory identification. Payment of a ten-dollar storage fee will also be required for release, except as provided in (a) of this subsection.

(3) Skateboards impounded under this section which are unclaimed sixty consecutive days after the applicable minimum impoundment time period has elapsed will be presumed abandoned and be subject to sale at a public auction conducted by the university surplus property department.

(4) The university and its officers, agents, and employees shall not be liable for loss or damage of any kind resulting from impounding, storage, or sale of any item under this section.

(5) Impoundment or sale of any skateboard under this section shall not substitute for, nor release any person from liability for damage to persons or property caused by use of a skateboard at the university.

**WSR 04-13-087**  
**PERMANENT RULES**  
**UNIVERSITY OF WASHINGTON**

[Filed June 17, 2004, 9:08 a.m., effective September 21, 2004]

Effective Date of Rule: September 21, 2004.

Purpose: To amend chapter 478-168 WAC, regulations for the University of Washington libraries.

Citation of Existing Rules Affected by this Order: Repealing WAC 478-168-170, 478-168-200, 478-168-290, 478-168-294, 478-168-298, 478-168-300, 478-168-340, 478-168-345, 478-168-350 and 478-168-360; and amending WAC 478-168-160, 478-168-180, 478-168-190, 478-168-270, 478-168-310, 478-168-320, 478-168-325, 478-168-380, and 478-168-390.

Statutory Authority for Adoption: RCW 28B.20.130.

Adopted under notice filed as WSR 04-09-076 on April 20, 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 9, Repealed 11.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 9, Repealed 11.

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

Date Adopted: June 11, 2004.

Rebecca Goodwin Deardorff  
 Director of Rules Coordination

**AMENDATORY SECTION** (Amending WSR 95-14-045, filed 6/28/95, effective 9/18/95)

**WAC 478-168-160 University of Washington libraries—Loan code ((for the University of Washington libraries))—Purpose.** The board of regents of the University of Washington has established the following regulations which govern the lending of library material from the University of Washington libraries (excluding the Marian Gould Gallagher Law Library and the Elisabeth C. Miller Library in the center for urban horticulture).

The loan code for the University of Washington libraries is contained in WAC 478-168-160 through 478-168-390.

**AMENDATORY SECTION** (Amending WSR 95-14-045, filed 6/28/95, effective 9/18/95)

**WAC 478-168-180 Identification card—Conditions of use.** (1) Each borrower is responsible for obtaining an official identification card from the appropriate university office or a library borrower's card from the library cashier ((section, Suzzallo Library)).

(2) An identification card is authorized for use only by the individual whose name appears on the card.

(3) Official identification must be presented for the completion of each in-person circulation transaction.

(4) Each borrower is responsible for materials checked out on his/her University of Washington identification card

or library borrower's card. Library materials are not to be loaned to others except as designated in WAC 478-168-180(6).

(5) Campus borrowers are responsible for keeping the registrar or payroll office informed of changes of address. Off-campus borrowers are responsible for keeping the ((libraries)) library cashier informed of changes of address.

(6) Each University of Washington faculty, academic personnel, administrative personnel, professional staff, visiting scholar, and other individuals as authorized by the director of university libraries, may designate up to two proxies or couriers for the purpose of picking up materials for his/her use.

**AMENDATORY SECTION** (Amending Order 79-4, filed 9/7/79)

**WAC 478-168-190 Disclosure of ((borrower)) library user identity.** ((The name or address of the borrower who has or had an item checked out or who has placed a hold on an item checked out or who has placed a hold on an item will not be disclosed to other borrowers.))

In cases where the normal hold and recall procedures do not meet the borrower's need, the library will attempt to expedite return of material.) Unless otherwise required by law, all library records that contain information about individual users of library services are confidential.

**AMENDATORY SECTION** (Amending WSR 95-14-045, filed 6/28/95, effective 9/18/95)

**WAC 478-168-270 Date library material is due.** ((1)) Material is due on the date and hour specified at the time checked out or as adjusted by recall. If the hour is not specified, material is due at midnight on the date specified.

((2)) Material checked out on indefinite loan becomes due one month from the date of issue of an indefinite loan report if the report is not signed and returned within that time. All materials on indefinite loan become due upon termination of employment with the university.)

**AMENDATORY SECTION** (Amending WSR 95-14-045, filed 6/28/95, effective 9/18/95)

**WAC 478-168-310 Fines and charges.** (1) All borrowers are subject to a uniform system of fines and charges for late return of library material and for replacement costs when required. The director of university libraries or his/her designee will set the schedule of fines and charges on a regular basis.

(2) ((Nonreserve fines are monetary sanctions for the late return of material requested by another borrower or library unit. Reserve)) The approved schedule of fines and charges will be available online and in the Libraries Operations Manual.

(3) Fines are monetary sanctions for the late return of material. Fines are levied only when an overdue item is returned prior to billing.

((3))) (4) Billing charges are levied to defray the costs incurred by the libraries in billing, processing sanctions, and

other activities related to the recovery of material that is substantially overdue.

((4))) (5) Replacement charges are levied to pay for the replacement of substantially overdue material. The replacement charges include the cost of the material and the cost of processing the material for the shelves. All library materials, regardless of fines and fees paid, remain state property.

((5))) (6) Binding, mending and damage charges are levied to repair material, to prepare replacement materials for circulation or to compensate for the decreased value of materials due to irreparable damage.

**AMENDATORY SECTION** (Amending WSR 95-14-045, filed 6/28/95, effective 9/18/95)

**WAC 478-168-320 Notices and invoices.** (1) ((An overdue notice for nonreserve material will be sent at least one week in advance of the billing date for replacement charges.))

((2))) All notices and invoices for library charges will be sent via United States first class, campus or electronic mail.

((3))) (2) Failure to receive a notice or invoice does not exempt the borrower from charges.

**AMENDATORY SECTION** (Amending WSR 95-14-045, filed 6/28/95, effective 9/18/95)

**WAC 478-168-325 Payment of fines and charges.** Fines and charges should be ((paid at or sent)) remitted to the library cashier ((in the Suzzallo Library)) unless the charges have been referred to the collection agency. ((Payment may be made by cash or check.)) Departmental purchase orders are not acceptable on the basis that fines and charges may not be appropriately paid by departmental, grant or other funds controlled by the university.

**AMENDATORY SECTION** (Amending WSR 95-14-045, filed 6/28/95, effective 9/18/95)

**WAC 478-168-380 Appeal of library charges.** (1) ((Except for cancellation of replacement charges as defined in WAC 478-168-350 (1), (2) and (3), library charges are noncancelable except as determined by the appeal procedure or in cases of library error. Appeals are adjudicated by the library fines appeals committee, a committee composed of faculty and students. The faculty member serves as chair.)) The library has the right to reduce or forgive fines and charges for borrowers in accordance with the guidelines specified in the Libraries Operations Manual. Borrowers can appeal unresolved problems to the library fines appeals committee.

(2) The libraries inform potential appellants of the availability of the appeals process at the time of billing and in all correspondence regarding the application of sanctions. ((Appeal of library charges may be filed by securing an appeal form from the unit which levied the charges and submitting the completed form to the library cashier.))

(3) Meetings of the libraries fines appeals committee are considered brief adjudicative procedures as defined by the Administrative Procedure Act (chapter 34.05 RCW). Com-

mittee meetings are conducted in conformance with the act and other applicable laws.

(4) A completed appeals form must be submitted within six months of billing for the charges to be appealed.

**AMENDATORY SECTION** (Amending WSR 95-14-045, filed 6/28/95, effective 9/18/95)

**WAC 478-168-390 Failure to pay library charges and misuse of library privileges.** (1) Failure to pay library charges and/or return library material may result in:

- (a) Holds being placed on student records.
  - (b) Cancellation or blocking of registration for students.
  - (c) Collection processing by the libraries and/or campus agencies designated by the University of Washington. Such accounts may also be reported to credit bureaus and/or litigation instituted.
  - (d) Revocation of borrowing privileges.
  - (e) Civil or criminal action against the borrower.
  - (f) Any combination thereof.
- (2) Misuse of library privileges may result in revocation of borrowing privileges by the director of university libraries or his/her designee.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 478-168-170	Library borrowers.
WAC 478-168-200	Loan periods.
WAC 478-168-290	Holds.
WAC 478-168-294	Recalls.
WAC 478-168-298	Searches.
WAC 478-168-300	Renewal of library material.
WAC 478-168-340	Replacement charges.
WAC 478-168-345	Billing charges.
WAC 478-168-350	Adjustment to replacement charges.
WAC 478-168-360	Binding charges.

**WSR 04-13-091  
PERMANENT RULES  
DEPARTMENT OF REVENUE**

[Filed June 18, 2004, 10:05 a.m., effective July 19, 2004]

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

Purpose: WAC 458-20-207 explains the B&O tax reporting responsibilities of persons providing legal, arbitration, and mediation services. It also explains that these persons are responsible for remitting retail sales or use tax on office equipment and supplies that they consume in providing these services. The revised rule deletes a reference to the selected business service tax classification, which no longer

exists. It also corrects punctuation and adds the title of rules referenced within the rule.

Citation of Existing Rules Affected by this Order: WAC 458-20-207 Legal, arbitration, and mediation services.

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

Adopted under notice filed as WSR 04-08-009 on March 25, 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 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.

Date Adopted: June 18, 2004.

Russell W. Brubaker  
Assistant Director  
Legislation and Policy Division

**AMENDATORY SECTION** (Amending WSR 99-13-092, filed 6/14/99, effective 7/15/99)

**WAC 458-20-207 Legal, arbitration, and mediation services.** (1) **Introduction.** This rule explains the taxability of amounts received for legal, arbitration, and mediation services.

**(2) Definitions.**

(a) "Arbitration" means the process by which the parties to a dispute submit to the hearing and judgment of an impartial person or group appointed by mutual consent or statute.

(b) "Arbitration services" means services relating to the resolution of a dispute submitted to arbitration.

(c) "Attorney" means an active member of a state Bar Association engaged in the practice of law. The term also includes a professional service corporation incorporated under chapter 18.100 RCW, a professional limited liability company formed under chapter 18.190 RCW, or a partnership, provided the ownership of these business entities are properly restricted to attorneys and organized primarily for engaging in the practice of law.

(d) "Legal services" means services relating to or concerned with the law. Such services include, but are not limited to, representation by an attorney (or other person, when permitted) in an administrative or legal proceeding, legal drafting, paralegal services, legal research services, arbitration, mediation, and court reporting services.

(e) "Mediation" means the process by which the parties to a dispute or negotiations agree to have an intermediary hear their differences and/or positions and facilitate and/or

make suggestions concerning an agreement and/or the resolution of their dispute.

(3) **Business and occupation tax.** ((Beginning July 1, 1998,)) Gross income from legal, arbitration, or mediation services is subject to the service and other activities classification. ((See section 2, chapter 7, Laws of 1997.) Previously, legal, arbitration, and mediation services were taxable under the selected business service tax classification.))

(a) Gross income. The gross income of the business generally includes the amount of compensation paid for legal, arbitration, or mediation services and amounts attributable to providing those services (i.e., charges for tangible personal property directly used or consumed in supplying legal, arbitration, or mediation services). Reimbursed general overhead costs are generally included in the gross income of the business even though indirectly related to litigation. Any reimbursed costs (not directly related to litigation) for which the attorney assumes personal liability for payment are also included in gross income.

(b) Overhead costs. Amounts received (or, for taxpayers reporting under the accrual accounting method, accrued) to compensate for overhead costs are fully subject to tax. Such overhead costs are taxable even though they may be separately stated on the billings or expressly denominated as costs of the client. Examples of such overhead costs include, but are not limited to:

- (i) Photocopy or other reproduction charges, except charges paid to the provider, or the agent of the provider, for the official or original copy of a record, or other document, provided for litigation;
- (ii) Long distance telephone tolls;
- (iii) Secretarial expenses;
- (iv) Office rent;
- (v) Office supplies;
- (vi) Travel, meals and lodging;
- (vii) Utilities, including facsimile telephone charges; and
- (viii) Postage, unless paid for service of legal papers as a direct cost of litigation.

(c) Excluded amounts. The following amounts are excluded from gross income if complete and accurate records are maintained of these amounts((:)).

(i) Client trust accounts. The gross income of the business does not include amounts held in trust for the client.

(ii) Litigation expenses. Attorneys are bound by the rules of professional conduct. RPC 1.8(e) prohibits an attorney from financing the expenses of contemplated or pending litigation unless the client remains ultimately liable for these expenses. This means that an attorney normally acts solely as the agent for the client when financing litigation. Accordingly, amounts received from a client for the direct expenses of litigation do not constitute gross income to the attorney. Amounts received (or, for taxpayers reporting under the accrual accounting method, accrued) to compensate for the following direct litigation expenses are not included in gross income:

- (A) Filing fees and court costs;
- (B) Process server and messenger fees;
- (C) Court reporter fees;
- (D) Expert witness fees; and
- (E) Costs of associate counsel.

A cash basis taxpayer cannot exclude or deduct amounts of unreimbursed litigation expenses. For example, an attorney advances all the litigation expenses for a contingency fee case. The case is ultimately resolved against the attorney's client and the expenses are not repaid because of the client's bankruptcy. The attorney cannot then deduct these expenses as a bad debt or otherwise exclude them against other income earned by the attorney.

(iii) Expense advances and reimbursements. Sometimes in the regular course of business an attorney may receive amounts from a client for expenses of third-party providers or other costs incurred in connection with a legal matter other than litigation. Such amounts are excluded from the business and occupation tax only if the attorney has no obligation for payment other than as agent for the client or equivalent commitment for their payment (see WAC 458-20-111, Advances and reimbursements). Generally, such amounts will be for third-party service providers (for example, accountants, appraisers, architects, artists, drafters, economists, engineers, investigators, physicians, etc.). However, these costs could also include client expenses for registration, licensing or maintenance fees, title and other insurance premiums, and escrow fees paid to third-party escrow agents. These costs are excludable only when the attorney does not have any personal liability to the third-party provider for their payment.

(iv) Records requirement. In order to support the exclusion from taxable gross income of any of the foregoing expenses, the attorney must maintain records which indicate the amount of the payment received from the client, the name of the client, the name of the person to whom the attorney has made payment, and a description of the item for which payment was made. If the foregoing expenses are incurred outside the context of litigation or contemplated litigation, the attorney must maintain records which indicate the amount of the payment received, the name of the client, and the person to whom the attorney makes payment. In addition, the attorney must provide the person to whom payment is made with written notice that:

- (A) Payment is made, or will be made on behalf of a named client; and
- (B) The attorney assumes no liability for payment, other than as agent for the named client.

(d) Multiple business activities. Attorneys and other persons engaged in providing legal, arbitration, and mediation services sometimes engage in other business activities which are classified under a different tax classification (i.e., escrow services). In some circumstances, income from these other business activities will be subject to tax under a different tax classification.

(i) Independent business activities. If the other activities engaged in by the person are independent from the legal, arbitration, or mediation services provided to the client, these activities are taxed based on the tax classification that applies to each of those other activities, provided these other activities are separately accounted for and/or itemized as a separate amount in billings or invoices to the client. Failure to separately account and/or itemize for such activities will result in classification of all activities under the service and other activities classification.

(ii) Combined business activities. If the other activities are related to the legal, arbitration, or mediation services provided to the client, the primary activity provided the client in each taxable period will determine the tax classification. Generally, the activity will be considered as related when there is some interaction between the two activities to reach an ultimate goal (i.e., a law firm which provides legal advice and brokers the financing of a business arrangement). There are a number of elements which may be examined to determine whether a sufficient relationship between the multiple activities exist. Some elements considered are the timing for the selection and provision of services, the relationship between the contracting parties, the procedure used in the selection process, the dependence of the relationship between the two or more activities, the relationship of the prices between the two activities, and the means of payment selected for the activities.

(iii) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances.

(A) A law firm has an escrow department. This escrow department is run by employees who are not attorneys (but the supervising employee is a limited practice officer who has experience as a certified escrow agent), has a separate phone number, separate bank account, separate trust account, separate computer system, and maintains its own accounting system. Contracts for the escrow services state that the law firm is being retained as an independent escrow agent and not to represent any person involved in the transaction. Further, the contract states that the law firm shall not offer legal advice upon the transaction. The escrow department of this law firm would be considered an independent business activity and be taxed separately under the retailing classification for escrow businesses (see WAC 458-20-156, Abstract, title insurance, and escrow business).

(B) A law firm limits its practice to real estate. It primarily provides escrow services and real estate closings. Even though this firm has chosen to limit its practice, it is the nature and the character of its activities which will determine the primary activity for each closing. When a closing includes the preparation, selection, or drafting of the deed between the purchaser and seller, drafting legal documents to obtain clear title, and/or the preparation, selection or drafting of the promissory notes, deeds of trust, mortgages, and agreements modifying these documents, it will be presumed that the primary activity performed for the client is providing these legal services.

(I) The law firm closed a real estate transaction performing all the escrow services. Except for the escrow services provided, the firm represented the buyer in the closing. Although an attorney from the firm reviewed and approved the legal documents provided by the seller, the attorney did not prepare any legal documents for the transaction. Since the firm was representing a specific client in this real estate closing, the escrow services are considered incidental to the legal services provided. Accordingly, the firm will report the income from this transaction under the service and other activities classification.

(II) The firm was engaged by both parties in a real estate transaction to handle a real estate closing. An attorney for the firm selected and prepared the earnest money escrow agreement, the purchase and sales agreement, the closing agreement, and the deeds for the transfer. Title was clear and did not require any additional drafting. The firm also entered into an escrow agreement with both parties and held in escrow the buyer's deposit and the seller's deed. Since an attorney for the law firm was required to select, analyze, and review the legal documents in this transaction, the escrow activity will be considered incidental. This closing is reported under the service and other activities classification for legal services.

(III) A certified escrow agency, owned by a principal qualified under APR 12 (the limited practice rule for limited practice officers), provides both escrow and the limited legal services allowed under APR 12 to its clients. The escrow company itemizes the services provided. APR 12(d) allows a limited practice officer to select, prepare and complete documents in a form previously approved by the board for use in closing a loan, extension of credit, sale or other transfer of real or personal property. The nature of this limited license prevents an escrow company using limited practice officers from ever engaging in legal services as a primary activity in a real estate closing. Accordingly, the escrow company will report the income from escrow and closings under the retail sales classification (see WAC 458-20-156, Abstract, title insurance, and escrow business).

(IV) The same facts as above, but the escrow company hires employees who are attorneys to provide the allowable limited legal services. The result is the same. Under RPC 5.4, an attorney is prohibited from sharing legal fees with a non-lawyer and, under RPC 5.5, cannot assist a person who is not a member of the Bar Association in the performance of an activity that constitutes the unauthorized practice of law, and under RPC 7.1 a lawyer cannot make false or misleading communications about the lawyer or the lawyer's services. Accordingly, an attorney hired by an escrow company would not be providing legal services to the escrow companies' clients except to the extent authorized for a limited practice officer. Since only limited legal services can be offered, the escrow company would continue to report all fees from both the escrow and closing services under the retail sales tax classification.

(4) **Retail sales tax.** Sales of tangible personal property to attorneys for use in rendering professional services are retail sales upon which the retail sales tax must be collected. Such sales include, among others, sales of office furniture and equipment, stationery, office supplies, law books, and reference materials.

#### (5) Use tax.

(a) The use tax applies upon the use of articles purchased or manufactured for use upon which retail sales tax has not been paid or collected. This includes, but is not limited to, the following:

(i) Materials used and consumed while rendering legal, arbitration, or mediation services; and

(ii) Office supplies and office equipment purchased by the firm for its own use.

(b) The use tax also applies to all purchases of tangible personal property acquired without payment of retail sales

tax and resold to clients but not separately stated from legal services rendered on the agency's billing.

**WSR 04-13-097**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed June 21, 2004, 1:31 p.m., effective July 22, 2004]

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

Purpose: To amend WAC 388-446-0005 Disqualification period for cash assistance, to correct a typographical error by changing the reference listed in subsection (4) from WAC 388-418-0030 to WAC 388-458-0030.

Citation of Existing Rules Affected by this Order: Amending WAC 388-446-0005.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.057.

Adopted under notice filed as WSR 04-03-094 on January 20, 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 0, Amended 1, Repealed 0.

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

Date Adopted: June 21, 2004.

Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

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

**WAC 388-446-0005 Disqualification period for cash assistance.** (1) An applicant or recipient who has been convicted of unlawful practices in obtaining cash assistance is disqualified from receiving further cash benefits if:

(a) For TANF/SFA, the conviction was based on actions which occurred on or after May 1, 1997; or

(b) For general assistance, the conviction was based on actions which occurred on or after July 23, 1995.

(2) The disqualification period must be determined by the court and will be:

(a) For a first conviction, no less than six months; and

(b) For a second or subsequent conviction, no less than twelve months.

(3) The disqualification applies only to the person convicted and begins on the date of conviction.

(4) A recipient's cash benefits are terminated following advance or adequate notice requirements as specified in WAC ((388-418-0030)) 388-458-0030.

**WSR 04-13-118**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**

[Filed June 22, 2004, 8:25 a.m., effective July 23, 2004]

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

Purpose: To remove language from the rule that was not needed.

Citation of Existing Rules Affected by this Order: Amending WAC 308-56A-075 Multiple legal owners.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 04-09-033 on April 13, 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 1, Repealed 0.

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

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

Date Adopted: June 22, 2004.

Fred Stephens  
 Director

**AMENDATORY SECTION** (Amending WSR 03-10-097, filed 5/7/03, effective 6/7/03)

**WAC 308-56A-075 Multiple legal owners.** (1) Can more than one legal owner show as security interest on the certificate of ownership? Yes, however, this is subject to the limited amount of space available in the department's computer system for legal owner's name information.

(2) How are additional legal owner's interest shown on the certificate of ownership? Additional legal owners are shown directly after the first legal owner. Only the address of the first legal owner will be shown on the certificate of ownership.

(3) If the security interest has been satisfied with one of the legal owners shown on a certificate of ownership ((has been satisfied)), how is their interest released? When the security interest of one of the legal owners shown on a certificate of ownership has been satisfied that interest must be released on the certificate of ownership or a department approved release of interest form. The remaining legal

owner(s) must, within ten days of receiving the properly released certificate of ownership, apply for reissuance of the certificate of ownership showing the remaining legal owner's name and address.

**WSR 04-13-129**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed June 22, 2004, 12:12 p.m., effective August 1, 2004]

**Effective Date of Rule:** August 1, 2004.

**Purpose:** The primary reason for this rule making was to delete the pesticide application record forms currently located in WAC 296-307-14510. The Department of Agriculture is responsible for maintaining forms and updates them periodically through the rule-making process. We are repealing these forms from our agriculture rule to reduce confusion with our customers. We added a reference in WAC 296-307-14505 that will let users know where to find the forms in the Department of Agriculture rules, chapter 16-228 WAC, General pesticide rules.

**WAC 296-307-14505 What records must an employer keep for pesticide applications?**

- Subsection (19): Added language that reads, "Pesticide application record forms can be found in chapter 16-228 WAC, General pesticide rules" for clarity.

**WAC 296-307-14510 What do the pesticide forms look like?**

- Changed the title of this section to "Sample pesticide storage record."
- Deleted all the forms in this section except for the pesticide storage record form.

**Citation of Existing Rules Affected by this Order:** Amending WAC 296-307-14505 and 296-307-14510.

**Statutory Authority for Adoption:** RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Adopted under notice filed as WSR 04-07-162 on March 23, 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 2, Repealed 0.

**Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures:** New 0, Amended 2, Repealed 0.

**Number of Sections Adopted Using Negotiated Rule Making:** New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 2, Repealed 0.

Date Adopted: June 22, 2004.

Paul Trause  
 Director

**AMENDATORY SECTION** (Amending WSR 01-17-033, filed 8/8/01, effective 9/1/01)

**WAC 296-307-14505 What records must an employer keep for pesticide applications?** (1) If you apply pesticides, or have pesticides applied for you, related to the production of an agricultural crop, you must keep records for each application. The records must include the following:

(a) The address or exact location where the pesticide was applied or stored;

Note: If you apply pesticides to one acre or more, the location must be shown on the map on the required form for at least the first application.

(b) The year, month, day, and time the pesticide was applied or stored;

(c) The product name on the registered label and the United States Environmental Protection Agency registration number, if applicable, of the pesticide that was applied or stored;

(d) The crop or site to which the pesticide was applied (application crop or site);

(e) The amount of pesticide applied per acre, or other appropriate measure;

(f) The concentration of pesticide applied;

(g) The total area to which pesticide was applied;

(h) If applicable, the licensed applicator's name, address, and telephone number and the name of the individual(s) making the application;

(i) The direction and estimated velocity of the wind at the time the pesticide was applied;

Exception: Wind information does not have to be recorded for applications of baits in bait stations and pesticide applications within structures.

(j) Any other reasonable information required by the department.

(2) A commercial pesticide applicator must provide a copy of the pesticide application records to the owner or lessee of the lands to which the pesticide is applied. Pesticide application records may be provided on any form that includes all required information.

(3) You must update records on the same day that a pesticide is applied. You may use a copy as the record of the pesticide application. You must maintain the records for at least seven years after the date of the application.

(4) You must ensure that pesticide application records are readily accessible to employees and their designated representatives in a central location in the workplace. The records must be available beginning on the day the application is made and for at least thirty days after. You may view the pesticide application records and make your own record from that information.

(5) New or newly assigned employees must be made aware of the accessibility of the application records before working with pesticides or in an area containing pesticides.

(6) When storing pesticides, you must, at least once a year, perform an inventory of the pesticides stored in any work area.

(7) The pesticide inventory records must include the following information:

(a) The location where the pesticide is stored;

(b) The year, month, day, and time the pesticide was first stored;

(c) The product name used on the registered label and the United States Environmental Protection Agency Registration Number, if applicable, of the pesticide that is stored; and

(d) The amount of pesticide in storage at the time of the inventory.

(8) You must maintain a record of pesticide purchases made between the annual inventory dates.

(a) Instead of this purchase record, you may obtain from distributors from whom you buy pesticides, a statement obligating the distributor to maintain the purchase records on your behalf to meet the requirements of this section.

(b) We may require you to submit all purchase records covering the purchases during a specified period of time or in a specified geographical area.

(9) When you end all pesticide activities, you must file the records with us. Anyone who succeeds or replaces you must retain the records required by this section, but that person is not liable for any violations you commit.

(10) You must ensure that the records required under this section are readily accessible to us for inspection. You must also provide copies of the records on request, to:

(a) An employee or the employee's designated representative in the case of an industrial insurance claim filed under Title 51 RCW with the department of labor and industries;

(b) Treating health care personnel; or

(c) The pesticide incident reporting and tracking review panel.

(11) The designated representative or treating health care personnel are not required to identify the employee represented or treated.

(12) We will keep the name of any affected employee confidential according to RCW 49.17.080(1).

(13) When treating health care personnel request records under this section, and the record is required to determine treatment, you must provide copies of the record immediately. Information for treating health care personnel must be made immediately available by telephone, if requested, with a copy of the records provided within twenty-four hours. For all other requests, you must provide copies of the records within seventy-two hours.

(14) If requested, you must provide copies of records on a form provided by the department.

(15) If you suspect that an employee is ill or injured because of an exposure to one or more pesticides, you must immediately provide the employee with a copy of the relevant pesticide application records.

(16) If you refuse to provide a copy of a requested record, the requester may notify the department of the request and your refusal.

(a) Within seven working days, we will request that you provide us with all pertinent copies of the records, except that in a medical emergency we will request within two working days.

(b) You must provide copies of the records to us within twenty-four hours after we request.

(17) We inspect for the records required under this section as part of any on-site inspection of a workplace conducted under this chapter or chapter 49.17 RCW. We will

determine, during the inspection, whether the records are readily transferable to a form adopted by the department, and readily accessible to employees. However, your records will not be inspected more than once in any calendar year, unless a previous inspection has found recordkeeping violations. If recordkeeping violations are found, we may conduct reasonable multiple inspections, according to department rules. Nothing in this section limits our inspection of records pertaining to pesticide-related injuries, illnesses, fatalities, accidents, or complaints.

(18) If you fail to maintain the records, or provide access to or copies of the records required under this section, you will be subject to penalties authorized under RCW 49.17.180:

(19) The department of labor and industries and the department of agriculture will jointly adopt by rule, forms that satisfy the information requirements of this section and RCW 17.21.100. Pesticide application record forms can be found in chapter 16-228 WAC, General pesticide rules.

**AMENDATORY SECTION** (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

**WAC 296-307-14510 ((What do the pesticides forms look like?)) Sample pesticide storage record.**

**State of Washington  
Department of Agriculture  
Olympia, Washington 98504**

### PESTICIDE APPLICATION RECORD (Version 1)

**NOTE: This form must be completed same day as the application  
and it must be retained for 7 years. (Ref. RCW 17.21)**

1. Date of Application - Year: ..... Month: ..... Day: ..... Time: .....
2. Name of person for whom the pesticide was applied: .....  
Firm Name (if applicable): .....  
Street Address: ..... City: ..... State: ..... Zip: .....
3. Licensed Applicator's Name (if different from #2 above): ..... License No.: .....  
Firm Name (if applicable): ..... Tel. No.: .....  
Street Address: ..... City: ..... State: ..... Zip: .....
4. Name of person(s) who applied the pesticide (if different than #3 above): .....  
..... License No(s). if applicable: .....
5. Application Crop or Site: .....
6. Total Area Treated (acre., sq. ft., etc): .....
7. Was this application made as a result of a WSDA Permit?  No  Yes (if yes, give Permit No.) #.....
8. Pesticide information (please list all information for each pesticide in the tank mix):

a) Product Nameb) EPA Reg. No.c) Total Amount of  
Pesticide Applied  
in Area Treatedd) Pesticide  
Applied/Acre (or  
other measure)e) Concentration  
Applied

9. Address or exact location of application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form.

10. Wind direction and estimated velocity during the application: .....

11. Temperature during the application: .....

12. Apparatus license plate number (if applicable): .....

13.  Air  Ground  Chemigation

14. Miscellaneous Information:

Location of Application (if the application covers more than one township or range, please indicate the township & range for the top left section of the map only):

Township: .....

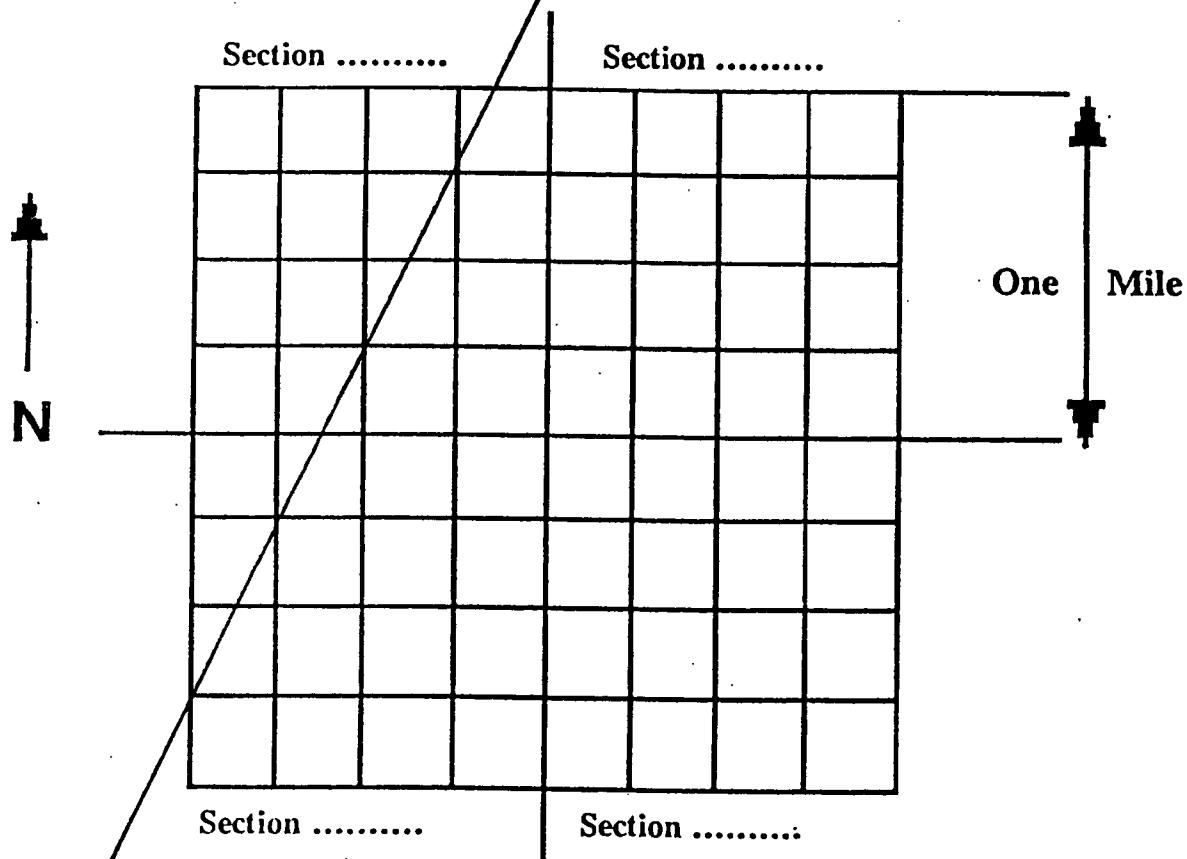
Range: E or W (please indicate) .....

Section(s): .....

County: .....

**PLEASE NOTE:**

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



Miscellaneous Information:

Permanent

## WAC 296-306A-14510 Pesticide application record (version 2).

State of Washington  
Department of Agriculture  
Olympia, Washington 98504

## PESTICIDE APPLICATION RECORD (Version 2)

NOTE: Application information must be completed on the same day as the application and must be retained for seven years. (Ref. RCW 17.21)

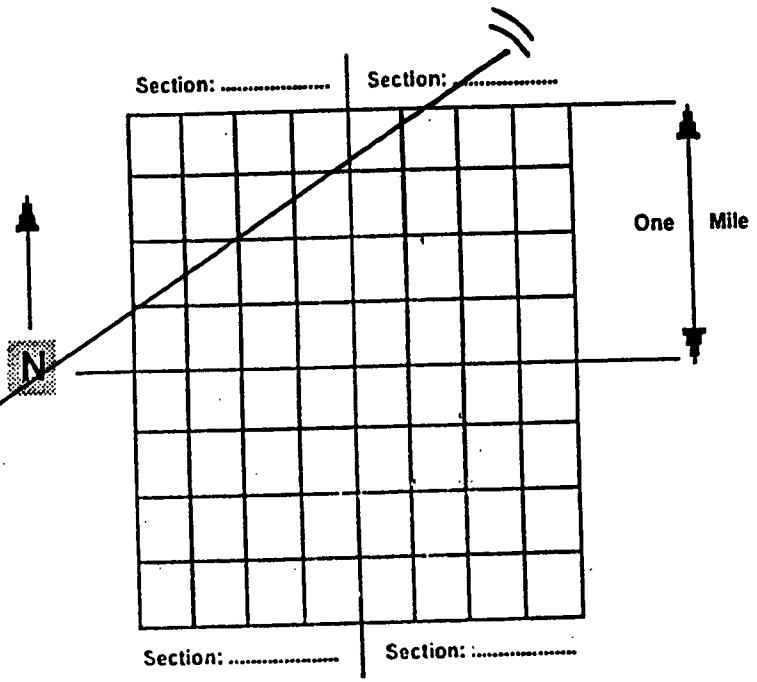
1. Name & Address of Person for Whom Pesticide was Applied:			2. Applicator Name and Address (if different from (1)):					
3. Address or exact location of application (NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form)			4. Misc. Info.:					
5. Date and Time of Application	6. Crop or Site Treated	7. Acres Treated (or other measure)	8. PRODUCT NAME	9. EPA Registration Number	10. Amount of Product Applied		11. Concentration	12. Weather Conditions, Apparatus License Plate No. and Name and License No. of person(s) who applied pesticide
					Rate per acre (or other measure)	Total Product Applied		

**Location of Application:** (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only)

TOWNSHIP: \_\_\_\_\_ N  
RANGE: \_\_\_\_\_ E or W  
(please indicate)  
SECTION(S): \_\_\_\_\_  
COUNTY: \_\_\_\_\_

**PLEASE NOTE:**

The map is divided into 4 sections with each section divided into quarter quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



PERMANENT

**State of Washington  
Department of Agriculture  
Olympia, Washington 98504**

**PESTICIDE APPLICATION RECORD (Version 3)**

**NOTE:** This form must be completed same day as the application  
and it must be retained for 7 years. (Ref. RCW 17.21)

1. Date of Application - Year: ..... Month: ..... Day(s): .....
2. Name of person for whom the pesticide was applied:  
Firm Name (if applicable): .....
- Street Address: ..... City: ..... State: ..... Zip: .....
3. Licensed Applicator's Name (if different from #2 above): ..... License No.: .....
- Firm Name (if applicable): ..... Tel. No.: .....
- Street Address: ..... City: ..... State: ..... Zip: .....
4.  Air     Ground     Chemigation
5. Application Crop or Site: .....
6. Total Area Treated (acre., sq. ft., etc): .....
7. Was this application made as a result of a WSDA Permit?  No  Yes (if yes, give Permit No.) #.....
8. Pesticide information (please list all information for each pesticide in the tank mix):

a) Product Name	b) EPA Reg No.	c) Total Amount of Pesticide Applied in Area Treated	d) Pesticide Applied/Acre (or other measure)	e) Concentration Applied

9. Address or exact location of application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form.

10. Date	11. Name of person(s) making the application	12. License No.	13. Apparatus Lic. Plate No.	14. Time Start	Time Stop	15. Acres Completed	16. Wind Dir.	Vel.	17. Temp

PERMANENT

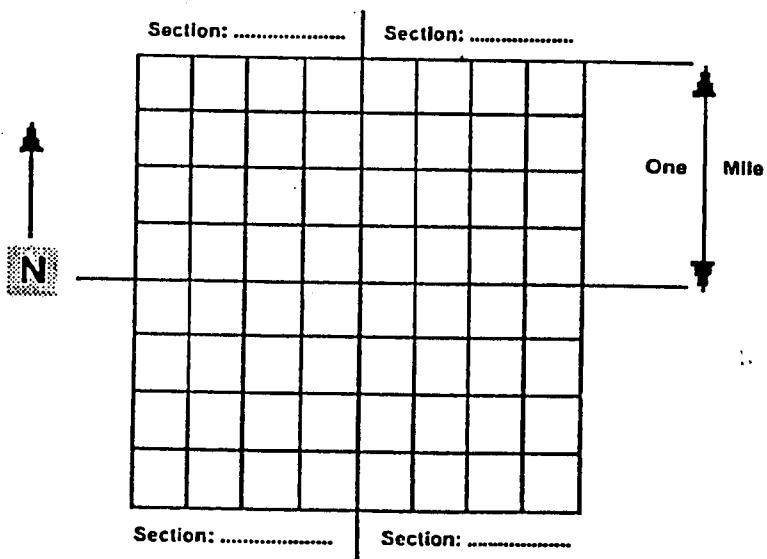
**Location of Application (if the application covers more than one township or range, please indicate the township & range of the top left section of the map only):**

**Township:** \_\_\_\_\_ N  
**Range: E or W (please indicate)** \_\_\_\_\_  
**Section(s):** \_\_\_\_\_  
**County:** \_\_\_\_\_

**PLEASE NOTE:**

*The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.*

## Miscellaneous Information



**Department of Labor & Industries  
Consultation & Compliance Services  
PO Box 44600  
Olympia, WA 98504-4600**

## **PESTICIDE STORAGE RECORD**

1. Name of person storing pesticide	Telephone		
2. Name of pesticide owner			
3. Owner's address	City	State	Zip

#### **4. Pesticide Information**

## 6. Location Storage:

b) Street address

<b>b) If a street location is not appropriate, pinpoint the location of the storage and describe the location:</b>	
<b>Township</b>	<b>N</b>
<b>Range</b>	<b>E or W</b>
<b>Section(s)</b>	
<b>County</b>	

7. Type or print name of person completing this form      Date      Signature

**WSR 04-13-136**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed June 22, 2004, 3:11 p.m., effective July 23, 2004]

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

Purpose: The Division of Employment and Assistance Programs is amending the Washington telephone assistance program (WTAP) rules to:

1. Establish WTAP payment limits for reimbursable services while streamlining the billing process; and

2. Add community service voice mail as a WTAP benefit as provided for by 2003 legislative session (chapter 134, Laws of 2003) effective July 1, 2003.

Citation of Existing Rules Affected by this Order: Amending WAC 388-273-0025, 388-273-0030, and 388-273-0035.

Statutory Authority for Adoption: RCW 74.08.090, 80.36.440, chapter 134, Laws of 2003.

Adopted under notice filed as WSR 04-07-089 on March 16, 2004.

A final cost-benefit analysis is available by contacting Steve Ebbin, Policy Analyst, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3096, fax (370) [(360)] 413-3493, e-mail [ebbenst@dshs.wa.gov](mailto:ebbenst@dshs.wa.gov).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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 3, Repealed 0.

Date Adopted: June 18, 2004.

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 02-18-106, filed 9/3/02, effective 10/4/02)

**WAC 388-273-0025 Benefits you receive as a WTAP participant.** (1) WTAP participants receive a:

(a) Discount on local telephone flat rate services, when the flat rate is more than the WTAP assistance rate;

(b) Waiver of deposit requirements on local telephone service; ((and))

(c) Fifty percent discount on service connection fees through June 30, 2003. Effective July 1, 2003, fifty percent discount for the first connection; and for a second or subsequent connection when you ask for service at a new address. Any connection fee discounts available from other programs

are added to the WTAP discount, to pay part or all of the remaining fifty percent; or

(d) Effective July 1, 2003, a community service voice mail box offered by a community agency that has been contracted with the department of community, trade and economic development to provide the service.

(2) WTAP benefits are limited to one residential line per household.

(3) ((The deposit waiver and the discount on connection fees are available once per service year. "Service year" means the period beginning July 1 and ending June 30 of the following calendar year.

(4)) Your benefits begin the date you are approved for WTAP assistance and continue through the next June 30, except if you qualified for telephone assistance through using the community services voice mail programs, you will receive one additional service year of benefits((.

((5))) . "Service year" means the period beginning July 1 and ending June 30 of the following calendar year.

(4) WTAP benefits do not include charges for line extension, optional extended area service, optional mileage, customer premises equipment, applicable taxes or delinquent balances owed to the telephone company.

**AMENDATORY SECTION** (Amending WSR 01-09-023, filed 4/9/01, effective 6/1/01)

**WAC 388-273-0030 How you can apply for WTAP.**

(1) You can apply for ((WTAP)) telephone benefits by contacting the local telephone company.

(2) The telephone company contacts us to verify that you are eligible for benefits under WAC 388-273-0020 before they add WTAP to your telephone account.

(3) You will know you are receiving WTAP benefits when you have a WTAP credit on your telephone bill.

(4) Effective July 1, 2003, you can apply for community service voice mail by contacting your local community service voice mail provider.

**AMENDATORY SECTION** (Amending WSR 01-09-023, filed 4/9/01, effective 6/1/01)

**WAC 388-273-0035 What we reimburse the local telephone company.** (1) Within available funding limits, we reimburse local telephone companies for fully documented administrative and program expenses associated with WTAP. The reimbursable expenses are limited to:

(a) Program services provided to eligible households June 1, 2003 and beyond, and after eligibility for WTAP is verified;

(i) Monthly flat rate service.

We reimburse the local telephone company an amount equal to the monthly flat rate of the incumbent local exchange carrier providing service in the customer's exchange area, minus the WTAP assistance rate set by the commission, and minus the amount of federal lifeline program reimbursement available to an eligible telecommunications carrier. An "incumbent local exchange carrier" is a telephone company in the U.S. that was providing local service when the Telecommunications Act of 1996 was enacted, and is required to file tariffs with the commission. For all exchange areas, the

WTAP reimbursement shall be limited to not more than nineteen dollars for each eligible household.

(ii) Connection fee.

We reimburse the local telephone company an amount equal to one-half the connection fee rate or twenty-two dollars, whichever is less.

(iii) Waiver of local deposit.

We reimburse the local telephone company an amount up to two times the WTAP assistance rate.

(b) Correct, verifiable billing items;

(c) ((Invoicees)) One monthly invoice and supporting documentation submitted ((within ninety days)) and received by WTAP by the fifteenth day following the month the expense occurred;

(d) Items charged in error that have been corrected within ((sixty)) thirty days from the date we return the report of invoicing error to the local phone company;

(e) Salaries and benefits for time required to implement and maintain WTAP, with the exception that time required for the correction of billing, case number and client identification errors is not an allowable expense;

(f) Travel expenses for attending hearings, meetings, or training pertaining to WTAP;

(g) Expenses for supplies and materials for implementing and maintaining WTAP;

(h) Postage and handling for delivery of WTAP material;

(i) Administrative charge for change of service orders specified by tariffs; and

(j) Pre-approved documented indirect costs associated with implementing and maintaining WTAP.

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

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

Date Adopted: April 1, 2004.

May 27, 2004

George Roe  
Board Chair

AMENDATORY SECTION (Amending WSR 03-02-021, filed 12/23/02, effective 1/23/03)

**WAC 246-887-160 Schedule III.** The board finds that the following substances have a potential for abuse less than the substances listed in Schedules I and II, and have currently accepted medical use in treatment in the United States and that the abuse of the substances may lead to moderate or low physical dependency or high psychological dependency. The board, therefore, places each of the following substances in Schedule III.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule III.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations are referred to as excepted compounds in Schedule III as published in 21 CFR 1308.13 (b)(1) as of April 1, 1984, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

- (2) Benzphetamine;
- (3) Chlorphentermine;
- (4) Clortermine;
- (5) Phendimetrazine.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

- (1) Any compound, mixture, or preparation containing:
  - (i) Amobarbital;
  - (ii) Secobarbital;
  - (iii) Pentobarbital;

or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule;

- (2) Any suppository dosage form containing:
  - (i) Amobarbital;

**WSR 04-13-162  
PERMANENT RULES  
DEPARTMENT OF HEALTH**

(Board of Pharmacy)

[Filed June 23, 2004, 9:49 a.m., effective July 24, 2004]

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

Purpose: The proposed rule will move the drug buprenorphine from Schedule V to Schedule III of the Uniform Controlled Substances Act to be consistent with federal rules. Placing buprenorphine in Schedule III will impose additional controls on the drug to deter abuse of the drug.

Citation of Existing Rules Affected by this Order:  
Amending WAC 246-887-160.

Statutory Authority for Adoption: RCW 18.64.005.

Other Authority: RCW 69.50.201.

Adopted under notice filed as WSR 04-03-105 on January 21, 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 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

- (ii) Secobarbital;
- (iii) Pentobarbital;

or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid;

- (4) Chlorhexadol;

(5) Ketamine, its salts, isomers, and salts of isomers—some other names for ketamine: (<plus-minus>)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone;

- (6) Lysergic acid;

- (7) Lysergic acid amide;

- (8) Methyprylon;

- (9) Sulfondiethylmethane;

- (10) Sulfonethylmethane;

- (11) Sulfonmethane;

(12) Tiletamine and zolazepam or any salt thereof—some trade or other names for a tiletamine-zolazepam combination product: Telazol some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl) cyclohexanone—some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e] [1,4] diazepin 7 (1H)-one flupyrazapon.

- (d) Nalorphine.

(e) Anabolic steroids. The term "anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

- (1) Boldenone;

- (2) Chlorotestosterone;

- (3) Clostebol;

- (4) Dehydrochlormethyltestosterone;

- (5) Dihydrotestosterone;

- (6) Drostanolone;

- (7) Ethylestrenol;

- (8) Fluoxymesterone;

- (9) Formebulone (Formebolone);

- (10) Mesterolone;

- (11) Methandienone;

- (12) Methandranone;

- (13) Methandriol;

- (14) Methandrostenolone;

- (15) Methenolone;

- (16) Methyltestosterone;

- (17) Mibolerone;

- (18) Nandrolone;

- (19) Norethandrolone;

- (20) Oxandrolone;

- (21) Oxymesterone;

- (22) Oxymetholone;

- (23) Stanolone;

- (24) Stanozolol;

- (25) Testolactone;

- (26) Testosterone;

- (27) Trenbolone; and

(28) Any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or iso-

mer promotes muscle growth. Except such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of health and human services for such administration. If any person prescribes, dispenses, or distributes such steroid for human use such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph.

The following are implants or pellets which are exempt:

Ingredients	Trade Name	Company
Testosterone Propionate, Oestradiol Benzoate	F-TO	Animal Health Div. Upjohn International Kalamazoo, MI
Trenbolone Acetate	Finaplix-H	Hoechst-Roussel Agri- Vet Co., Somerville, NJ
Trenbolone Acetate	Finaplix-S	Hoechst-Roussel Agri- Vet Co., Somerville, NJ
Testosterone Propionate, Estradiol Benzoate	Heifer-oid	Anchor Division Boehringer Ingelheim St. Joseph, MO
Testosterone Propionate, Estradiol Benzoate	Heifer-oid	Bio-Ceutic Division Boehringer Ingelheim St. Joseph, MO
Testosterone Propionate, Estradiol Benzoate	Heifer-oid	Ivy Laboratories, Inc. Overland Park, KS
Testosterone Propionate, Estradiol Benzoate	Implus	The Upjohn Co. Kalamazoo, MI
Trenbolone Acetate, Estradiol	Revalor-s	Hoechst-Roussel Agri- Vet Co., Somerville, NJ
Testosterone Propionate, Estradiol Benzoate	Synovex H	Syntex Laboratories Palo Alto, CA

(f) The following anabolic steroid products containing compounds, mixtures, or preparations are exempt from the recordkeeping, refill restrictions, and other Controlled Substances Act requirements:

Ingredients	Trade Name	Company
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Androgyn L.A.	Forest Pharmaceuticals St. Louis, MO
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Andro-Estro 90-4	Rugby Laboratories Rockville Centre, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	depANDROGYN	Forest Pharmaceuticals St. Louis, MO
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	DEPO-T.E.	Quality Research Laboratories Carmel, IN
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	depTESTROGEN	Martica Pharmaceuticals Phoenix, AZ

Ingredients	Trade Name	Company
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Duomone	Wintec Pharmaceutical Pacific, MO
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	DURATESTRIN	W.E. Hauck Alpharetta, GA
Testosterone cypionate 50 mg/ml Esterified cypionate 2 mg/ml	DUO-SPAN II	Primedics Laboratories Gardena, CA
Esterified estrogens 1.25 mg. Methyltestosterone 2.5 mg.	Estratest	Solvay Pharmaceuticals Marietta, GA
Esterified estrogens 0.525 mg. Methyltestosterone 1.25 mg.	Estratest HS	Solvay Pharmaceuticals Marietta, GA
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	PAN ESTRA TEST	Pan American Labs Covington, LA
Conjugated estrogens 1.25 mg. Methyltestosterone 10 mg.	Premarin with Methyltestosterone	Ayerst Labs, Inc. New York, NY
Conjugated estrogens 0.625 mg. Methyltestosterone 5 mg.	Premarin with Methyltestosterone	Ayerst Labs, Inc. New York, NY
Testosterone propionate 25 mg Estradiol benzoate 2.5 mg	Synovex H Pellets in process	Syntex Animal Health Palo Alto, CA
Testosterone propionate 10 parts Estradiol benzoate 1 part	Synovex H Pellets in process, granulation	Syntex Animal Health Palo Alto, CA
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testagen	Clint Pharmaceutical Nashville, TN
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	TEST-ESTRO Cypionates	Rugby Laboratories Rockville Centre, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cyp 50 Estradiol Cyp 2	I.D.E.-Interstate Amityville, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol Cypionate Injection	Best Generics No. Miami Beach, FL
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol Cypionate Injection	Goldline Labs Ft. Lauderdale FL
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol Cypionate Injection	Schein Pharmaceuticals Port Washington, NY

Ingredients	Trade Name	Company
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol Cypionate Injection	Steris Labs, Inc. Phoenix, AZ
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enanthate-Estradiol Valer-ate Injection	Goldline Labs Ft. Lauderdale FL
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enanthate-Estradiol Valer-ate Injection	Schein Pharmaceuticals Port Washington, NY
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enanthate-Estradiol Valer-ate Injection	Steris Labs, Inc. Phoenix, AZ

(g) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof calculated as the free anhydrous base or alkaloid, in limited quantities as set forth in paragraph (e) of this section:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(h) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts, as set forth below:

(1) Buprenorphine.

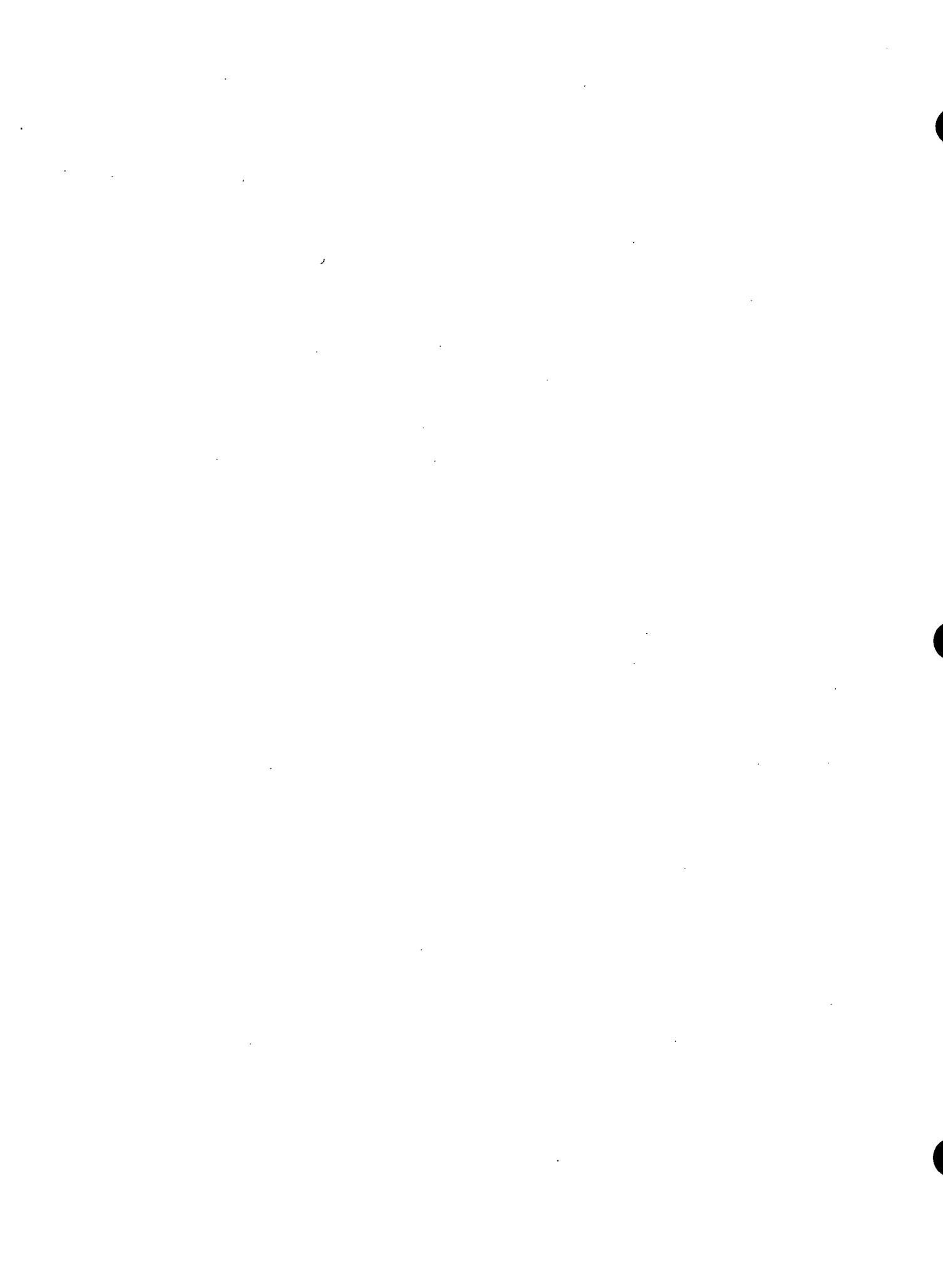
(i) Hallucinogenic substances.

(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and

Drug Administration approved product. (Some other names for dronabinol [6aR-trans]-6a,7,8, 10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d] pyran-i-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.)

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.

**PERMANENT**



**WSR 04-13-001****EMERGENCY RULES****DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed June 2, 2004, 3:17 p.m., effective June 3, 2004]

Effective Date of Rule: June 3, 2004.

**Purpose:** To amend the WASHCAP WAC chapter to comply with a revised federal waiver. The new rules further define WASHCAP eligibility.

**Citation of Existing Rules Affected by this Order:** Repealing WAC 388-492-0010; and amending WAC 388-492-0020, 388-492-0030, 388-492-0040, 388-492-0050, 388-492-0060, 388-492-0070, 388-492-0080, 388-492-0090, 388-492-0100, 388-492-0110, 388-492-0120, and 388-492-0130.

**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 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:** These emergency rules have been in effect since February 6, 2004, to comply with an amended food and nutrition services waiver. Federal regulations governing combined application projects (CAP) or demonstration projects is found in 7 C.F.R. 282. Emergency rules are needed to assure that department clients eligible for federal supplemental security income (SSI) can receive food benefits under the amended waiver. The department is in the process of amending these rules by regular adoption but cannot complete this process before the existing emergency rules expire. The rule needs to be extended until the final rule is adopted permanently. A CR-101 preproposal statement of inquiry was filed as WSR 04-04-097.

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 12, Repealed 1; 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 12, Repealed 1.

Date Adopted: May 28, 2004.

May 28, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit**AMENDATORY SECTION** (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

**WAC 388-492-0020 What is WASHCAP food assistance?** WASHCAP ((stands for)) means the Washington State Combined Application program.

(1) WASHCAP is a simplified food assistance program for certain Supplemental Security Income (SSI) clients((that are eligible for SSI from SSA and meet some other basic requirements:))

(1) If you live in Washington state and get SSI, SSA asks you if you want to get food assistance benefits. If you meet the requirements of WAC 388-492-0030, you will get your food assistance benefits through WASHCAP). Unless specifically stated in this chapter, WASHCAP follows all the program requirements of the Basic Food program as described under WAC 388-400-0040.

(2) ((If you are eligible for WASHCAP, SSA electronically sends us the information we need to open your benefits. You do not have to go to your local community services office to apply for food assistance benefits.

(3) While you get WASHCAP benefits, you must report all changes to SSA. SSA automatically shares your information we need for your WASHCAP benefits. You can report changes to your WASHCAP worker, but you do not have to do so. See WAC 388-492-0080 regarding changes to shelter costs)) Social Security Administration (SSA) asks you if you want to get food assistance benefits when you apply for SSI in Washington state.

(3) If you meet the requirements of WAC 388-492-0030, you will get WASHCAP food benefits unless you can choose Basic Food benefits under WAC 388-492-0040.

(4) If you are eligible for WASHCAP under WAC 388-492-0030, SSA electronically sends us the information we need to open your WASHCAP food benefits.

(5) WASHCAP food benefits begin the first month after you are eligible for SSI.

(6) You do not have to go to your local community services office (CSO) to apply for WASHCAP.

(7) If you want Basic Food benefits before WASHCAP food benefits begin, you can apply at your local CSO, home and community services office (HCS), or SSA using the application for benefits form, number 14-001.

(8) While you get WASHCAP food benefits, you must report all changes to SSA.

(9) SSA shares the changes you report to them with your WASHCAP worker.

(10) You do not have to report changes to your WASHCAP worker. See WAC 388-492-0080.

**AMENDATORY SECTION** (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

**WAC 388-492-0030 Who can get WASHCAP?** (1) ((When you apply for food assistance,)) You can get WASH-

CAP benefits ((when you are eighteen years of age or older and:

- (a) Are eligible to receive federal SSI benefits;
- (b) Live alone or SSA considers you as a single household;
- (c) Buy and cook your food separately from others you live with;
- (d) Do not have any earned income;
- (2) You are not eligible for WASHCAP if:
  - (a) You live in an institution; or
  - (b) You are under age twenty-two and you live in the same home as your parents)) if:
    - (a) You are eligible to receive federal SSI benefits;
    - (b) You are eighteen years of age or older;
    - (c) You live alone, or SSA considers you as a single household;
    - (d) You live with others but buy and cook for food separately from them;
    - (e) You do not have earned income when you apply for SSI;
    - (f) You already get WASHCAP food benefits and become employed and receive earned income for less than three consecutive months;
    - (g) You already get WASHCAP and move to an institution for ninety days or less.
  - (2) You are not eligible for WASHCAP food benefits if:
    - (a) You live in an institution;
    - (b) You are under age eighteen;
    - (c) You live with your spouse;
    - (d) You are under age twenty-two and you live with your parents who are getting Basic Food benefits;
    - (e) You begin working after you have been approved for WASHCAP and have earned income for more than three consecutive months;
    - (f) You live with others and do not buy and cook your food separately from them;
    - (g) You are ineligible for Basic Food benefits under WAC 388-400-0040 (13)(b) and (e).

- (3) We accept SSA information about your WASHCAP eligibility unless you prove the information is not accurate.

**AMENDATORY SECTION** (Amending WSR 03-21-030, filed 10/7/03, effective 12/1/03)

**WAC 388-492-0040 Can I choose whether I get WASHCAP food benefits or Basic Food benefits?** You can choose to have Basic Food benefits instead of WASHCAP food benefits when:

- (1) You would get more benefits from the Basic Food program.
- (2) You may get more benefits in the Basic Food program when:
  - (a) Your shelter costs are more than five hundred fourteen dollars a month. We count the following items as a shelter cost:
    - ((a)) (i) Rent or mortgage;
    - ((b)) (ii) Property taxes;
    - ((c)) (iii) Homeowner's insurance (for the building only); or

((d))) (iv) Mandatory homeowner's association or condo fees.

- ((2))) (b) Your out-of-pocket medical expenses are more than thirty-five dollars a month((;
- ((3)) You would get more benefits from being in the Basic Food program; or
- ((4)) You are waiting to receive WASHCAP benefits)).

**AMENDATORY SECTION** (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

**WAC 388-492-0050 How do I apply for ((Washington state combined application program-)) WASHCAP(( benefits))?** (1) You apply for WASHCAP food benefits at Social Security Administration (SSA) when you apply for Supplemental Security Income (SSI).

(2) If you want food assistance, your SSA worker will ask you ((questions for)) WASHCAP food eligibility questions when you have your SSI interview.

((2))) (3) If you are eligible for WASHCAP food benefits, your benefits will start the first of the month after the month you ((start getting on-going)) are eligible for SSI benefits.

((3))) (4) If you need food assistance in five days or less, you must apply for expedited service at:

- (a) Your local community services office (CSO);
- (b) Your local home and community services office (HCS) if you get long-term care services; or
- (c) The SSA ((district)) office if you give them an application for Basic Food expedited services when you apply for SSI. SSA forwards the Basic Food ((assistance)) application to the local CSO to process.

((4))) (5) If you want Basic Food ((assistance)) benefits before you get SSI, you must apply ((for regular food assistance)) at:

- (a) SSA if you give them an application for food assistance when you apply for SSI;
- (b) Your local CSO; or
- (c) Your local HCS office if you get long-term care services.

((5))) (6) If you already receive SSI and want WASHCAP food benefits, you can apply at:

- (a) Your SSA office;
- (b) Your local CSO;
- (c) Your local HCS office if you get long-term care services.

((7))) (7) If you get ((regular food assistance)) Basic Food benefits, these benefits will continue:

- (a) Through the end of your certification period; or
- (b) Through the month before your WASHCAP food benefits start.

((6))) (8) If your ((regular food assistance ends)) Basic Food benefits end before you are eligible for WASHCAP food benefits, you must reapply ((for)) to continue these benefits ((to continue)).

((7)))

((9)) If you get ((regular food assistance)) Basic Food benefits and you become eligible for WASHCAP food benefits, we will automatically change your Basic Food benefits to WASHCAP food benefits.

**AMENDATORY SECTION** (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

**WAC 388-492-0060 How do I get my ((Washington state combined application program ())) WASHCAP(())) benefits?** (1) If you are eligible for WASHCAP, you will get your food assistance benefits through electronic benefits transfer (EBT).

(2) The department issues your EBT food assistance benefits according to WAC 388-412-0025.

**AMENDATORY SECTION** (Amending WSR 03-21-030, filed 10/7/03, effective 12/1/03)

**WAC 388-492-0070 How are my ((Washington state combined application program ())) WASHCAP(())) benefits calculated?** We calculate your ((WASHCAP)) food 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 twenty-one dollars as your shelter cost; or

(b) If SSA tells us you pay less than three hundred two dollars 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.

(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)) you will get at least ten dollars in food benefits each month.

**AMENDATORY SECTION** (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

**WAC 388-492-0080 Where do I report changes?** (1)

You report all changes to Social Security Administration (SSA) according to their reporting requirements. Social Security reports these changes to your ((department of social and health services (DSHS))) WASHCAP worker.

(2) SSA will not accept or report shelter costs changes to WASHCAP until SSA does its redetermination.

((2))) (3) You do not have to report any changes to ((DSHS)) your WASHCAP worker.

((3))) (4) You can choose to report the following changes to your ((Washington combined application project)) WASHCAP) worker to see if you will get more food assistance benefits.

(a) A change in your address;

- (b) An increase in your shelter costs; or
  - (c) An increase in your out-of-pocket medical expenses.
- ((4))) (5) If changes are reported to DSHS, proof ((will)) may be required.

(6) If you report a change that could increase the amount of your food benefits and:

- (a) We ask you for proof; and
- (b) You do not provide proof;
- (c) We will not increase your WASHCAP food benefit.

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 02-15-148, filed 7/22/02, effective 9/1/02)

**WAC 388-492-0090 How often ((does my Washington state combined application program ())) do my WASHCAP(())-ease)) benefits need to be reviewed?** (1) Your eligibility for WASHCAP food benefits must be reviewed at least every twenty-four months.

(2) Your certification period is the amount of time your assistance unit is eligible for WASHCAP food benefits.

**AMENDATORY SECTION** (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

**WAC 388-492-0100 How is my eligibility for ((Washington state combined application program ())) WASHCAP(())) reviewed?** (1) If Social Security Administration (SSA) reviews your Supplemental Security Income (SSI) eligibility, they will also complete your review for WASHCAP ((benefits)). SSA sends us this information electronically and we will automatically extend your WASHCAP certification period.

(2) If SSA does not review your SSI eligibility, we will mail you a one-page application two months before your WASHCAP benefits end. You must complete and return this application to the WASHCAP unit or your local home and community services office (HCS).

(3) We do WASHCAP reviews by mail. If you bring your WASHCAP application to the local office, we will process the application as follows:

(a) If you get long-term care services, your local HCS office will process your application; or

(b) If you do not get long-term care services, the local office will forward your application to the WASHCAP central unit.

(4) If we get your completed one-page application after your WASHCAP benefits end, we will reopen your benefits back to the first of the month if:

(a) We get your application form within thirty days from the end of your certification period; and

(b) You are still eligible for WASHCAP.

(5) If we get your completed one-page application form more than thirty days after your benefits end, your WASHCAP benefits open the first of the next month after you turn in your application and SSA shows you are eligible for WASHCAP in their system.

(6) If your application is not complete, we will return it to you to complete.

((6)) (7) If you are no longer eligible for WASHCAP ((benefits)), we will decide if you are eligible for ((regular food assistance:)) Basic Food benefits and:

(a) Your local CSO or HCS office will process your Basic Food application:

(b) We may ask you to give us more information or verification if we cannot make a decision with the information we have.

((7)) If we get your completed one page application form more than thirty days after your benefits end, your WASHCAP benefits open the first of the next month after you turn in your application and SSA shows you are eligible for WASHCAP in their system.)

(8) If you want ((regular)) Basic Food ((assistancee)) benefits while you are waiting for WASHCAP food benefits, you must apply for these benefits at the local CSO or HCS office.

**AMENDATORY SECTION** (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

**WAC 388-492-0110 What happens if my ((Washington state combined application program-)) WASHCAP((G)) benefits end?** (1) If your WASHCAP benefits end because you did not have the review required under WAC 388-492-0100, you must finish the required review or apply for Basic Food ((assistancee)) benefits at:

(a) Your local community services office (CSO); or  
(b) Your home and community services (HCS) office.

(2) If your WASHCAP benefits end because you are disqualified for food assistance under WAC 388-400-0040(13)(b) or (e), you are not eligible for ((regular)) Basic Food ((assistancee)) benefits and:

(a) If you get medical assistance, we will send your medical assistance case to your local office((:));

(b) If you are a HCS client, your medical case will remain at HCS.

(3) If your WASHCAP benefits end because SSA stopped your SSI benefits:

(a) We will send you an application for ((regular)) Basic Food ((assistancee and)) benefits along with:

(i) Information about what you must verify in order to get benefits; and

((tell you where to take your application to find out if you are eligible for benefits))

(ii) The address of your local CSO. If you are an HCS client, your case will remain at your HCS office.

(b) You will still receive the same medical benefits until we decide what medical programs you are eligible for under WAC 388-418-0025.

(4) If your WASHCAP benefits end for any other reason:

(a) We will send you an application for ((regular)) Basic Food ((assistancee)) benefits along with:

(i) The address of your local ((efficee)) CSO; and

(ii) Information about what you must verify in order to get benefits.

(b) If you get medical assistance, we will send your medical assistance case to the local office unless you are a HCS client;

(c) For the office to decide if you are eligible for Basic Food ((assistancee)) benefits, you must:

(i) Finish the application process for Basic Food ((assistancee)) benefits under chapter 388-406 WAC; and

(ii) Have an interview for Basic Food ((assistancee)) benefits under WAC 388-452-0005.

**AMENDATORY SECTION** (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

**WAC 388-492-0120 What happens to my ((Washington state combined application program-)) WASHCAP((G)) benefits if I am disqualified?** (1) If you are disqualified from receiving SSI for any reason, you will not be able to get WASHCAP food benefits. See WAC 388-492-0030, Who can get WASHCAP?

(2) If you are disqualified from receiving food assistance for any reason, you will not get WASHCAP food benefits. This includes clients who:

(a) Are ineligible for food assistance under WAC 388-400-0040((9)) (13)(b) and (e) and 388-442-0010; or

(b) Did not cooperate with quality assurance as required under WAC ((388-465-001)) 388-464-0001.

**AMENDATORY SECTION** (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

**WAC 388-492-0130 What can I do if I disagree with a decision the department made about my ((Washington state combined application program-)) WASHCAP((G)) benefits?** (1) If you disagree with a decision about your benefits, you may ask for a fair hearing.

(2) You can ask for a hearing by contacting the WASHCAP central unit, home and community service office or any responsible department or office of administrative hearings employee.

(3) See chapter ((388-08)) 388-02 WAC for information on the fair hearing process.

#### **REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 388-492-0010**

Washington state combined application program (WASHCAP) definitions.

#### **WSR 04-13-003**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF LICENSING**

[Filed June 2, 2004, 4:05 p.m., effective June 10, 2004]

Effective Date of Rule: June 10, 2004.

Purpose: This rule establishes the minimum portions of the periods of driver's license suspension, revocation, or denial that are imposed administratively based on a law enforcement officer's report of an arrest for an alcohol-related traffic violation after which a person may apply for a temporary restricted driver's license.

**Statutory Authority for Adoption:** RCW 46.20.391 (section 7, chapter 95, Laws of 2004), 46.01.110.

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:** As amended by section 7, chapter 95, Laws of 2004, RCW 46.20.391 (1)(c) requires that the department provide by rule the minimum portions of the periods of suspension, revocation, or denial set forth in RCW 46.20.3101 after which a person may apply for a temporary restricted driver's license. In establishing the minimum portions of these periods, the department is directed to consider the requirements of federal law regarding state eligibility for grants or other funding, and to establish such periods so as to ensure that the state will maintain its eligibility, or establish eligibility, to obtain incentive grants or any other federal funding. Under 23 C.F.R. 1313.5(a), federal regulations include the minimum periods that are established by this rule in the requirements for a state to be eligible for incentive grants. In order to retain state eligibility for this incentive grant, this rule needs to be in effect by the effective date of chapter 95, Laws of 2004, which is June 10, 2004.

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

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

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

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

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

Date Adopted: June 2, 2004.

June 2, 2004

Denise M. Movius  
Assistant Director

#### NEW SECTION

**WAC 308-104-101A Temporary restricted driver's license—Person eligible—Minimum periods of suspension, revocation, or denial.** No person may petition for, and the department shall not issue, a temporary restricted driver's license that is effective during:

- (1) The first thirty days of any suspension or denial imposed under RCW 46.20.3101 (2)(a) or (3)(a);
- (2) The first ninety days of any revocation or denial imposed under RCW 46.20.3101 (1)(a); or
- (3) The first year of any revocation or denial imposed under RCW 46.20.3101 (1)(b), (2)(b), or (3)(b).

#### WSR 04-13-004

#### EMERGENCY RULES

#### DEPARTMENT OF FISH AND WILDLIFE

[Order 04-128—Filed June 2, 2004, 4:07 p.m., effective June 2, 2004]

**Effective Date of Rule:** Immediately.

**Purpose:** Amend personal use rules.

**Citation of Existing Rules Affected by this Order:** 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:** Recent crab shell condition testing has shown that northern Saratoga Passage still has large numbers of soft crab. Soft shelled crab are subject to high mortality rates associated with handling. It is projected that shell condition criteria will be met in about two weeks. 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.

Date Adopted: June 2, 2004.

June 2, 2004

Evan Jacoby

for Jeff Koenings  
Director

#### NEW SECTION

**WAC 220-56-33000J 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 those waters of Saratoga Passage, Marine Area 8-1, south of a line that extends from Snatelum Pt. on Whidbey Island to Rocky Pt. on Camano Island.

**WSR 04-13-007**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 04-129—Filed June 3, 2004, 2:02 p.m., effective June 3, 2004]

**Effective Date of Rule:** Immediately.

**Purpose:** Amend commercial fishing rules.

**Citation of Existing Rules Affected by this Order:** Repealing WAC 220-52-05100R; 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:** The 2004 state/tribal Strait of Juan De Fuca shrimp harvest management plan requires adoption of harvest seasons, harvest reporting areas, and the prohibition on nighttime fishing contained in this emergency rule. The spot shrimp quota has been taken in the catch area closed in 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.

**Date Adopted:** June 3, 2004.

June 3, 2004  
 Evan Jacoby  
 for Jeff Koenings  
 Director

#### **NEW SECTION**

**WAC 220-52-05100S Puget Sound shrimp pot and beam trawl fishery—Season.** 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 pot gear:

(a) All waters of Marine Fish-Shellfish Management and Catch and Reporting Areas 23C and 29, are open to harvest of all shrimp species immediately until further notice, except it is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Area 23C.

(b) All waters of Shrimp Management Areas 1B, 1C, Crustacean Management Regions 2, 3, 4 and 6 are open to the harvest of all non-spot shrimp species immediately until further notice, except as provided in this section:

i) Marine Fish/Shellfish Management and Catch Reporting Area 25D (Port Townsend Bay) is closed south of the 48.06' North latitude line, north of the 48.04' North latitude line and east of the 122.46' west longitude line.

ii) Those waters defined in this section as 23A-E, 23A-W and 23A-C are closed.

(c) All waters of Shrimp Management Area 1A are closed to shrimp fishing until further notice, except that portion of Marine Fish/Shellfish Management and Catch Reporting Area 22A in San Juan Channel south the 48.30.50' North latitude line and north of a line from Cattle Pass to Davis Point is open to the harvest of all non-spot shrimp species immediately until further notice.

(d) The shrimp accounting week is Monday through Sunday.

(e) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(f) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(e) above.

(g) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into four subareas: 23A-E (east) is those waters of Catch Area 23A north of a line projected 48.22.50°N latitude east of a line projected 122.57°W longitude. 23A-W (west) is those waters of Catch Area 23A north of a line projected 48.22.50°N latitude and west of a line projected 122.57°W longitude. 23A-C (central) is those waters of Catch Area 23A south of a line projected 48.22.50°N latitude and east of a line projected 335 degrees true from the Dungeness lighthouse. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately, until further notice.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A within Shrimp Management Area 1B: Open immediately, until further notice.

(c) It is unlawful to set or pull 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:

**WAC 220-52-05100R Puget Sound shrimp pot and beam trawl fishery—Season (04-108)**

**WSR 04-13-008  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-130—Filed June 3, 2004, 2:03 p.m., effective June 4, 2004, 7:00 a.m.]

**Effective Date of Rule:** June 4, 2004, 7:00 a.m.

**Purpose:** Amend personal use rules.

**Citation of Existing Rules Affected by this Order:**  
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:** The number of days is reduced to maintain the length of the season in Marine Areas 8-1 and 8-2 and to manage within sharing requirements. 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.

**Date Adopted:** June 3, 2004.

June 3, 2004  
Evan Jacoby  
for Jeff Koenings  
Director

#### NEW SECTION

#### **WAC 220-56-33000K Crab—Areas and seasons.**

Notwithstanding the provisions of WAC 220-56-330, effective 7:00 a.m. June 4 until further notice, it is unlawful to fish for crab for personal use Tuesday through Thursday of each week in Areas 8-1 and 8-2.

#### **WSR 04-13-011**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF TRANSPORTATION**

[Filed June 3, 2004, 3:17 p.m., effective June 10, 2004]

**Effective Date of Rule:** June 10, 2004.

**Purpose:** To provide necessary rules to implement HB 1589, an act allowing annual permits for oversize towing operations.

**Citation of Existing Rules Affected by this Order:** Amending WAC 468-38-265.

**Statutory Authority for Adoption:** RCW 46.44.090 and 46.44.0941.

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:** Effective June 10, 2004, HB 1589 will become effective. There is insufficient time to amend the rule through the normal process to have the rules in place necessary to implement the new law. The amended rule was negotiated with the Washington State Patrol and the Washington Tow Truck Association.

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

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

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

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

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

**Date Adopted:** June 3, 2004.

June 3, 2004

John F. Conrad

Assistant Secretary  
Engineering and Operations

#### AMENDATORY SECTION (Amending WSR 03-19-026, filed 9/8/03, effective 10/9/03)

#### **WAC 468-38-265 ((Emergency operation of)) Tow trucks—Permitting for oversize/overweight. ((The permit-**

~~ting of overweight tow trucks that respond to emergencies shall be governed by the following procedures:~~

(1) An emergent tow is defined as the movement of a disabled vehicle(s) from any public roadway, including ramps and shoulder, and due to the necessity for an immediate response (referred to as the "initial tow truck service" in RCW 46.44.015), the appropriate overweight permit cannot be determined until the operator arrives at the disabled vehicle.

(2) When a tow truck operator/dispatcher has been called to respond to an emergent situation, the operator/dispatcher will telephone the nearest traffic management center (TMC) and be logged in to clear the obstacle. The TMC employee on duty shall consult the map "Washington State Highways Tow Truck Restrictions: For Emergency Use Only (as last revised)." Bridges that may be crossed by tandem axle loadings estimated by the tow truck operator may be approved for the emergency move.

(3) To log in with the TMC, the tow truck operator/dispatcher shall provide the following: Name of company, name of individual making request, telephone number, tow vehicle license, excess weight needed, the origin and destination, the state route numbers to be used during the tow and description of vehicle being towed. The TMC employee on duty, after verifying the requested route with the map, will issue an identification or clearance number for the tow. This approval is for state routes only and gives no authorization for movement on county roads or city streets.

(4) If the map showing tow truck restrictions does not indicate that the routes can safely tolerate the weight being requested, the tow truck operator is limited to moving the vehicle off the road to the nearest place of safety. When the weight is too heavy to be moved on some bridges or highways, a request during regular working hours for a permit and a bridge analysis will be required before the load may be transported.

(5) The tow truck operator/dispatcher shall apply for and acquire the appropriate permit on the next business day from the department's motor carrier services office.

(6) Permits for routine movements other than emergency tow truck moves shall be requested through available DOT permits offices, agents or facsimile services.) (1) What classes of tow trucks are eligible for special permits?

Special permits may be issued to Class B and Class C tow trucks, including Class E tow trucks with either a Class B or Class C rating.

(2) What is the duration of a special permit issued to tow trucks?

The special permit issued specifically to tow trucks is an annual permit from date of purchase.

(3) Are there size and weight limitations and/or requirements to the special permit for tow trucks?

Permit limits and/or requirements are categorized as follows:

(a) Weight of tow truck: Maximum weights for tow trucks are as follows:

(i) All classes of tow trucks must conform to RCW 46.44.041 when towing a disabled unit by draw bar or tow chain method.

(ii) When any portion of the weight of the disabled unit rests upon a Class B, C or E (with B or C rating) tow truck; the weight must not exceed:

(A) Six hundred pounds per inch width of tire up to twenty-two thousand pounds per single axle; or

(B) Forty-three thousand pounds per tandem axle set; or  
(C) The weight allowed for axle groups per formula in RCW 46.44.091(1).

(iii) The tow truck steer axle must carry sufficient weight to maintain safe operation.

(iv) A Class B tow truck steer axle must carry a minimum of three thousand pounds at all times.

(v) A Class C tow vehicle steer axle must carry a minimum of three thousand five hundred pounds at all times.

(vi) A Class E tow truck with B or C rating must meet the requirement for minimum steer axle load for the rating.

(vii) The special permit does not allow a tow truck to exceed legal weight limits when not in tow or haul status.

(b) Weight of disabled unit: Maximum weight for disabled units towed under an annual special permit are as follows:

(i) When being towed by a Class B, C or E (with B or C rating) tow truck, using a draw bar or tow chain method, the weight of the disabled unit must conform with weight limits in RCW 46.44.041, or to the limits of any special permit issued to the disabled unit.

(ii) When a Class B, C or E (with B or C rating) tow truck carries a portion of the weight of the disabled unit, the first load bearing axle(s) of the disabled unit must not exceed:

(A) Six hundred pounds per inch width of tire;  
(B) Twenty-two thousand pounds per single axle;  
(C) Forty-three thousand pounds per tandem axle set;

and  
(D) Weight limits for axle groups per formula in RCW 46.44.091.

(iii) A load recovery vehicle configured as a truck-tractor/semi-trailer, or solo vehicle may carry either a divisible or nondivisible load. The recovery vehicle is limited to weight limits in RCW 46.44.041 when carrying divisible loads, or to the weight limits in (a)(ii) of this subsection when carrying nondivisible loads. The recovery vehicle must be rated as either a Class B or Class C tow truck in order to be issued the annual special permit.

(c) Height and width: No disabled unit, including load, shall exceed fourteen feet in height or eight feet six inches in width, except:

(i) When the disabled unit is authorized under a special permit allowing a greater height or width. The allowances granted under the special permit shall apply only to the route identified on the special permit; or

(ii) Where an accident or collision has caused a disfigurement of the disabled unit resulting in a width greater than eight feet six inches, but not exceeding ten feet in width. In this event, during daylight hours the disabled unit must be flagged per WAC 468-38-155, and during the hours of darkness the extreme width must have clearance lights that comply with the requirements of Code of Federal Regulation, 49 CFR 393.11.

(iii) Rear view mirrors may exceed the width authorized in the special permit to a point that allows the driver a view to

the rear along both sides of the vehicle(s) in conformance with Federal National Safety Standard 111 (49 CFR 571.111).

(d) Length: All classes of single unit tow vehicles may not exceed forty feet in length. The length of the disabled unit shall not exceed the length for such vehicle established in statute or as allowed by a special permit issued to the disabled unit. The towing of a vehicle combination (i.e., tractor/trailer or truck/trailer) is not authorized, except during an emergent situation when directed by the state patrol or the department to remove the disabled combination to the nearest safe location off the highway.

(e) Restrictions and postings: An annual special permit must not be used to exceed published road and bridge restrictions, or posted bridges. Restrictions and postings should be reviewed on-line daily for changes, each permit will contain this instruction. It is the operator's responsibility to remain current with bridge restriction and posting information.

(f) Exceptions: Exceptions to the rules provided in this section will be handled on an individual basis by separate special permit, after the disabled unit has been moved to the nearest safe location.

**(4) Is there ever a time when a Class A or D tow truck is authorized to exceed legal weight?**

Class A and D tow trucks are not eligible for special permits. In an emergent situation, when no other class of truck is available, either class truck may make or assist in making short moves, at the direction of the state patrol or the department, to the nearest safe location off the highway.

**(5) What constitutes an emergent situation?**

An emergent situation, for purposes of this section, is defined as a disabled vehicle on any public highway, including shoulders and access ramps.

**WSR 04-13-024  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-131—Filed June 7, 2004, 3:16 p.m., effective June 9, 2004, 12:01 p.m.]

Effective Date of Rule: June 9, 2004, 12:01 p.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600L, 220-52-04000A and 220-52-04600N; and amending WAC 220-22-400, 220-52-040, and 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: The limited commercial fishery in these marine fish-shellfish management and catch reporting areas are to take advantage of harvest opportunity and to maintain commercial harvest allocation plans. 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 3, Amended 0, Repealed 3.

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

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

Date Adopted: June 4, 2004.

June 7, 2004

Evan Jacoby

for Jeff Koenings

Director

**NEW SECTION**

**WAC 220-22-4000F Marine fish-shellfish management and catch reporting areas, Puget Sound** Notwithstanding the provisions of WAC 220-22-400, effective 12:01 p.m. June 9, 2004 until further notice Marine Fish-Shellfish Management and Catch Reporting Area 26A shall be defined by the following boundaries:

(1) Area 26A-W is defined as waters of Area 26A except those contiguous waters north and east of a line which extends from Possession Point to the shipwreck located 0.8 nautical miles north of Picnic Point.

(2) Area 26A-E is defined as contiguous waters of 26A north and east of a line from Possession Point to the shipwreck located 0.8 nautical miles north of Picnic Point.

**NEW SECTION**

**WAC 220-52-04000A Commercial crab fishery—Exceptions to permanent rules for pot limits.** Notwithstanding the provisions of WAC 220-52-040, effective 12:01 p.m. June 9, 2004 through 12:00 p.m. June 10, 2004 it is unlawful for any person to fish for crabs for commercial purposes with more than 25 pots per license, per buoy tag number in all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24B, that portion of 24C south of a line that extends from the flashing red light located 1 nm north of Lowell Point on Camano Island, to East Point on Whidbey Island, and 26A-E.

**NEW SECTION**

**WAC 220-52-04600N Crab fishery—Seasons and areas.** Notwithstanding the provisions of WAC 220-52-046:

(1) Effective 12:01 p.m. June 9 through 12:00 p.m. June 10, 2004, it is lawful to fish for Dungeness Crab for commercial purposes from in Marine Fish Shellfish Catch Areas 24B, that portion of 24C south of a line that extends from the flash-

ing red light located 1 nm north of Lowell Point on Camano Island, to East Point on Whidbey Island, and 26A-E.

(2) All other provisions of WAC 220-52-046 remain in effect.

**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:

WAC 220-52-04600L Crab fishery—Seasons and areas. (04-49)

The following sections of the Washington Administrative Code are repealed effective 12:01 p.m. June 10, 2004:

WAC 220-52-04000A Commercial crab fishery—Exceptions to permanent rules for pot limits.

WAC 220-52-04600N Crab fishery—Seasons and areas.

**WSR 04-13-026**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 04-132—Filed June 9, 2004, 10:39 a.m., effective June 9, 2004]

**Effective Date of Rule:** Immediately.

**Purpose:** Amend personal use fishing rules.

**Citation of Existing Rules Affected by this Order:** Repealing WAC 220-56-25500N; and amending WAC 220-56-255.

**Statutory Authority for Adoption:** RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

**Reasons for this Finding:** There is sufficient quota to reopen the halibut fishery for five additional days in Catch Record Card Areas 3 and 4. 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; **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.

**Date Adopted:** June 8, 2004.

Evan Jacoby  
for Jeff Koenings  
Director

#### NEW SECTION

**WAC 220-56-25500P Halibut—Seasons—Daily and possession limits.** Notwithstanding the provisions of WAC 220-56-255:

(1) **Catch Record Card Areas 3 and 4:** It is unlawful to fish for halibut except open 12:01 a.m. June 15 through 11:59 p.m. June 19, 2004.

The following area southwest of Cape Flattery is closed to halibut fishing at all times: Those waters within an eastward facing "C" shaped closed area defined as: Beginning at 48°18'N, 125°18'W, thence to 48°N18', 124°59'W, thence to 48°11'N, 124°59'W, thence to 48°11'N, 125°11'W, thence to 48°04'N, 125°11'W, thence to 48°04'N, 124°59'W, thence to 48°00'N, 124°59'W, thence to 48°00'N, 125°18'W, thence to the point of origin.

(2) **Catch Record Card Area 5:** Open through August 14 - Closed 12:01 a.m. Tuesday through 11:59 p.m. Wednesday of each week during the open period.

(3) **Catch Record Card Areas 6-11 and Catch Record Card Area 13:** Open through July 24 - Closed 12:01 a.m. Tuesday through 11:59 p.m. Wednesday of each week during the open period.

(4) **Catch Record Card Area 12:** Closed.

(5) **Daily limit one halibut.** The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-25500N Halibut seasons—Daily and possession limits. (04-123)

**WSR 04-13-027**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 04-133—Filed June 9, 2004, 10:39 a.m., effective June 10, 2004, 4:00 a.m.]

**Effective Date of Rule:** June 10, 2004, 4:00 a.m.

**Purpose:** Amend commercial fishing rules.

**Citation of Existing Rules Affected by this Order:** Repealing WAC 220-52-05100S; 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:** The 2004 state/tribal Puget Sound shrimp harvest management plans requires adoption of harvest seasons, harvest reporting areas, and the prohibition on nighttime fishing contained in this emergency rule. Commercial spot shrimp quota is available in the catch areas opened in 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.

Date Adopted: June 8, 2004.

Evan Jacoby  
for Jeff Koenings  
Director

## NEW SECTION

**WAC 220-52-05100T Puget Sound shrimp pot and beam trawl fishery—Season.** 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 pot gear:**

(a) Effective immediately until further notice, all waters of Crustacean Management Regions 1, 2, 3, 4 and 6, are open to harvest of all shrimp species, except as provided below:

(i) It is unlawful to harvest shrimp for commercial purposes in Shrimp Management Area 1B and Marine Fish-Shellfish Catch and Reporting Area 23A-C (central).

(ii) It is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 23C and 25D.

(iii) Marine Fish/Shellfish Management and Catch Reporting Area 25D (Port Townsend Bay) is closed south of the 48.06' North latitude line, north of the 48.04' North latitude line and east of the 122.46' west longitude line.

(b) Effective immediately until 11:59 p.m. June 13, 2004, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to

exceed 300 pounds, or to exceed 150 pounds from Crustacean Management Regions 2, 4 and 6.

(c) Effective 12:00 a.m. June 14, 2004, until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 2, 4 and 6, except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Area 29, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(d) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(e) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(e) above.

(f) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into four subareas: 23A-E (east) is those waters of Catch Area 23A north of a line projected 48.22.50°N latitude east of a line projected 122.57°W longitude. 23A-W (west) is those waters of Catch Area 23A north of a line projected 48.22.50°N latitude and west of a line projected 122.57°W longitude. 23A-C (central) is those waters of Catch Area 23A south of a line projected 48.22.50°N latitude and east of a line projected 335 degrees true from the Dungeness lighthouse. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(2) **Shrimp beam trawl gear:**

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately, until further notice.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A within Shrimp Management Area 1B: Open immediately, until further notice.

(c) It is unlawful to set or pull 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 4:00 a.m. June 10, 2004:

WAC 220-52-05100S

Puget Sound shrimp pot and beam trawl fishery—Season (04-129)

**WSR 04-13-028**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 04-134—Filed June 9, 2004, 10:40 a.m., effective June 11, 2004, 7:00 a.m.]

**Effective Date of Rule:** June 11, 2004, 7:00 a.m.

**Purpose:** Amend personal use fishing rules.

**Citation of Existing Rules Affected by this Order:**  
Repealing WAC 220-56-33000J.

**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:** It has been determined that the crab shell criteria have been met 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 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.

**Date Adopted:** June 8, 2004.

Evan Jacoby  
for Jeff Koenings  
Director

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 7:00 a.m. June 11, 2004:

WAC 220-56-33000J

Crab—Areas and seasons.  
(04-128)

**WSR 04-13-034**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 04-135—Filed June 9, 2004, 1:58 p.m., effective June 13, 2004, 3:00 p.m.]

**Effective Date of Rule:** June 13, 2004, 3:00 p.m.

**Purpose:** Amend personal use fishing rules.

**Citation of Existing Rules Affected by this Order:**  
Repealing WAC 220-56-32500S; and amending WAC 220-56-325.

**Statutory Authority for Adoption:** RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

**Reasons for this Finding:** This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of spot shrimp has been taken in the areas closed under this rule. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

**Date Adopted:** June 8, 2004.

J. P. Koenings  
Director

**NEW SECTION**

**WAC 220-56-32500T Shrimp—Areas and seasons.**  
Notwithstanding the provisions of WAC 220-56-325:

1) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of the Port Townsend Shrimp District, except as provided for in this section:

(a) All waters of the Port Townsend Shrimp District south of a line from Kala Point to Walan Point are open Thursdays and Saturdays of each week to the harvest of all shrimp, except Spot shrimp.

(b) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

2) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use

in all waters of Marine Area 10 and Marine Area 7 south of a line from Biz Point on Fidalgo Island to Cape St Mary on Lopez Island, then south of the shores of Lopez Island to Davis Point, then south of a line from Davis Point to Cattle Point on San Juan Island, then south of the shores of San Juan Island to Lime Kiln Point light, then south of a line due west from Lime Kiln Point light to the international boundary.

3) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 8-1 and 8-2, Marine Area 9 outside of the Port Townsend Shrimp District, and Marine Area 11, except as provided for in this section:

(a) Open to the harvest of all shrimp species except spot shrimp, and all spot shrimp must immediately be returned to the water unharmed.

(b) It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

4) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of the Discovery Bay Shrimp District except from 7:00 a.m. to 3:00 p.m. each day. Gear must be removed from the water during closed periods and spot shrimp may be retained on Saturdays only.

5) Effective 3:00 p.m. June 13, it is unlawful to fish for or possess shrimp taken for personal use in all waters of the Port Angeles Shrimp District.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 3:00 p.m. on June 13, 2004:

WAC 220-56-32500S	Shrimp—Areas and seasons (04-127)
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**WSR 04-13-035**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 04-136—Filed June 9, 2004, 3:56 p.m., effective June 9, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 232-28-61900N; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is necessary to eliminate premature harvest of catchable trout dedicated to the kids fishing derby. 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.

Date Adopted: June 9, 2004.

J. P. Koenings  
Director

#### NEW SECTION

**WAC 232-28-61900N Exceptions to statewide rules—West Evans Pond (Asotin Co.)** Notwithstanding the provisions of WAC 232-28-619, effective 8:00 a.m. June 11, 2004 through 8:00 a.m. June 12, 2004, it is unlawful to fish in those waters of West Evans Pond.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 8:01 a.m. June 12, 2004:

WAC 232-28-61900N	Exceptions to statewide rules—West Evans Pond (Asotin Co.)
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**WSR 04-13-054**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 04-140—Filed June 11, 2004, 11:18 a.m., effective June 12, 2004, 12:01 a.m.]

Effective Date of Rule: June 12, 2004, 12:01 a.m.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 232-28-61900P; 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: Regulations stipulate that only juveniles under the age of 15 may fish at Mill Pond. In order to hold the fishing derby and for citizens 55 years of age and older to legally fish Mill Pond this regulation is needed. There is insufficient time to promulgate permanent rules.

EMERGENCY

**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.

Date Adopted: June 10, 2004.

J. P. Koenings  
Director  
by Larry Peck

## NEW SECTION

**WAC 232-28-61900P Exceptions to statewide rules—Mill Pond (King County)** Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. through 11:59 p.m. June 12, 2004, it is lawful for persons 55 years of age and older to fish in the waters of Mill Pond.

## REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 13, 2004:

WAC 232-28-61900P	Exceptions to statewide rules—Mill Pond (King County)
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**WSR 04-13-055**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 04-137—Filed June 11, 2004, 1:33 p.m., effective June 11, 2004]

**Effective Date of Rule:** Immediately.

**Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule:** CR-102 filed June 3, 2004, as WSR 04-13-005.

**Purpose:** Amend commercial fishing rules.

**Citation of Existing Rules Affected by this Order:** Repealing WAC 220-48-02900D, 220-48-03200C, 220-48-06200C, 220-49-02000P and 220-49-05600C; and amending WAC 220-48-029, 220-48-032, 220-48-062, 220-49-020, and 220-49-056.

**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:** To reduce fishing mortalities on species of fish and shellfish in Hood Canal which have become more vulnerable due to the stress and behavioral changes by the low dissolved oxygen content in those waters. These rules are interim until permanent rules take effect.

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

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

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

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

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

Date Adopted: June 11, 2004.

Evan Jacoby  
for Jeff Koenings  
Director

## NEW SECTION

**WAC 220-48-02900E Set net—Dogfish—Seasons.** Notwithstanding the provisions of WAC 220-48-029, effective immediately, until further notice, it is unlawful to fish for or possess for commercial purposes bottomfish taken with dogfish set net gear in Marine Fish-Shellfish Management Areas 27A, 27B and 27C.

## NEW SECTION

**WAC 220-48-03200D Set line—Dogfish—Seasons.** Notwithstanding the provisions of WAC 220-48-032, effective immediately, until further notice, it is unlawful to fish for or possess for commercial purposes bottomfish taken with set line gear in Marine Fish-Shellfish Management Areas 27A, 27B, and 27C.

## NEW SECTION

**WAC 220-48-06200D Drag seines—Seasons.** Notwithstanding the provisions of WAC 220-48-062, effective immediately, until further notice, it is unlawful to fish for or possess for commercial purposes bottomfish taken with drag seine gear in Marine Fish-Shellfish Management Areas 27A, 27B, and 27C.

## NEW SECTION

**WAC 220-49-02000Q Herring and anchovy—Seasons—Lawful gear—Purposes.** Notwithstanding the provisions of WAC 220-49-020, effective immediately, until further notice, it is unlawful to fish for or possess for commer-

cial purposes herring or anchovy in Marine Fish-Shellfish Management Areas 27A, 27B and 27C.

#### NEW SECTION

**WAC 220-49-05600D Smelt fishing—Seasons.** Notwithstanding the provisions of WAC 220-49-056, effective immediately, until further notice, it is unlawful to fish for or possess for commercial purposes smelt in Marine Fish-Shellfish Management Areas 27A, 27B and 27C.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-48-02900D	Set net—Dogfish—Seasons. (04-25)
WAC 220-48-03200C	Set line—Dogfish—Seasons. (04-25)
WAC 220-48-06200C	Drag seines—Seasons. (04-25)
WAC 220-49-02000P	Herring and anchovy—Seasons—Lawful gear—Purposes. (04-25)
WAC 220-49-05600C	Smelt fishing—Seasons. (04-25)

**WSR 04-13-056  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-138—Filed June 11, 2004, 1:34 p.m., effective June 11, 2004]

Effective Date of Rule: Immediately.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: CR-102 filed June 3, 2004, as WSR 04-13-005.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-23500S, 220-56-26700B, 220-56-27000S, 220-56-39000B and 220-56-41000A; and amending WAC 220-56-235, 220-56-267, 220-56-270, 220-56-390, and 220-56-410.

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: To reduce fishing mortalities on species of fish and shellfish in Hood Canal which have become more vulnerable due to the stress and behavioral changes by the low dissolved oxygen content in those waters. These rules are interim until permanent rules take effect.

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

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

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

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

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

Date Adopted: June 11, 2004.

Evan Jacoby  
for Jeff Koenings  
Director

#### NEW SECTION

**WAC 220-56-23500U Bottomfish.** Notwithstanding the provisions of WAC 220-56-235, effective immediately, until further notice, it is unlawful to fish for or possess bottomfish taken for personal use in those waters of Catch Record Card Area 12.

#### NEW SECTION

**WAC 220-56-26700C Herring—Areas and seasons,** Notwithstanding the provisions of WAC 220-56-267, effective immediately, until further notice, it is unlawful to fish for or possess herring taken for personal use in those waters of Catch Record Area 12.

#### NEW SECTION

**WAC 220-56-27000V Smelt—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-270, effective immediately, until further notice, it is unlawful to fish for or possess smelt taken for personal use in those waters of Catch Record Area 12.

#### NEW SECTION

**WAC 220-56-39000C Squid and octopus.** Notwithstanding the provisions of WAC 220-56-390, effective immediately, until further notice, it is unlawful to fish for or possess squid and octopus taken for personal use in those waters of Catch Record Area 12.

#### NEW SECTION

**WAC 220-56-41000B Sea cucumbers.** Notwithstanding the provisions of WAC 220-56-410, effective immediately, until further notice, it is unlawful to fish for or possess sea cucumbers taken for personal use in those waters of Catch Record Area 12.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 220-56-23500S	Bottomfish. (04-26)
WAC 220-56-26700B	Herring—Areas and seasons. (04-26)
WAC 220-56-27000S	Smelt—Areas and seasons. (04-26)
WAC 220-56-39000B	Squid and octopus. (04-26)
WAC 220-56-41000A	Sea cucumbers. (04-26)

**NEW SECTION**

**WAC 220-52-04000B Commercial crab fishery—Exceptions to permanent rules for pot limits.** Notwithstanding the provisions of WAC 220-52-040, effective 3:00 p.m. June 15, 2004 through 3:00 p.m. June 16, 2004 it is unlawful for any person to fish for crabs for commercial purposes with more than 15 pots per license, per buoy tag number in all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, that portion of 24C north of a line that extends from the flashing red light located 1 nm north of Lowell Point on Camano Island, to East Point on Whidbey Island, and 24D.

**NEW SECTION**

**WAC 220-52-04600P Crab fishery—Seasons and areas.** Notwithstanding the provisions of WAC 220-52-046:

(1) Effective 3:00 p.m. June 15 through 3:00 p.m. June 16, 2004, it is lawful to fish for Dungeness Crab for commercial purposes from in Marine Fish Shellfish Catch Areas 24A, that portion of 24C north of a line that extends from the flashing red light located 1 nm north of Lowell Point on Camano Island, to East Point on Whidbey Island, and 24D.

(2) All other provisions of WAC 220-52-046 remain in effect.

**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 sections of the Washington Administrative Code are repealed effective 3:01 p.m. June 16, 2004:

WAC 220-52-04000B	Commercial crab fishery—Exceptions to permanent rules for pot limits.
WAC 220-52-04600P	Crab fishery—Seasons and areas.

**WSR 04-13-063****EMERGENCY RULES****DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed June 15, 2004, 1:56 p.m., effective July 1, 2004]

**Effective Date of Rule:** July 1, 2004.

**Purpose:** Advanced registered nurse practitioner and physician's assistant rule. In response to SHB 1691 (chapter 65, Laws of 2004) this rule lays out the expanded duties that an advanced register nurse practitioner (ARNP) can now perform under Title 51 RCW. In response to SB 6356 (chapter 163, Laws of 2004) this rule also defines what a "simple industrial injury" is in order to explain when a physicians' assistant (PA) may have sole signature on the report of accident or physician's initial report. New sections WAC 296-20-01502 and 296-23-241 will be added.

Date Adopted: June 11, 2004.

J. P. Koenings  
Director  
by Larry Peck

Citation of Existing Rules Affected by this Order: Amending WAC 296-14-400, 296-20-01002, 296-20-01501, 296-20-06101, and 296-23-240.

Statutory Authority for Adoption: SHB 1691 (chapter 65, Laws of 2004) and SB 6356 (chapter 163, Laws of 2004).

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 ARNP bill, SHB 1691 (chapter 65, Laws of 2004) and the PA bill, SB 6356 (chapter 163, Laws of 2004) both have an effective date of July 1, 2004. Emergency rule making is necessary to implement these bills in a timely manner. Permanent rule making is being conducted to implement this rule permanently.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 5, Repealed 0.

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

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

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

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

Date Adopted: June 15, 2004.

Paul Trause  
Director

#### AMENDATORY SECTION (Amending WSR 90-22-054, filed 11/5/90, effective 12/6/90)

**WAC 296-14-400 Reopenings for benefits.** The director at any time may, upon the workers' application to reopen for aggravation or worsening of condition, provide proper and necessary medical and surgical services as authorized under RCW 51.36.010. This provision will not apply to total permanent disability cases, as provision of medical treatment in those cases is limited by RCW 51.36.010.

The seven-year reopening time limitation shall run from the date the first claim closure becomes final and shall apply to all claims regardless of the date of injury. In order for claim closure to become final on claims where closure occurred on or after July 1, 1981, the closure must include documentation of medical recommendation, advice or examination. Such documentation is not required for closing orders issued prior to July 1, 1981. First closing orders issued between July 1, 1981, and July 1, 1985, shall for the purposes of this section only, be deemed issued on July 1, 1985.

The director shall, in the exercise of his or her discretion, reopen a claim provided objective evidence of worsening is present and proximately caused by a previously accepted asbestos-related disease.

In order to support a final closure based on medical recommendation or advice the claim file must contain documented information from a doctor, or nurse consultant (departmental) or nurse practitioner ((supervised by a doctor)). The doctor or nurse practitioner may be in private practice, acting as a member of a consultation group, employed by a firm, corporation, or state agency.

For the purpose of this section, a "doctor" is defined in WAC 296-20-01002.

When a claim has been closed by the department or self-insurer for sixty days or longer, the worker must file a written application to reopen the claim. An informal written request filed without accompanying medical substantiation of worsening of the condition will constitute a request to reopen, but the time for taking action on the request shall not commence until a formal application is filed with the department or self-insurer as the case may be.

A formal application occurs when the worker and doctor complete and file the application for reopening provided by the department. Upon receipt of an informal request without accompanying medical substantiation of worsening of the worker's condition, the department or self-insurer shall promptly provide the necessary application to the worker for completion.

If, within seven years from the date the first closing order became final, a formal application to reopen is filed which shows by "sufficient medical verification of such disability related to the accepted condition(s)" that benefits are payable, the department, or the self-insurer, pursuant to RCW 51.32.210 and 51.32.190, respectively shall mail the first payment within fourteen days of receiving the formal application to reopen. If the application does not contain sufficient medical verification of disability, the fourteen-day period will begin upon receipt of such verification. If the application to reopen is granted, compensation will be paid pursuant to RCW 51.28.040. If the application to reopen is denied, the worker shall repay such compensation pursuant to RCW 51.32.240.

Applications for reopenings filed on or after July 1, 1988, must be acted upon by the department within ninety days of receipt of the application by the department or the self-insurer. The ninety-day limitation shall not apply if the worker files an appeal or request for reconsideration of the department's denial of the reopening application.

The department may, for good cause, extend the period in which the department must act for an additional sixty days. "Good cause" for such an extension may include, but not be limited to, the following:

- (1) Inability to schedule a necessary medical examination within the ninety-day time period;
- (2) Failure of the worker to appear for a medical examination;
- (3) Lack of clear or convincing evidence to support reopening or denial of the claim without an independent medical examination;
- (4) Examination scheduled timely but cannot be conducted and a report received in sufficient time to render a decision prior to the end of the ninety-day time period.

The department shall make a determination regarding "good cause" in a final order as provided in RCW 51.52.050.

The ninety-day limitation will not apply in instances where the previous closing order has not become final.

**AMENDATORY SECTION** (Amending WSR 04-08-040, filed 3/30/04, effective 5/1/04)

**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).

**Appointing authority:** For the evidence-based prescription drug program of the participating agencies in the state purchased health care programs, appointing authority shall mean the following persons acting jointly: The administrator of the health care authority, the secretary of the department of social and health services, and the director of the department of labor and industries.

**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 compensation except as provided in ((Chapter 296-20)) WAC 296-20-01502, When can a physician's assistant have sole signature on the report of accident or physician's initial report? and WAC 296-23-241, Can advanced registered nurse practitioners independently perform the functions of an attending physician?

**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 workers health or treatment outcome.

**Endorsing practitioner:** A practitioner who has reviewed the preferred drug list and has notified the health care authority that he or she has agreed to allow therapeutic interchange of a preferred drug for any nonpreferred drug in a given therapeutic class.

**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 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.

**Preferred drug list:** The list of drugs selected by the appointing authority to be used by applicable state agencies as the basis for the purchase of drugs in state purchased health care programs.

#### **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 necessary, and shall be authorized only as provided in WAC 296-20-03002(6) and 296-20-02850.

**Refill:** The continuation of therapy with the same drug (including the renewal of a previous prescription or adjustments in dosage) when a prescription is for an antipsychotic, antidepressant, chemotherapy, antiretroviral or immunosuppressive drug.

**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.

**Therapeutic alternative:** Drug products of different chemical structure within the same pharmacologic or thera-

peutic class and that are expected to have similar therapeutic effects and safety profiles when administered in therapeutically equivalent doses.

**Therapeutic interchange:** To dispense with the endorsing practitioner's authorization, a therapeutic alternative to the prescribed drug.

**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 03-21-069, filed 10/14/03, effective 12/1/03)

**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 supervision 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 compensation certification, and progress reports for the supervising physician's signature. Physicians' assistants cannot submit such information under his/her signature. Under certain circumstances, physicians' assistants can sub-

mit the report of accident or physician's initial report under his or her signature. See WAC 296-20-01502.

#### NEW SECTION

**WAC 296-20-01502 When can a physician's assistant have sole signature on the report of accident or physician's initial report?** (1) Physicians' assistants (PAs) may complete and have sole signature on the report of accident or the physician's initial report, where applicable, on simple industrial injury claims. This can occur for the period beginning July 1, 2004, and ending July 1, 2007.

PAs cannot certify entitlement to time-loss compensation, pension benefits, death benefits, or loss-of-earning power benefits.

(2) A simple industrial injury claim would include:

- No time lost from work after the date of injury; and
- A simple industrial injury limited to an insect bite, abrasion, contusion, laceration, blister, foreign body, open wound, sprain, strain, closed fracture, simple burn, or probable exposure to bloodborne pathogen due to a needlestick.

(Specific examples include 2nd degree burn, ICD-9 943.29, tibia fracture, closed, ICD-9 823.80.)

A simple industrial injury does not involve:

- Time lost from work after the date of injury; or
- Surgery or hospitalization on the date of the injury or date of first treatment; or
- Occupational diseases (e.g., dermatitis, carpal tunnel syndrome, hearing loss, asbestosis, exposure to blood with no needlestick); or
- Complex industrial injuries (e.g., hernias, head injuries (except simple lacerations or abrasions), mental health conditions, open fractures, extremity amputation, severe crush injuries, severe burns, spinal cord injuries, cancer, heart disease, stroke or chemical exposure).

(3) An attending physician must be assigned to the claim to certify any time off work after the date of injury.

(4) The PA must identify on the report of accident or physician's initial report the name of the doctor who will be supervising care under this claim and also list the corresponding labor and industries provider number for that doctor. The claim will be considered on its own merits regardless of the absence of the supervising physician's L&I number but payment of bills may be delayed.

(5) WAC 296-20-01502 expires July 1, 2007.

#### AMENDATORY SECTION (Amending WSR 00-01-190, filed 12/22/99, effective 1/24/00)

**WAC 296-20-06101 What reports are health care providers required to submit to the insurer?** The department or self-insurer requires different kinds of information at various stages of a claim in order to approve treatment, time loss compensation, and treatment bills. The department or self-insurer may request the following reports at specified points in the claim. The information provided in these reports is needed to adequately manage industrial insurance claims.

<b>Report</b>	<b>Due/Needed by Insurer</b>	<b>What Information Should Be Included In the Report?</b>	<b>Special Notes</b>
<b>Report of Industrial Injury or Occupational Disease (form)</b> <b>Self-Insurance: Physician's Initial Report (form)</b>	Immediately - within five days of first visit.	See form  If additional space is needed, please attach the information to the application. The claim number should be at the top of the page.	Only MD, DO, DC, ND, DPM, DDS, <u>ARNP</u> , and OD may sign and be paid for completion of this form. <u>PAs may sign and be paid for completion of this form under the circumstances outlined in WAC 296-20-01502.</u>
<b>Sixty Day (narrative)</b> <b>Purpose:</b> Support and document the need for continued care when conservative (non-surgical) treatment is to continue beyond sixty days	Every sixty days when only conservative (non-surgical) care has been provided.	(1) <b>The conditions diagnosed</b> , including ICD-9-CM codes and the subjective complaints and objective findings.	Providers may submit legible comprehensive chart notes in lieu of sixty day reports PROVIDED the chart notes include all the information required as noted in the "What Information Should Be Included?" column.
		(2) <b>The relationship of diagnoses</b> , if any, to the industrial injury or exposure.  (3) <b>Outline of proposed treatment program</b> , its length, components and expected prognosis including an <b>estimate of when treatment should be concluded</b> and condition(s) stable. An <b>estimated return to work date</b> and the probability, if any, of <b>permanent partial disability</b> resulting from the industrial condition.  (4) <b>Current medications</b> , including dosage and amount prescribed. With repeated prescriptions, include the plan and need for continuing medication.  (5) If the worker has not returned to work, <b>indicate whether a vocational assessment will be necessary</b> to evaluate the worker's ability to return to work and why.	<b>However</b> , office notes are not acceptable in lieu of requested narrative reports and providers may not bill for the report if chart notes are submitted in place of the report.  Please see WAC 296-20-03021 and 296-20-03022 for documentation requirements for those workers receiving opioids to treat chronic non-cancer pain.  Providers must include their name, address and date on all chart notes submitted.

<b>Report</b>	<b>Due/Needed by Insurer</b>	<b>What Information Should Be Included In the Report?</b>	<b>Special Notes</b>
		<p>(6) If the worker has not returned to work, a doctor's estimate of physical capacities should be included.</p> <p>(7) Response to any specific questions asked by the insurer or vocational counselor.</p>	
<b>Special Reports/Follow-up Reports (narrative)</b>	As soon as possible following request by the department/insurer.	<b>Response to any specific questions</b> asked by the insurer or vocational counselor.	"Special reports" are payable only when requested by the insurer.
<p><b>Consultation Examination Reports (narrative)</b></p> <p><b>Purpose:</b> Obtain an objective evaluation of the need for ongoing conservative medical management of the worker.</p> <p>The attending doctor may choose the consultant.</p>	At one hundred twenty days if only conservative (nonsurgical) care has been provided.	<p>(1) Detailed history.</p> <p>(2) Comparative history between the history provided by the attending doctor and injured worker.</p> <p>(3) Detailed physical examination.</p> <p>(4) Condition(s) diagnosed including ICD-9-CM codes, subjective complaints and objective findings.</p> <p>(5) Outline of proposed treatment program: Its length, components, expected prognosis including when treatment should be concluded and condition(s) stable.</p> <p>(6) Expected degree of recovery from the industrial condition.</p> <p>(7) Probability of returning to regular work or modified work and an estimated return to work date.</p> <p>(8) Probability, if any, of permanent partial disability resulting from the industrial condition.</p> <p>(9) A doctor's estimate of physical capacities should be included if the worker has not returned to work.</p>	<p>If the injured/ill worker had been seen by the consulting doctor within the past three years for the same condition, the consultation will be considered a follow-up office visit, not consultation.</p> <p>A copy of the consultation report must be submitted to both the attending doctor and the department/insurer.</p>

<b>Report</b>	<b>Due/Needed by Insurer</b>	<b>What Information Should Be Included In the Report?</b>	<b>Special Notes</b>
		(10) Reports of necessary, reasonable X ray and laboratory studies to establish or confirm diagnosis when indicated.	
<b>Supplemental Medical Report (form)</b>	As soon as possible following request by the department/insurer.	See form	Payable only to the attending doctor upon request of the department/insurer.
<b>Attending Doctor Review of IME Report (form)</b>  <b>Purpose:</b> Obtain the attending doctor's opinion about the accuracy of the diagnoses and information provided based on the IME.	As soon as possible following request by the department/insurer.	Agreement or disagreement with IME findings. If you disagree, provide objective/subjective findings to support your opinion.	Payable only to the attending doctor upon request of the department/insurer.
<b>Loss of Earning Power (form)</b>  <b>Purpose:</b> Certify the loss of earning power is due to the industrial injury/occupational disease.	As soon as possible after receipt of the form.	See form	Payable only to the AP.
<b>Application to Reopen Claim Due to Worsening of Condition (form)</b>  <b>Purpose:</b> Document worsening of the accepted condition and need to reopen claim for additional treatment.	Immediately following identification of worsening after a claim has been closed for sixty days.  <b>Crime Victims:</b> Following identification of worsening after a claim has been closed for ninety days.	See form	Only MD, DO, DC, ND, DPM, DDS, <u>ARNP</u> , and OD may sign and be paid for completion of this form.

**What documentation is required for initial and follow up visits?**

Legible copies of office or progress notes are required for the initial and all follow-up visits.

**What documentation are ancillary providers required to submit to the insurer?**

Ancillary providers are required to submit the following documentation to the department or self-insurer:

<b>Provider</b>	<b>Chart Notes</b>	<b>Reports</b>
Audiology	X	X
Biofeedback	X	X
Dietician		X
Drug & Alcohol Treatment	X	X
Free Standing Surgery	X	X
Free Standing Emergency Room	X	X
Head Injury Program	X	X
Home Health Care		X

<b>Provider</b>	<b>Chart Notes</b>	<b>Reports</b>
Infusion Treatment, Professional Services		X
Hospitals	X	X
Laboratories		X
Licensed Massage Therapy	X	X
Medical Transportation		X
Nurse Case Managers		X
Nursing Home	X	X
Occupational Therapist	X	X
Optometrist	X	X
Pain Clinics	X	X
Panel Examinations		X
Physical Therapist	X	X
Prosthetist/Orthotist	X	X
Radiology		X
Skilled Nursing Facility	X	X
Speech Therapist	X	X

**AMENDATORY SECTION** (Amending WSR 03-21-069, filed 10/14/03, effective 12/1/03)

**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 compensation.))

#### NEW SECTION

**WAC 296-23-241 Can advanced registered nurse practitioners independently perform the functions of an attending physician?** Advanced registered nurse practitioners (ARNPs) may for the period of July 1, 2004, through June 30, 2007, independently perform the functions of an attending physician under the Industrial Insurance Act, with the exception of rating permanent impairment. These functions are referenced in the medical aid rules as those of a physician, attending physician, or attending doctor and include, but are not limited to:

- Completing and signing the report of accident or physician's initial report, where applicable;
- Certifying time-loss compensation;
- Completing and submitting all required or requested reports;
- Referring workers for consultations;
- Performing consultations;
- Facilitating early return to work offered by and performed for the employer(s) of record;
- Doing all that is possible to expedite the vocational process, including making an estimate of the worker's physical or mental capacities that affect the worker's employability.

ARNPs can state whether a worker has permanent impairment, such as on the department's physician's final report (PFR). ARNPs cannot rate permanent impairment or perform independent medical examinations (IMEs).

WAC 296-23-241 expires on June 30, 2007.

#### WSR 04-13-064

#### EMERGENCY RULES

#### DEPARTMENT OF

#### FISH AND WILDLIFE

[Order 04-142—Filed June 15, 2004, 4:11 p.m., effective June 25, 2004, 12:01 a.m.]

Effective Date of Rule: June 25, 2004, 12:01 a.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: 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: The cutoff date for retention of sturgeon was adopted because Washington and Oregon fish managers estimate that the annual harvest guideline of seven hundred fish will be caught by June 25. 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.

Date Adopted: June 15, 2004.

J. P. Koenings  
Director

#### NEW SECTION

**WAC 232-28-61900Q Exceptions to statewide rules—Columbia River sturgeon.** Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. June 25, 2004, until further notice it is unlawful to retain sturgeon caught in those waters of the Columbia River and tributaries from Bonneville Dam upstream to the Dalles Dam.

**WSR 04-13-065  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-144—Filed June 15, 2004, 4:12 p.m., effective June 17, 2004, 6:00 a.m.]

**Effective Date of Rule:** June 17, 2004, 6:00 a.m.

**Purpose:** Amend commercial fishing rules.

**Citation of Existing Rules Affected by this Order:**  
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:** Allows the sale of fish caught in platform and hook and line fishery to be sold. Allows the sale of fish caught in Yakama Nation tributary fisheries to be sold when those tributaries are open under Yakama Nation rules. The fishery catches are expected to remain within the allocation and guidelines of the 2001 management agreement and will be consistent with the biological opinion. Rule is consistent with action of the Columbia River compact on June 14, 2004. 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.

**Date Adopted:** June 15, 2004.

J. P. Koenings  
Director

#### NEW SECTION

**WAC 220-32-05100W 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, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Wind River, White Salmon River, and the Klickitat River except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for

salmon, shad, carp, or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

1) Open Periods: 6:00 a.m. June 17 until further notice.

a) Open Areas: SMCRA 1F, 1G, 1H,

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line.

2) Open Periods: 6:00 a.m. June 17 until further notice, only during those days and hours when those tributaries are open under lawfully enacted Yakama Nation tribal subsistence fisheries, for enrolled Yakama Nation members.

a) Open Areas: Klickitat River, Wind River, and White Salmon

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line.

3) Allowable sale includes: chinook salmon, steelhead, walleye, shad, and carp. Sturgeon may not be sold. Sturgeon between 45 inches and 60 inches in length may be retained in The Dalles and John Day pools for subsistence purposes only. Fish may also be sold from Washington tributaries during the open Yakama Nation fishing periods within those areas, as described in item #2.

4) Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

5) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

6) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad

tunnel approximately 1/8 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upstream from the eastern shoreline.

7) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a. Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 Mile Rapids located approximately 1.8 miles below the Dalles Dam.

b. Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy Light below John Day Dam.

c. Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately 1/2 mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

**WSR 04-13-066  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-145—Filed June 15, 2004, 4:13 p.m., effective June 16, 7:00 a.m.]

Effective Date of Rule: June 16, 7:00 a.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-56-33000L; 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: Crab shell condition testing has shown that this area still has large numbers of soft crab. Soft shelled crab are subject to high mortality rates associated with handling. It is projected that shell condition criteria will be met by July 16, 2004. 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.

Date Adopted: June 15, 2004.

**J. P. Koenings**  
Director  
by Larry Peck

**NEW SECTION**

**WAC 220-56-33000L Crab—Areas and seasons.**

Notwithstanding the provisions of WAC 220-56-330, effective 7:00 a.m. June 16 through 6:59 a.m. July 16, 2004, it is unlawful to fish for or possess crab taken for personal use in those contiguous waters of Marine Area 7 north, south, and east 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 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.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 7:00 a.m. July 16, 2004:

**WAC 220-56-33000L Crab—Areas and seasons.**

**WSR 04-13-068  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-139—Filed June 15, 2004, 5:01 p.m., effective June 16, 2004, 12:01 a.m.]

Effective Date of Rule: June 16, 2004, 12:01 a.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 232-28-62100N; and amending WAC 232-28-621.

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 department is in the process of adopting the permanent rules that are necessary to implement the personal use fishing plans agreed-to with resource comanagers in the North of Falcon proceedings. These rules are interim until permanent rules take effect. Endangered Species Act coverage has recently been obtained for these fisheries, allowing them to open as scheduled.

**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; **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.

Date Adopted: June 15, 2004.

J. P. Koenings  
Director

## NEW SECTION

**WAC 232-28-62100P Puget Sound salmon seasons—2004 North of Falcon.** Notwithstanding the provisions of WAC 232-28-621 and WAC 220-56-195, effective 12:01 a.m. June 16 until further notice, it is unlawful to fish for salmon in Puget Sound during 2004 except as provided for in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) **Area 5 - Open July 1 until further notice with the following limits and species restrictions:**

(a) July 1 through August 10 - Daily limit 2 salmon, except release chum, wild chinook, and wild coho.

(c) August 11 until further notice - Daily limit 2 salmon, except release chum, chinook, and wild coho.

(2) **Area 6 - Open July 1 until further notice with the following limits and species restrictions:**

(a) July 1 through August 10 - Daily limit 2 salmon, except release chum and wild coho, release wild chinook west of a true north-south line through Buoy #2 immediately east of Ediz Hook, and release all chinook east of a true north-south line through Buoy #2 immediately east of Ediz Hook.

(c) August 11 until further notice - Daily limit 2 salmon, except release chum, chinook, and wild coho.

(3) **Area 7 - Open July 1 until further notice - Daily limit 2 salmon, not more than one of which may be a chinook salmon, and effective beginning August 1 release chum and wild coho.**

(4) **Area 8-1 - Open August 1 until further notice, daily limit 2 salmon, except release chinook.**

**(5) Area 8-2:**

(a) Effective June 18 until further notice - Waters adjacent to Tulalip Bay west of the line from Mission Point to Hermosa Point, and within 2,000 feet of shore, north of pilings at old Bower's Resort and south of a fishing marker 1.4 miles northwest of Hermosa Point, open Friday through 11:59 a.m. the following Monday of each week. Daily limit 2 salmon.

(b) Effective August 1 until further notice - All other waters of Area 8-2 open. Daily limit 2 salmon, except release chinook.

**(6) Area 9:**

(a) Effective June 16 until further notice - Edmonds fishing pier open. Daily limit 2 salmon, not more than one of which may be a chinook, and effective beginning August 1, release chum.

(b) Effective July 16 until further notice - All other waters of Area 9 open. Daily limit 2 salmon, except release chinook, and effective beginning August 1 release chum.

**(7) Area 10:**

(a) Effective June 16 through June 30, closed, except open north of a line from Meadow Point to Point Monroe, release all salmon.

(b) Effective June 16 until further notice, Elliott Bay public fishing pier, Seacrest pier, Waterman pier, Bremerton boardwalk, and Illahee State Park pier open. Daily limit 2 salmon, not more than one of which may be a chinook salmon, and effective beginning August 1, release chum.

(c) Effective July 1 until further notice, all other waters of area 10 open with the following area rules, limits, and species restrictions - Daily limit 2 salmon, except release chinook and effective beginning August 1, release chum.

(i) Shilshole Bay east of a line from Meadow Point to West Point is closed.

(ii) Lawful to retain chinook in waters of Sinclair Inlet and Port Orchard south of the Manette Bridge, south of a line projected true west from Battle Point, and west of a line projected true south from Point White.

(iii) During the period July 1 through August 31, Elliott Bay east of a line from West Point to Alki Point is closed, except July 16 through August 22 - Open east of a line from Pier 91 to Duwamish Head Friday through the following Sunday of each week - Daily limit 2 salmon, lawful to retain chinook, and release chum August 1 through August 22.

(iv) Terminal gear in waters of the East Duwamish Waterway between a line projected east along the path of SW Hanford Street on Harbor Island and a line projected east from the south tip of Harbor Island is restricted to bait suspended above the bottom from a float.

**(8) Area 11:**

(a) Effective June 16 until further notice - Les Davis public fishing pier, Des Moines public fishing pier, Redondo public fishing pier, Dash Point dock, and Point Defiance Boathouse dock open. Daily limit 2 salmon, not more than one of which may be a chinook salmon.

(b) Effective June 16 until further notice - All other waters of Area 11 open. Daily limit 2 salmon.

**(9) Area 12:**

(a) Waters north of Aycock Point:

(i) Closed June 16 through August 31, except waters of Quilcene/Dabob bays north of a true east line from Whitney Point to the Toandos Peninsula open effective August 16 until further notice - Daily limit 4, coho only.

(ii) Open effective September 1 until further notice - Daily limit 4, coho only.

(b) Waters south of Ayock Point:

(i) Open July 1 until further notice in waters south of Ayock Point - Daily limit 4 salmon, not more than two of which may be chinook, except release chum.

(ii) Waters of the Hoodspur Hatchery Zone regulated under provisions in WAC 220-56-124.

**(10) Area 13:** Open June 16 until further notice with the following area rules, limits and species restrictions:

(a) June 16 through June 30 - Daily limit 2 salmon.

(b) June 16 until further notice - Fox Island public fishing pier. Daily limit 2 salmon, not more than one of which may be a chinook, and effective beginning July 1, release wild coho.

(c) July 1 until further notice:

(i) Daily limit 2 salmon, except release wild coho.

(ii) Carr Inlet - those waters of Carr Inlet north of a line from Green Point to Penrose Point open to salmon angling July 1 through July 31, terminal gear restricted to fly fishing only, daily limit 2 hatchery coho.

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

## REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 16, 2004:

**WAC 232-28-62100N**

Puget Sound salmon seasons—2004 North of Falcon (04-87)

## **WSR 04-13-069 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE**

[Order 04-143—Filed June 15, 2004, 5:02 p.m., effective June 16, 2004, 12:01 a.m.]

**Effective Date of Rule:** June 16, 2004, 12:01 a.m.

**Purpose:** Amend personal use fishing rules.

**Citation of Existing Rules Affected by this Order:** Repealing WAC 232-28-61900C; 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:** These emergency rules are necessary to comply with agreed-to management plans, and are interim until permanent rules take effect.

**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.

**Date Adopted:** June 15, 2004.

J. P. Koenings  
Director

## NEW SECTION

**WAC 232-28-61900R Exceptions to statewide rules—2004 North of Falcon.** Notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions, provided that unless otherwise amended all permanent rules remain in effect:

**Baker River (Skagit County):** Mouth to Highway 20 Bridge: Salmon: Open only July 1 through July 31, except closed from 12:01 a.m. July 6 through 2:00 p.m. July 7, and from 12:01 a.m. July 12 through 2:00 p.m. July 13. Daily limit two sockeye only.

**Bogachiel River (Clallam County), from mouth to Olympic National Park boundary:** Salmon: Open July 1 until further notice, from mouth to Highway 101 Bridge. Daily limit six fish of which no more than two may be adult salmon. Release wild adult coho and unmarked adult chinook. Unmarked chinook are those chinook with intact adipose and ventral fins.

**Calawah River (Clallam County), from mouth to forks:** Salmon: Open July 1 until further notice, from mouth to Highway 101 Bridge. Daily limit six fish of which no more than two may be adult salmon. Release wild adult coho and unmarked adult chinook. Unmarked chinook are those chinook with intact adipose and ventral fins.

**Cedar River (King County):** immediately until further notice, selective gear rules for all species.

**Dickey River (includes all forks) (Clallam County):** Salmon: Open July 1 until further notice, from mouth to East Fork Dickey, outside Olympic National Park. Daily limit six fish of which no more than two may be adult salmon. Release wild adult coho and unmarked adult chinook. Unmarked chinook are those chinook with intact adipose and ventral fins.

**Elwha River (Clallam County):** From mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: Open immediately until further notice, except closed -

mouth to marker at outfall of rearing channel at about river mile 3.2. Trout: Minimum length fourteen inches.

**Johns River, from mouth upstream, including North and South Forks (Grays Harbor County):** Open immediately until further notice. Single point barbless hooks required August 16 until further notice, from mouth to Ballon Creek. Trout: Minimum length fourteen inches.

**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 from two hundred feet upstream of the Naselle Salmon Hatchery water supply intake barrier to four hundred feet downstream of the entrance to the Naselle Salmon Hatchery adult attraction channel.

**Newaukum River, main river and South Fork upstream to Highway 508 Bridge near Kearny Creek (Lewis County):** Open immediately until further notice. Night closure and single point barbless hooks required August 16 until further notice from mouth to Leonard Road near Onalaska. Trout: Minimum length fourteen inches mouth to Highway 508 Bridge near Kearny Creek.

**Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls:** Open immediately until further notice except closed in mainstem from yellow marker at the FFA high school barn in Deming to confluence of the North and South Forks. Non-buoyant lure restriction and night closure August 1 until further notice on mainstem and North Fork to Maple Creek. Trout: Minimum length fourteen inches.

**Puyallup River (Pierce County):** Effective August 1 until further notice, from mouth to the Electron power plant outlet, it is unlawful to fish for salmon.

**Quillayute River (Clallam County):** Salmon: Open immediately until further notice. Daily limit six fish of which no more than two may be adult salmon. Release wild adult coho and unmarked adult chinook. Unmarked chinook are those chinook with intact adipose and ventral fins.

**Skagit River (Skagit/Whatcom counties):** From Gilligan Creek to Bacon Creek: Open June 1 until further notice, except closed immediately through June 30 and August 1 until further notice 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.

**Skokomish River (Mason County), mouth to forks:** Open immediately until further notice, except closed August 1 until further notice from mouth to Highway 101. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Effective August 1 until further notice, it is unlawful to fish for salmon.

**Skykomish River (Snohomish County):** Open June 16 through July 31 from Lewis Street Bridge in Monroe to Wallace River. Daily limit two hatchery chinook only.

**Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries:** Selective gear rules August 1 until further notice. Salmon: Open only August 1 until further notice. Daily limit two pink only.

**Sol Duc River (Clallam County):** Salmon: Open immediately until further notice from mouth to concrete

pump station. Daily limit six fish of which no more than two may be adult salmon. Release wild adult coho and unmarked adult chinook. Unmarked chinook are those chinook with intact adipose and ventral fins.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 16, 2004:

WAC 232-28-61900C	Exceptions to statewide rules—2004 North of Falcon (04-87)
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**WSR 04-13-082  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-147—Filed June 16, 2004, 4:15 p.m., effective June 16, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100T; 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: The 2004 state/tribal Puget Sound shrimp harvest management plans requires adoption of harvest seasons, harvest reporting areas, and the prohibition on nighttime fishing contained in this emergency rule. Commercial shrimp trawl quota is available in the catch area opened in 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.

Date Adopted: June 16, 2004.

J. P. Koenings  
Director  
by Larry Peck

**NEW SECTION**

**WAC 220-52-05100U Puget Sound shrimp pot and beam trawl fishery—Season.** 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 pot gear:

(a) Effective immediately until further notice, all waters of Crustacean Management Regions 1, 2, 3, 4 and 6, are open to harvest of all shrimp species, except as provided below:

(i) It is unlawful to harvest shrimp for commercial purposes in Shrimp Management Area 1B and Marine Fish-Shellfish Catch and Reporting Area 23A-C (central).

(ii) It is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 23C and 25D.

(iii) Marine Fish/Shellfish Management and Catch Reporting Area 25D (Port Townsend Bay) is closed south of the 48.06° North latitude line, north of the 48.04° North latitude line and east of the 122.46° west longitude line.

(b) Effective immediately, until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 2, 4 and 6, except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Area 29, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(e) above.

(e) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into four subareas: 23A-E (east) is those waters of Catch Area 23A north of a line projected 48.22.50° N latitude east of a line projected 122.57°W

longitude. 23A-W (west) is those waters of Catch Area 23A north of a line projected 48.22.50° N latitude and west of a line projected 122.57°W longitude. 23A-C (central) is those waters of Catch Area 23A south of a line projected 48.22.50° N latitude and east of a line projected 335 degrees true from the Dungeness lighthouse. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

## (2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately, until further notice.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Areas 20B and 22A within Shrimp Management Area 1B: Open immediately, until further notice.

(c) It is unlawful to set or pull 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:

WAC 220-52-05100T

Puget Sound shrimp pot and beam trawl fishery season.  
(04-133)

**WSR 04-13-093**

**EMERGENCY RULES**

**DEPARTMENT OF**

**FISH AND WILDLIFE**

[Order 04-146—Filed June 18, 2004, 10:09 a.m., effective June 19, 2004, 3:00 p.m.]

**Effective Date of Rule:** June 19, 2004, 3:00 p.m.

**Purpose:** Amend personal use fishing rules.

**Citation of Existing Rules Affected by this Order:** Repealing WAC 220-56-32500T; and amending WAC 220-56-325.

**Statutory Authority for Adoption:** RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

**Reasons for this Finding:** This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of spot shrimp has been taken in the areas closed under this rule. There is insufficient time to promulgate permanent rules.

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or

**Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: June 16, 2004.

J. P. Koenings  
Director  
by Larry Peck

#### NEW SECTION

#### **WAC 220-56-32500U Shrimp—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-325:

1) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of the Port Townsend Shrimp District, except as provided for in this section.

a. All waters of the Port Townsend Shrimp District south of a line from Kala Point to Walan Point are open Thursdays and Saturdays of each week to the harvest of all shrimp, except Spot shrimp

b. It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

2) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of the Port Angeles Shrimp District, Marine Area 10, and Marine Area 7 south of a line from Biz Point on Fidalgo Island to Cape St Mary on Lopez Island, then south of the shores of Lopez Island to Davis Point, then south of a line from Davis Point to Cattle Point on San Juan Island, then south of the shores of San Juan Island to Lime Kiln Point light, then south of a line due west from Lime Kiln Point light to the international boundary.

3) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 8-1 and 8-2, Marine Area 9 outside of the Port Townsend Shrimp District, and Marine Area 11, except as provided for in this section:

a. Open to the harvest of all shrimp species except spot shrimp, and all spot shrimp must immediately be returned to the water unharmed.

b. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

4) Effective 3:00 p.m. June 19th, 2004, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of the Discovery Bay Shrimp District, except as provided for in this section.

a. All waters of the Discovery Bay Shrimp District south of a line from Contractors Point to Tukey Point are open daily to the harvest of all shrimp, except Spot shrimp.

b. It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 3:00 p.m. on June 19, 2004:

**WAC 220-56-32500T Shrimp—Areas and seasons (04-135)**

#### **WSR 04-13-095**

#### **EMERGENCY RULES**

#### **BUILDING CODE COUNCIL**

[Filed June 18, 2004, 10:54 a.m., effective July 1, 2004]

**Effective Date of Rule:** July 1, 2004.

**Purpose:** To adopt amendments to the 2003 International Fire Code, as amended by chapter 51-54 WAC. Amend Section 804, Decorative Vegetation, to limit restrictions on placement of cut trees. Amend Chapter 4 requirements for fire evacuation plan review, to allow jurisdictions to determine when a full review is necessary. Amend Chapter 3 to allow BBQ grills on R-2 decks and balconies.

**Citation of Existing Rules Affected by this Order:** Amending chapter 51-54 WAC, WAC 51-54-0300, 51-54-0400, and 51-54-0800.

**Statutory Authority for Adoption:** RCW 19.27.031 and 19.27.074.

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 State Building Code Council (council), based on the following good cause, finds that an emergency affecting the general welfare of the state of Washington exists. The council further finds that immediate amendment of a certain council rule is necessary for the public welfare and that observing the time requirements of notice and opportunity to comment would be contrary to the public interest.

The declaration of emergency affecting the general welfare of the state of Washington is based on the following findings:

The 2003 International Fire Code, adopted by the council in November 2003 and effective July 1, 2004, contains provisions that restrict the placement of seasonal cut trees in certain building types. These restrictions were not found in the previous code. The intent behind the model code provision is that these trees are shipped into an area after cutting and are therefore already dried out once they reach the marketplace. Since most trees originate in the Northwest, it is felt that some of these restrictions can be safely removed. Immediate amendment allows continued use of local trees, benefiting the public, the industry, and the enforcement community.

Another provision found in the 2003 International Fire Code concerns jurisdictional review of fire safety and evacuation plans. The technical advisory group and the council feel that the requirements found in Chapter 4 of this code are onerous and create undue expense for both building managers and review personnel. The amendments to this chapter would allow the local fire code official to determine when a full review of plans is necessary.

The final provision, found in Section 308.3, restricts the use of charcoal and propane grills in all occupancies except one- and two-family dwellings. The council feels this restriction is onerous and unenforceable.

It is felt that these amendments should be effective on the same date as the model code and state amendments go into effect on July 1, 2004.

The council has also taken the necessary steps to adopt permanent rules on these matters. However, the permanent rules will not be effective until the end of the 2005 legislative session as per RCW 19.27.074.

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

**Number of Sections Adopted at Request of a Nongovernmental Entity:** New 0, Amended 2, Repealed 0.

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

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

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

Date Adopted: June 11, 2004.

Stan Price  
Council Chair

**AMENDATORY SECTION** (Amending WSR 04-01-105, filed 12/17/03, effective 7/1/04)

### **WAC 51-54-0300 Chapter 3—General precautions against fire.**

**307.2.1 Authorization.** Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed. See also chapter 173-425 WAC.

**307.3.2 Recreational fires.** Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition. See also chapter 173-425 WAC.

**308.3.1 Open-flame cooking devices.** This section is not adopted.

**308.3.1.1 Liquefied-petroleum-gas-fueled cooking devices.** This section is not adopted.

**308.3.4 Aisles and exits.** Candles shall be prohibited in areas where occupants stand, or in an aisle or exit.

**EXCEPTION:** Candles used in religious ceremonies. See RCW 19.27.031(3).

**308.3.5 Religious ceremonies.** Participants in religious ceremonies shall not be precluded from carrying hand-held candles.

**308.3.7 Group A Occupancies.** Open-flame devices shall not be used in a Group A Occupancy.

**EXCEPTIONS:** 1. Open-flame devices are allowed to be used in the following situations:

1.1 Where necessary for ceremonial or religious purposes in accordance with Section 308.5.

1.2 On stages and platforms as a necessary part of a performance in accordance with Section 308.6, provided approved precautions are taken to prevent ignition of a combustible material or injury to occupants.

1.3 Where candles on tables are securely supported on substantial noncombustible bases and the candle flames are protected provided approved precautions are taken to prevent ignition of a combustible material or injury to occupants.

2. Heat-producing equipment complying with Chapter 6 and the International Mechanical Code.

3. Gas lights are allowed to be used provided adequate precautions satisfactory to the fire code official are taken to prevent ignition of combustible materials.

### **NEW SECTION**

### **WAC 51-54-0400 Chapter 4—Emergency planning and preparedness.**

**401.2 Approval.** Where required by the fire code official, fire safety plans, emergency procedures, and employee training programs shall be approved.

**404.2 Where required.** A fire safety and evacuation plan shall be prepared and maintained in accordance with this chapter for the following occupancies and buildings when required by the fire code official.

1. Group A having an occupant load of 100 or more.

2. Group E.

3. Group H.

4. Group I.

5. Group R-1.

6. Group R-4.

7. High-rise buildings.

8. Group M buildings having an occupant load of 500 or more persons or more than 100 persons above or below the lowest level of exit discharge.

9. Covered malls exceeding 50,000 sf in aggregate floor area.

10. Underground buildings.

11. Buildings with an atrium and having an occupancy in Group A, E, or M.

**404.4 Maintenance.** Fire safety and evacuation plans shall be reviewed by the owner or occupant annually or as necessitated by changes in staff assignments, occupancy, or the physical arrangement of the building.

**408.11.1.1 Approval.** The lease plan shall be submitted to the fire code official, and shall be maintained on-site for immediate reference by responding fire service personnel.

**408.11.1.2 Revisions.** The lease plan shall be reviewed by the owner or occupant and revised annually or as often as necessary to keep them current.

## NEW SECTION

### **WAC 51-54-0800 Chapter 8—Interior finish, decorative materials and furnishings.**

**804.I.1 Restricted occupancies.** Natural cut trees shall be prohibited in Group I-1, I-2, I-3, I-4, LC and R-4 occupancies.

**804.I.2 Support devices.** The support device that holds the tree in an upright position shall be of a type that is stable and that meets all of the following criteria:

1. The device shall hold the tree securely and be of adequate size to avoid tipping over of the tree.
2. The device shall be capable of containing a minimum supply of water in accordance with Table 804.1.2.
3. The water level, when full, shall cover the tree stem at least 2 inches (51 mm). The water level shall be maintained above the fresh cut and checked at least once daily.

**804.I.3 Dryness.** The tree shall be removed from the building whenever the tree is determined to be dry by needle pliability, discoloration or other approved means as approved by the fire code official. The tree shall be checked daily for dryness.

**Table 804.1.2—Support Stand Water Capacity**

Tree Stem Diameter (inches)	Minimum Support Stand Water Capacity (gallons)	Typical Daily Water Transpiration Amount (gallons)
Up to 4	1	1/4 to 1
4 to 6	1 1/2	1 1/4 to 1 1/2
7 to 8	2	1 3/4 to 2
9 to 12	3	2 1/4 to 3
13 and over	4	Over 3

### **WSR 04-13-117 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE**

[Order 04-148—Filed June 21, 2004, 3:26 p.m., effective June 21, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-32-05100W and 220-32-05100X; 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 2 1/2 day tribal fishery for summer chinook. Harvestable numbers of salmon are available. Allows the sale of fish caught in platform and hook and line fishery to be sold. Allows the sale of fish caught in Yakama Nation tributary fisheries to be sold when those tributaries are open under Yakama Nation rules. The fishery catches are expected to remain within the allocation and guidelines of the 2001 management agreement and will be consistent with the biological opinion. Rule is consistent with action of the Columbia River compact on June 14 and June 18, 2004. 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 2.

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

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

Date Adopted: June 21, 2004.

J. P. Koenings  
Director  
by Larry Peck

## NEW SECTION

**WAC 220-32-05100X 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, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Wind River, White Salmon River, and the Klickitat River except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

1) Open Periods: 6:00 a.m. June 23 to 6:00 p.m. June 25, 2004.

a) Open Areas: SMCRA 1F, 1G, 1H,

b) Gear: gill nets with a minimum mesh size of 7 inches.

2) Open Periods: Immediately through July 31, 2004.

a) Open Areas: SMCRA 1F, 1G, 1H,

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line.

3) Open Periods: Immediately through July 31, 2004, only during those days and hours when those tributaries are open under lawfully enacted Yakama Nation tribal subsistence fisheries, for enrolled Yakama Nation members.

a) Open Areas: Klickitat River, Wind River, and White Salmon

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line.

4) Allowable sale includes: chinook salmon, steelhead, walleye, shad, and carp. Sturgeon may not be sold. Sturgeon between 45 inches and 60 inches in length may be retained in The Dalles and John Day pools for subsistence purposes only. Fish may also be sold from Washington tributaries during the open Yakama Nation fishing periods within those areas, as described in item #2.

5) Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

6) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

7) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to

a marker located approximately 1/2 mile upstream from the eastern shoreline.

8) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a. Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 Mile Rapids located approximately 1.8 miles below the Dalles Dam.

b. Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy Light below John Day Dam.

c. Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately 1/2 mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100W

Columbia River salmon seasons above Bonneville Dam.  
(04-144)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 1, 2004:

WAC 220-32-05100X

Columbia River salmon seasons above Bonneville Dam.  
(04-148)

**WSR 04-13-137  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Medical Assistance Administration)**

[Filed June 22, 2004, 3:12 p.m., effective July 1, 2004]

Effective Date of Rule: July 1, 2004.

Purpose: To implement the legislature-required July 1, 2004, increase to the client premiums for the state children's health insurance program (SCHIP) as follows:

- The monthly premium for a child will increase from \$10 to \$15.
- The maximum monthly premium paid per family will increase from \$30 to \$45.

Citation of Existing Rules Affected by this Order:  
Amending WAC 388-542-0250 CHIP client costs.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.510, 74.09.522, and 74.09.450.

Other Authority: 2003-05 Revised Omnibus Operating Budget - 2004 Supplement (ESSB 2459, chapter 276, Laws of 2004).

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 2003-05 Revised Omnibus Operating Budget - 2004 Supplement (ESSB 2459, chapter 276, Laws of 2004) required a July 1, 2004, implementation date for the increase to SCHIP client premiums.

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

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

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

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

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

Date Adopted: June 18, 2004.

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

#### AMENDATORY SECTION (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

**WAC 388-542-0250 CHIP client costs.** (1) The finance division charges ((ten)) fifteen dollars per covered child, per month, for the CHIP client premium. The family maximum for CHIP premiums is ((thirty)) forty-five dollars per month.

(2) The finance division sends bills for client premiums at the beginning of each month of coverage. Client premiums begin the first of the month in which the bill was sent, not the date that the client became eligible for services.

(3) MAA limits a client's out-of-pocket expenses for covered services the client obtains under the CHIP program rules, to the payment of premiums described in subsection (1) if this section.

(4) MAA exempts American Indian/Alaska Native (AI/AN) clients from paying client premiums for coverage under the CHIP program.

(5) MAA forgives client premiums that are more than twelve months overdue.

#### WSR 04-13-142 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 04-149—Filed June 22, 2004, 3:33 p.m., effective June 22, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-62000P; and amending WAC 232-28-620.

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 emergency rule is necessary to comply with agreed-to management plans, and are interim until permanent rules take effect.

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.

Date Adopted: June 22, 2004.

Lew Atkins  
for Jeff Koenings  
Director

#### NEW SECTION

**WAC 232-28-62000Q Coastal salmon seasons—2004 North of Falcon.** Notwithstanding the provisions of WAC 232-28-620, effective immediately until further notice, it is unlawful to fish for salmon in coastal waters during 2004 except as provided in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) **Area 1** - Open June 27 until further notice - Open Sunday through Thursday of each week, daily limit 2 salmon, not more than 1 of which may be a chinook, except release wild coho.

(2) **Areas 2, 2-1, and 2-2:**

(a) Area 2 - Open June 27 until further notice, open Sunday through Thursday of each week, daily limit 2 salmon, not more than 1 of which may be a chinook, except release wild coho.

(b). Area 2-1 - Open June 27 through August 15, open Sunday through Thursday of each week, daily limit 2 salmon,

not more than 1 of which may be a chinook, except release wild coho. Open August 16 until further notice, daily limit 6 salmon, not more than two of which may be adult salmon.

(c) Area 2-2 west of the Buoy 13 line - Open June 27 until further notice, Sunday through Thursday of each week, daily limit 2 salmon, not more than 1 of which may be a chinook, except release wild coho.

(3) Area 3 - Open June 27 until further notice - Daily limit 2 salmon, not more than one of which may be a chinook, except release wild coho.

**(4) Area 4:**

(a) Open June 27 until further notice - Daily limit 2 salmon not more than one of which may be a chinook, except release wild coho, release chinook east of the Bonilla-Tatoosh Line, and effective beginning August 1, release chum, except June 27 through July 31, lawful to retain chinook east of the Bonilla-Tatoosh Line, and July 1 through July 31 closed to salmon angling east of a true north/south line through Sail Rock.

**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:

WAC 232-28-62000P	Coastal salmon seasons— 2004 North of Falcon. (04-87)
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**WSR 04-13-164  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-150—Filed June 23, 2004, 10:12 a.m., effective June 23, 2004]

**Effective Date of Rule:** Immediately.

**Purpose:** Amend personal use fishing rules.

**Citation of Existing Rules Affected by this Order:**  
Repealing WAC 232-28-61900Q; and amending WAC 232-28-619.

**Statutory Authority for Adoption:** RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

**Reasons for this Finding:** The cutoff date for retention of sturgeon was adopted because Washington and Oregon fish managers estimate that the annual harvest guideline of seven hundred fish will be caught by June 26. 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.

**Date Adopted:** June 22, 2004.

Lew Atkins  
Assistant Director  
for Jeff Koenings  
Director

**NEW SECTION**

**WAC 232-28-61900S Exceptions to statewide rules—Columbia River sturgeon.** Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. June 26, 2004, until further notice it is unlawful to retain sturgeon caught in those waters of the Columbia River and tributaries from Bonneville Dam upstream to the Dalles Dam.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900Q	Exceptions to statewide rules—Columbia River sturgeon (04-142)
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EMERGENCY



**OFFICE OF THE CODE REVISER**  
**Quarterly Rule-Making Report**  
**Covering Registers 04-07 through 04-12**

Type of Activity	New	Amended	Repealed
<b>AGRICULTURE, DEPARTMENT OF</b>			
<b>Type of Activity</b>			
Number of Permanent Rules Adopted	52	31	31
Number of Rules Adopted as Emergency Rules	10	0	0
Number of Rules Proposed for Permanent Adoption	28	16	18
Number of Rules Withdrawn	5	5	2
Number of Sections Adopted at Request of a Nongovernmental Entity	7	13	5
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	18	14	24
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	2
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	26	0	0
Number of Sections Adopted on the Agency's own Initiative	27	17	20
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	47	20	26
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>BATES TECHNICAL COLLEGE</b>			
<b>Type of Activity</b>			
Number of Permanent Rules Adopted	0	3	0
Number of Rules Proposed for Permanent Adoption	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>BLIND, DEPARTMENT OF SERVICES FOR THE</b>			
<b>Type of Activity</b>			
Number of Permanent Rules Adopted	3	0	0
Number of Rules Proposed for Permanent Adoption	3	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	3	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	3	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
<b>BUILDING CODE COUNCIL</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	9	0
Number of Rules Withdrawn	3	22	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	9	0
Number of Sections Adopted on the Agency's own Initiative	0	9	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>CENTRAL WASHINGTON UNIVERSITY</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	3	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>CENTRALIA COLLEGE</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	22	51	29
<b>COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	8	0
Number of Rules Proposed for Permanent Adoption	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	32	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	32	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>CORRECTIONS, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>CRIMINAL JUSTICE TRAINING COMMISSION</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>ECOLOGY, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	0	1
Number of Rules Proposed for Permanent Adoption	9	29	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	1
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>EDUCATION, STATE BOARD OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	1	4	0

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Rules Withdrawn	0	0	12
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	4	0
Number of Sections Adopted using Negotiated Rule Making	1	4	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**EDUCATOR STANDARDS BOARD, PROFESSIONAL**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	2	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**EMPLOYMENT SECURITY DEPARTMENT**

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	39	23	26
Number of Rules Proposed for Permanent Adoption	43	23	26
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	1	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	42	23	26
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	42	23	26
Number of Sections Adopted using Pilot Rule Making	0	0	0

**ENERGY FACILITY SITE EVALUATION COUNCIL**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	0	1
Number of Rules Proposed for Permanent Adoption	0	9	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>ENVIRONMENTAL HEARINGS OFFICE</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Adopted as Emergency Rules	49	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	49	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	49	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>EXECUTIVE ETHICS BOARD</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	0	1	0
<b>FINANCIAL INSTITUTIONS, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	1	0
Number of Rules Adopted as Emergency Rules	24	0	0
Number of Rules Proposed for Permanent Adoption	24	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	23	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	19	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>FINANCIAL MANAGEMENT, OFFICE OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	0	1	0
<b>FISH AND WILDLIFE, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	5	41	2
Number of Rules Adopted as Emergency Rules	94	0	92
Number of Rules Proposed for Permanent Adoption	0	26	1
Number of Rules Withdrawn	2	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	1
Number of Sections Adopted on the Agency's own Initiative	98	42	92
Number of Sections Adopted using Negotiated Rule Making	0	0	0

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>GAMBLING COMMISSION</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	3	2
Number of Rules Proposed for Permanent Adoption	0	10	0
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	2
Number of Sections Adopted using Negotiated Rule Making	0	3	2
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>GENERAL ADMINISTRATION, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	42	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	42	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	42	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>HEALTH CARE AUTHORITY</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0
<b>HEALTH, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	5	23	0
Number of Rules Proposed for Permanent Adoption	31	68	25
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	12	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	4	2	0
Number of Sections Adopted on the Agency's own Initiative	0	22	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	2	17	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>HIGHER EDUCATION COORDINATING BOARD</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0

Type of Activity	New	Amended	Repealed
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

#### **HORSE RACING COMMISSION**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	8	0
Number of Rules Adopted as Emergency Rules	10	3	0
Number of Rules Proposed for Permanent Adoption	0	2	0
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	4	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	4	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	9	3	0
Number of Sections Adopted on the Agency's own Initiative	0	4	0
Number of Sections Adopted using Negotiated Rule Making	0	8	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

#### **INDUSTRIAL INSURANCE APPEALS, BOARD OF**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	4	0

#### **INSURANCE COMMISSIONER, OFFICE OF THE**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	9	8	8

#### **JUDICIAL CONDUCT, COMMISSION ON**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0

#### **LABOR AND INDUSTRIES, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	103	209	25
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	146	186	47
Number of Rules Withdrawn	1	5	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	104	192	24
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	13	6
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	74	129	3
Number of Sections Adopted on the Agency's own Initiative	30	71	16
Number of Sections Adopted using Negotiated Rule Making	0	0	0

**MISC.**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Sections Adopted using Other Alternative Rule Making	104	213	25
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>LAKE WASHINGTON TECHNICAL COLLEGE</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	26	0	20
<b>LICENSING, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	1	32	1
Number of Rules Adopted as Emergency Rules	0	3	0
Number of Rules Proposed for Permanent Adoption	3	55	1
Number of Rules Withdrawn	0	4	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	5	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	26	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	5	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	3	0
Number of Sections Adopted on the Agency's own Initiative	1	16	1
Number of Sections Adopted using Negotiated Rule Making	0	17	0
Number of Sections Adopted using Other Alternative Rule Making	1	10	1
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>LIQUOR CONTROL BOARD</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	0	17	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>MILITARY DEPARTMENT</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	0	12
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	1	1
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	1
Number of Sections Adopted using Pilot Rule Making	0	0	0

Type of Activity	New	Amended	Repealed
<b>MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF</b>			
Type of Activity			
Number of Permanent Rules Adopted	4	20	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	6	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	4	20	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>NATURAL RESOURCES, DEPARTMENT OF</b>			
Type of Activity			
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PARKS AND RECREATION COMMISSION</b>			
Type of Activity			
Number of Rules Withdrawn	0	1	0
<b>PERSONNEL, DEPARTMENT OF</b>			
Type of Activity			
Number of Permanent Rules Adopted	7	13	6
Number of Rules Adopted as Emergency Rules	0	2	0
Number of Rules Proposed for Permanent Adoption	15	84	8
Number of Rules Withdrawn	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	7	13	6
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	7	15	6
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PILOTAGE COMMISSIONERS, BOARD OF</b>			
Type of Activity			
Number of Permanent Rules Adopted	0	1	0

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PUBLIC DISCLOSURE COMMISSION</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	1	7	0
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	1	7	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	7	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	7	0
Number of Sections Adopted on the Agency's own Initiative	1	8	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PUBLIC INSTRUCTION, SUPERINTENDENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	20	5
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	17	5
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	11	5
Number of Sections Adopted using Negotiated Rule Making	0	10	5
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PUBLIC WORKS BOARD</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>RETIREMENT SYSTEMS, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	3	0
Number of Rules Adopted as Emergency Rules	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	1	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>REVENUE, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	0	8	0
<b>SECRETARY OF STATE</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Adopted as Emergency Rules	11	0	0
Number of Rules Proposed for Permanent Adoption	0	65	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	12	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	12	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	12	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>SOCIAL AND HEALTH SERVICES, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	101	279	39
Number of Rules Adopted as Emergency Rules	177	56	19
Number of Rules Proposed for Permanent Adoption	297	91	199
Number of Rules Withdrawn	4	4	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	77	141	23
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	133	10	15
Number of Sections Adopted in Order to Comply with Federal Statute	53	134	12
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	14	48	8
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	277	333	58
Number of Sections Adopted using Pilot Rule Making	0	0	0

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
<b>SPOKANE, COMMUNITY COLLEGES OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	13	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	13	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	13	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	13	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>TACOMA COMMUNITY COLLEGE</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	4	29	0
<b>TOXICOLOGIST, STATE</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>TRANSPORTATION IMPROVEMENT BOARD</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Adopted as Emergency Rules	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	3	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>TRANSPORTATION, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	1	3	0
Number of Rules Adopted as Emergency Rules	0	2	1
Number of Rules Proposed for Permanent Adoption	0	2	0
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	5	1
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	2	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

#### **UNIVERSITY OF WASHINGTON**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	0	41	10

#### **UTILITIES AND TRANSPORTATION COMMISSION**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

#### **WASHINGTON STATE PATROL**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	1	0
Number of Rules Adopted as Emergency Rules	13	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	13	1	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

#### **WESTERN WASHINGTON UNIVERSITY**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

Type of Activity	New	Amended	Repealed
<b>TOTALS FOR THE QUARTER:</b>			
Number of Permanent Rules Adopted	364	742	125
Number of Rules Adopted as Emergency Rules	428	96	138
Number of Rules Proposed for Permanent Adoption	662	850	395
Number of Rules Withdrawn	16	46	16
Number of Sections Adopted at Request of a Nongovernmental Entity	7	31	5
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	252	454	80
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	134	23	23
Number of Sections Adopted in Order to Comply with Federal Statute	65	140	13
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	349	246	46
Number of Sections Adopted on the Agency's own Initiative	171	255	138
Number of Sections Adopted using Negotiated Rule Making	32	46	7
Number of Sections Adopted using Other Alternative Rule Making	527	650	143
Number of Sections Adopted using Pilot Rule Making	0	0	0

**WSR 04-12-022**  
**OFFICE OF THE GOVERNOR**

[Filed May 25, 2004, 4:42 p.m.]

**NOTICE OF APPEAL**  
**RCW 34.05.330(3)**

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On May 20, 2004, the Governor received three petitions requesting a repeal of an emergency rule adopted on May 5, 2004 by the Department of Labor and Industries, relating to operating dump trucks in reverse.

The petitioners are: Randy Zutter, Paras General Contractors; Tom Landwehr, Max J. Kuney Construction; and Jay Meyers, Garco Construction.

**DATE: May 24, 2004**

Jennifer Joly  
General Counsel to the Governor

May 24, 2004

Randy Zutter  
Paras General Contractors  
1315 North Monroe  
Spokane, WA 99201

Dear Mr. Zutter:

Pursuant to RCW 34.05.350(3), I have reviewed your May 19, 2004 petition requesting the repeal of WAC 296-155-610, concerning operating dump trucks in reverse. I find that the Department of Labor and Industries (L&I) had a proper basis for its decision to adopt this rule on an emergency basis; therefore, I have denied your request for repeal.

RCW 34.05.350 (1)(a) provides that an agency may dispense with rulemaking requirements and adopt a rule on an emergency basis if the "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..." I believe these conditions were met.

As noted in your petition, L&I has been working with stakeholders from the construction industry for the last two years to develop comprehensive rules that address dangers to workers in construction traffic zones. Protection from operating dump trucks driving in reverse was included as part of the overall proposal.

In mid January 2004 specific data was available for the first time that showed seventeen fatalities in highway construction work zones between 1998 and 2003. While there were a variety of causes for these fatalities, it was clear that there was a very specific and immediate danger to workers from dump trucks. Six fatalities were the direct result of employees being backed over by dump trucks. In each case these trucks were equipped with a functioning automatic backup alarm and in compliance with existing rules. Two of the six dump truck fatalities occurred in the 2003 highway construction season.

With the rapid approach of the 2004 construction season, the reasonable likelihood of new fatalities, and the knowledge that the full rulemaking on construction traffic zone safety will not be completed until early 2005, L&I's immediate adoption of WAC 296-155-610 is necessary for the preservation of the public health, safety, and general welfare.

With respect to notice of this emergency rule, L&I held a stakeholder meeting on April 16th to discuss the necessity for the emergency rulemaking. Several representatives of the construction industry were in attendance. Additionally, after the meeting, L&I circulated the draft rule, including consen-

sus revisions that emerged from the April 16th meeting, to an even broader group of stakeholders. No comments in opposition were received. Nonetheless, I understand that formal notice to stakeholders concerning the official adoption of this emergency rule was delayed. Accordingly, the department has agreed to suspend enforcement until June 1, 2004 to give employers more time to comply with this rule.

I encourage you to continue working with L&I on the remaining portions of the construction traffic zone safety rules. Thank you for your commitment to safe workplaces.

Sincerely,

Gary Locke  
Governor

cc: Dennis Cooper, Code Reviser  
Rich Nafziger, Chief Clerk, House of Representatives  
Milt Doumit, Secretary of the Senate  
Paul Trause, Director, Department of Labor & Industries

May 24, 2004

Tom Landwehr, Safety Director  
Max J. Kuney Construction  
120 North Ralph Street  
Spokane, WA 99202

Dear Mr. Landwehr:

Pursuant to RCW 34.05.350(3), I have reviewed your May 19, 2004 petition requesting the repeal of WAC 296-155-610, concerning operating dump trucks in reverse. I find that the Department of Labor and Industries (L&I) had a proper basis for its decision to adopt this rule on an emergency basis; therefore, I have denied your request for repeal.

RCW 34.05.350 (1)(a) provides that an agency may dispense with rulemaking requirements and adopt a rule on an emergency basis if the "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..." I believe these conditions were met.

As noted in your petition, L&I has been working with stakeholders from the construction industry for the last two years to develop comprehensive rules that address dangers to workers in construction traffic zones. Protection from operating dump trucks driving in reverse was included as part of the overall proposal.

In mid January 2004 specific data was available for the first time that showed seventeen fatalities in highway construction work zones between 1998 and 2003. While there were a variety of causes for these fatalities, it was clear that there was a very specific and immediate danger to workers from dump trucks. Six fatalities were the direct result of employees being backed over by dump trucks. In each case these trucks

were equipped with a functioning automatic backup alarm and in compliance with existing rules. Two of the six dump truck fatalities occurred in the 2003 highway construction season.

With the rapid approach of the 2004 construction season, the reasonable likelihood of new fatalities, and the knowledge that the full rulemaking on construction traffic zone safety will not be completed until early 2005, L&I's immediate adoption of WAC 296-155-610 is necessary for the preservation of the public health, safety, and general welfare.

With respect to notice of this emergency rule, L&I held a stakeholder meeting on April 16th to discuss the necessity for the emergency rulemaking. Several representatives of the construction industry were in attendance. Additionally, after the meeting, L&I circulated the draft rule, including consensus revisions that emerged from the April 16th meeting, to an even broader group of stakeholders. No comments in opposition were received. Nonetheless, I understand that formal notice to stakeholders concerning the official adoption of this emergency rule was delayed. Accordingly, the department has agreed to suspend enforcement until June 1, 2004 to give employers more time to comply with this rule.

I encourage you to continue working with L&I on the remaining portions of the construction traffic zone safety rules. Thank you for your commitment to safe workplaces.

Sincerely,

Gary Locke  
Governor

cc: Dennis Cooper, Code Reviser  
Rich Nafziger, Chief Clerk, House of Representatives  
Milt Doumit, Secretary of the Senate  
Paul Trause, Director, Department of Labor & Industries

May 24, 2004

Jay D. Meyers, Safety Director  
Garco Construction  
East 4114 Broadway  
Spokane, WA 99202

Dear Mr. Meyers:

Pursuant to RCW 34.05.350(3), I have reviewed your May 19, 2004 petition requesting the repeal of WAC 296-155-610, concerning operating dump trucks in reverse. I find that the Department of Labor and Industries (L&I) had a proper basis for its decision to adopt this rule on an emergency basis; therefore, I have denied your request for repeal.

RCW 34.05.350 (1)(a) provides that an agency may dispense with rulemaking requirements and adopt a rule on an emergency basis if the "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..." I believe these conditions were met.

adoption of a permanent rule would be contrary to the public interest..." I believe these conditions were met.

As noted in your petition, L&I has been working with stakeholders from the construction industry for the last two years to develop comprehensive rules that address dangers to workers in construction traffic zones. Protection from operating dump trucks driving in reverse was included as part of the overall proposal.

In mid January 2004 specific data was available for the first time that showed seventeen fatalities in highway construction work zones between 1998 and 2003. While there were a variety of causes for these fatalities, it was clear that there was a very specific and immediate danger to workers from dump trucks. Six fatalities were the direct result of employees being backed over by dump trucks. In each case these trucks were equipped with a functioning automatic backup alarm and in compliance with existing rules. Two of the six dump truck fatalities occurred in the 2003 highway construction season.

With the rapid approach of the 2004 construction season, the reasonable likelihood of new fatalities, and the knowledge that the full rulemaking on construction traffic zone safety will not be completed until early 2005, L&I's immediate adoption of WAC 296-155-610 is necessary for the preservation of the public health, safety, and general welfare.

With respect to notice of this emergency rule, L&I held a stakeholder meeting on April 16th to discuss the necessity for the emergency rulemaking. Several representatives of the construction industry were in attendance. Additionally, after the meeting, L&I circulated the draft rule, including consensus revisions that emerged from the April 16th meeting, to an even broader group of stakeholders. No comments in opposition were received. Nonetheless, I understand that formal notice to stakeholders concerning the official adoption of this emergency rule was delayed. Accordingly, the department has agreed to suspend enforcement until June 1, 2004 to give employers more time to comply with this rule.

I encourage you to continue working with L&I on the remaining portions of the construction traffic zone safety rules. Thank you for your commitment to safe workplaces.

Sincerely,

Gary Locke  
Governor

cc: Dennis Cooper, Code Reviser  
Rich Nafziger, Chief Clerk, House of Representatives  
Milt Doumit, Secretary of the Senate  
Paul Trause, Director, Department of Labor & Industries

**NOTICE OF APPEAL**  
**RCW 34.05.330(3)**

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On May 24, 2004, the Governor received two petitions requesting a repeal of an emergency rule adopted on May 5, 2004 by the Department of Labor and Industries, relating to operating dump trucks in reverse.

The petitioners are: Wayne Brokaw, Inland Northwest AGC; and Roberto Seghetti, Acme Concrete Paving, Inc.

DATE: May 24, 2004

Jennifer Joly  
General Counsel to the Governor

May 24, 2004

Wayne Brokaw, Executive Director  
Inland Northwest AGC  
Post Office Box 3266  
Spokane, WA 99220-3266

Dear Mr. Brokaw:

Pursuant to RCW 34.05.350(3), I have reviewed your May 18, 2004 petition requesting the repeal of WAC 296-155-610, concerning operating dump trucks in reverse. I find that the Department of Labor and Industries (L&I) had a proper basis for its decision to adopt this rule on an emergency basis; therefore, I have denied your request for repeal.

RCW 34.05.350 (1)(a) provides that an agency may dispense with rulemaking requirements and adopt a rule on an emergency basis if the "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..." I believe these conditions were met.

As noted in your petition, L&I has been working with stakeholders from the construction industry for the last two years to develop comprehensive rules that address dangers to workers in construction traffic zones. Protection from operating dump trucks driving in reverse was included as part of the overall proposal.

In mid January 2004 specific data was available for the first time that showed seventeen fatalities in highway construction work zones between 1998 and 2003. While there were a variety of causes for these fatalities, it was clear that there was a very specific and immediate danger to workers from dump trucks. Six fatalities were the direct result of employees being backed over by dump trucks. In each case these trucks were equipped with a functioning automatic backup alarm and in compliance with existing rules. Two of the six dump truck fatalities occurred in the 2003 highway construction season.

With the rapid approach of the 2004 construction season, the reasonable likelihood of new fatalities, and the knowledge that the full rulemaking on construction traffic zone safety will not be completed until early 2005, L&I's immediate

adoption of WAC 296-155-610 is necessary for the preservation of the public health, safety, and general welfare.

With respect to notice of this emergency rule, L&I held a stakeholder meeting on April 16th to discuss the necessity for the emergency rulemaking. Several representatives of the construction industry were in attendance. Additionally, after the meeting, L&I circulated the draft rule, including consensus revisions that emerged from the April 16th meeting, to an even broader group of stakeholders. No comments in opposition were received. Nonetheless, I understand that formal notice to stakeholders concerning the official adoption of this emergency rule was delayed. Accordingly, the department has agreed to suspend enforcement until June 1, 2004 to give employers more time to comply with this rule.

I encourage you to continue working with L&I on the remaining portions of the construction traffic zone safety rules. Thank you for your commitment to safe workplaces.

Sincerely,

Gary Locke  
Governor

cc: Dennis Cooper, Code Reviser  
Rich Nafziger, Chief Clerk, House of Representatives  
Milt Doumit, Secretary of the Senate  
Paul Trause, Director, Department of Labor & Industries

May 24, 2004

Roberto M. Seghetti  
Acme Concrete Paving, Inc.  
4124 East Broadway  
Spokane, WA 99202

Dear Mr. Seghetti:

Pursuant to RCW 34.05.350(3), I have reviewed your May 18, 2004 petition requesting the repeal of WAC 296-155-610, concerning operating dump trucks in reverse. I find that the Department of Labor and Industries (L&I) had a proper basis for its decision to adopt this rule on an emergency basis; therefore, I have denied your request for repeal.

RCW 34.05.350 (1)(a) provides that an agency may dispense with rulemaking requirements and adopt a rule on an emergency basis if the "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..." I believe these conditions were met.

As noted in your petition, L&I has been working with stakeholders from the construction industry for the last two years to develop comprehensive rules that address dangers to workers in construction traffic zones. Protection from operating

dump trucks driving in reverse was included as part of the overall proposal.

In mid January 2004 specific data was available for the first time that showed seventeen fatalities in highway construction work zones between 1998 and 2003. While there were a variety of causes for these fatalities, it was clear that there was a very specific and immediate danger to workers from dump trucks. Six fatalities were the direct result of employees being backed over by dump trucks. In each case these trucks were equipped with a functioning automatic backup alarm and in compliance with existing rules. Two of the six dump truck fatalities occurred in the 2003 highway construction season.

With the rapid approach of the 2004 construction season, the reasonable likelihood of new fatalities, and the knowledge that the full rulemaking on construction traffic zone safety will not be completed until early 2005, L&I's immediate adoption of WAC 296-155-610 is necessary for the preservation of the public health, safety, and general welfare.

With respect to notice of this emergency rule, L&I held a stakeholder meeting on April 16th to discuss the necessity for the emergency rulemaking. Several representatives of the construction industry were in attendance. Additionally, after the meeting, L&I circulated the draft rule, including consensus revisions that emerged from the April 16th meeting, to an even broader group of stakeholders. No comments in opposition were received. Nonetheless, I understand that formal notice to stakeholders concerning the official adoption of this emergency rule was delayed. Accordingly, the department has agreed to suspend enforcement until June 1, 2004 to give employers more time to comply with this rule.

I encourage you to continue working with L&I on the remaining portions of the construction traffic zone safety rules. Thank you for your commitment to safe workplaces.

Sincerely,

Gary Locke  
Governor

cc: Dennis Cooper, Code Reviser  
Rich Nafziger, Chief Clerk, House of Representatives  
Milt Doumit, Secretary of the Senate  
Paul Trause, Director, Department of Labor & Industries

MISC.

**WSR 04-13-006**  
**NOTICE OF PUBLIC MEETINGS**  
**HEALTH CARE AUTHORITY**  
(Pharmacy and Therapeutics Committee)  
[Memorandum—June 3, 2004]

Following is the revised agenda for the Pharmacy and Therapeutics (P&T) Committee.

Please contact Erika Clayton at (206) 521-2027, if you have any questions regarding the meeting schedule or need further information.

**PHARMACY AND THERAPEUTICS (P&T) COMMITTEE**  
**2004-2005 Revised Meeting Schedule**  
All meetings are held on Wednesdays and begin at 9:00 a.m.

1.	<b>September 15, 2004</b> 9:00 a.m. - 4:00 p.m. Location: Radisson Hotel Phoenix BC Room 17001 Pacific Highway South Seattle, WA 98188
2.	<b>December 15, 2004</b> 9:00 a.m. - 4:00 p.m. Location: Radisson Hotel Chaps Room 17001 Pacific Highway South Seattle, WA 98188
3.	<b>March 16, 2005</b> 9:00 a.m. - 4:00 p.m. Location: TBD
4.	<b>June 15, 2005</b> 9:00 a.m. - 4:00 p.m. Location: TBD

If you are a person with a disability and need a special accommodation, please contact Erika Clayton, (206) 521-2027.

**WSR 04-13-010**  
**RULES COORDINATOR**  
**WASHINGTON STATE LOTTERY**

[Filed June 3, 2004, 2:41 p.m.]

Please note that the rules coordinator for the Washington Lottery is Ceil Buddeke, Legal Counsel, Washington Lottery, phone (360) 664-4833, fax (360) 586-6586, e-mail Cbudeke@walottery.com.

**WSR 04-13-013**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
(BEEF COMMISSION)  
[Memorandum—June 2, 2004]

This is to notify you of a board meeting date change for the Washington State Beef Commission:

The May 2004 Washington State Beef Commission board meeting was canceled, but has been rescheduled for June 14, 2004, in Ellensburg, Washington.

Should you have questions, please contact Rosalee Mohney at (206) 444-2902.

**WSR 04-13-018**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
(Wine Commission)  
[Memorandum—June 4, 2004]

Following is a change in date, location, and time for our July 9th Washington Wine Commission meeting. The meeting was originally set for Gordon Brothers Winery in Pasco at 9:00 a.m. The location has been changed to Chateau Ste. Michelle (Manor House), 14111 N.E. 145th Street, Woodinville, WA 98072, (425) 488-1133.

The new date for the meeting is **July 7th, beginning at 1:00 p.m.**

If you need any additional information, please feel free to call Kim Abello at (206) 667-9463 ext. 200 or via e-mail kabello@washingtonwine.org.

**WSR 04-13-019**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE PATROL**

(Fire Protection Policy Board)  
[Memorandum—June 4, 2004]

The Washington State Fire Protection Policy Board has scheduled a special meeting to specifically address the process for filling the State Fire Marshal position. The meeting will be held on June 21, 2004, at 11:30, at the Tumwater Fire Department, 311 Israel Road S.W., in Tumwater.

For further information, please contact Ellen Tombleson at (360) 753-0411.

**WSR 04-13-020**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed June 7, 2004, 12:36 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Administrative Policy 1.18.  
Subject: Remote control software.  
Effective Date: June 3, 2004.

Document Description: This policy explains the DCS standards for the use of remote control software.

To receive a copy of the interpretive or policy statement, contact Beth Heston, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD (360) 753-9122, fax (360) 586-3274, e-mail eheston@dshs.wa.gov.

June 3, 2004

Elizabeth A. Heston

**WSR 04-13-022****OFFICE OF  
INSURANCE COMMISSIONER**

[Filed June 7, 2004, 2:15 p.m.]

**TECHNICAL ASSISTANCE ADVISORY  
T 04-02**

The purpose of this advisory is to remind life insurers of their obligations under RCW 48.23.345 and the expectations of the Office of the Insurance Commissioner regarding Washington law and underwriting standards for juvenile life insurance policies. RCW 48.23.345 went into effect on August 1, 2001. The statute requires all life insurers selling juvenile life insurance products to have underwriting standards and processes in place and available for review upon request of the Office of the Insurance Commissioner.

**RCW 48.23.345** "Life insurers shall develop and implement underwriting standards and procedures designed to detect and prevent the purchase of juvenile life insurance for speculative or fraudulent purposes. These standards and procedures shall be made available for review by the commissioner.

Life insurers shall maintain records of underwriting rejections of applications for life insurance on juvenile lives for a period of ten years."

For convenience, several examples of juvenile sale standards that can be used by an insurer are included below. If an insurer allows exceptions to any of their standards, the criteria for the exceptions should be clearly stated. The insurer should also have procedures to document the reason why any exception was granted.

**Insurable Interest and Signatures** - as in any life insurance contract, insurers should keep in mind the insurable interest provisions of RCW 48.18.030. Insurers should consider procedures that require persons applying for coverage on a juvenile to demonstrate their insurable interest. Generally, foster parents do not have insurable interest nor do individuals adopting children until the adoption is formally granted by the courts. If court documentation is necessary to establish the insurable interest, the insurer should consider retaining copies of that documentation.

**Limiting Insurance Maximums, Including Accidental Death Benefit (ADB)**

- An insurer may consider imposing a maximum limitation on the base amount of coverage issued and any ADB. Such limit would include both the amount of coverage applied for and coverage on all in-force policies with the insurer or any other company.
- An insurer may require applicants to cancel any other contracts when the total coverage from all combined carriers would exceed the maximums. An insurer might include the following language on their applications: "As a condition of acceptance, the policy currently in force with (company name) will be cancelled immediately. Failure to cancel shall be grounds for rescission of this policy."

**Coverage Standards and Maximums** - an insurer should consider requiring coverage standards. Examples of possible standards include:

- Requiring both parents to have life insurance coverage in an amount equal to or greater than the amount applied for or in-force on the life of the child;
- Requiring similar amounts of insurance to be applied for or in-force on the lives of all siblings; and
- An insurer may consider imposing coverage limits that allow for a maximum face amount of no more than two times the household income or a set maximum, whichever is greater (in the absence of other significant family assets).

**Applications for Large Sums** - an insurer may require an automatic review by an underwriting supervisor of any application for a large sum of insurance on a juvenile. In the review, the insurer may seek to establish a financial justification for the large sum. The insurer should consider a procedure that documents the reasons for approving any application for any large sum. Factors an insurer may look at in a review include:

- Family net worth;
- Large amounts of life insurance coverage on both parents;
- Personal income for the child; and
- Net worth for the child.

Questions about this technical assistance advisory may be directed to Mary Childers at [Marych@oic.wa.gov](mailto:Marych@oic.wa.gov) or (360) 725-7095.

**WSR 04-13-039****NOTICE OF PUBLIC MEETINGS  
SKAGIT VALLEY COLLEGE**

[Memorandum—June 10, 2004]

**NOTICE OF SPECIAL MEETING**

BOARD OF TRUSTEES  
COMMUNITY COLLEGE DISTRICT NO. 4  
SKAGIT VALLEY COLLEGE  
2405 East College Way  
Mount Vernon, WA 98273

Thursday, June 10, 2004

12:45 p.m.

Downrigger's

101 Riverview Drive

Friday Harbor, WA 98250

Chairperson, Jess del Bosque, has called a special meeting of the board of trustees for Thursday, June 10, 2004, 12:45 p.m., Downrigger's Restaurant, 101 Riverview Drive, Friday Harbor, WA. This meeting is being held as a study session for the board of trustees to discuss and comment on the information from the Trustees Association of Community and Technical Colleges regarding the state board's 2005 legislative request priorities.

**WSR 04-13-041**  
**NOTICE OF PUBLIC MEETINGS**  
**PUBLIC EMPLOYMENT**  
**RELATIONS COMMISSION**  
[Memorandum—June 9, 2004]

**NOTICE OF CHANGE OF ADDRESS FOR 2004 PUBLIC MEETINGS**

The following is a schedule of the regular meetings of the Public Employment Relations Commission for 2004:

July 13  
August 10  
September 14  
October 12  
November 9  
December 14

All meetings begin at 10:00 a.m. All meetings will be held at 112 Henry Street N.E., Suite 300, Olympia, WA. Attendees should check at the reception area for the specific room number.

Following due notice, some meetings may be rescheduled or relocated.

Meeting sites are barrier free to the greatest extent possible. Braille or taped agenda items for visually impaired persons, and interpreters for individuals with hearing impairment will be provided if requested with adequate notice. Such requests should be made at least ten working days in advance of the scheduled meeting date, and should be addressed to Public Employment Relations Commission, P.O. Box 40919, Olympia, WA 98504-0919.

**WSR 04-13-042**  
**PUBLIC EMPLOYMENT**  
**RELATIONS COMMISSION**  
[Filed June 10, 2004, 12:46 p.m.]

This notice is posted and published in the Washington State Register under WAC 391-08-120(1) to regulate the filing of papers with the Public Employment Relations Commission. Papers may be filed with the agency as follows:

1. **Actual delivery:**
  - a. Delivery at 112 Henry Street, Suite 300, Olympia, WA.
  - b. U.S. mail addressed to P.O. Box 40919, Olympia, WA 98504-0919.
2. **Electronic telefacsimile transmission (fax)** to (360) 570-7334.
3. **E-mail attachment** to filing@perc.wa.gov. Software supported to read attachments: Corel WordPerfect10; Microsoft Word 2002.
4. **Office hours:** 8:00 a.m. to 5:00 p.m. on Mondays through Fridays, except state holidays.

(Note: Documents which arrive at the agency office after 5:00 p.m. will be deemed to be filed on the next business day when the office is open.)

Parties should review WAC 391-08-120, which details the agency's filing and service requirements.

Marvin L. Schurke  
Executive Director

**WSR 04-13-043**  
**PUBLIC EMPLOYMENT**  
**RELATIONS COMMISSION**

[Filed June 10, 2004, 12:47 p.m.]

**DELEGATIONS OF AUTHORITY**

A. Authority to make preliminary rulings on unfair labor practice complaints and to take related actions under WAC 391-45-070 and 391-45-110 is delegated to each of the following individuals:

- Operations Manager Kenneth J. Latsch.
- Unfair Labor Practice Manager Mark S. Downing.

B. Authority to assign cases to staff members, including assignments of examiners under WAC 391-45-130, is delegated to each of the following individuals:

- Operations Manager Kenneth J. Latsch.
- Unfair Labor Practice Manager Mark S. Downing.
- Field Services Manager Katrina I. Boedecker.
- Field Services Manager Frederick J. Rosenberry.
- Field Services Manager Walter M. Stuteville.
- Field Services Manager Karl E. Nagel.

C. Authority to act in the place of the executive director under WAC 391-08-630(5) passes down in the following order:

- Operations Manager Kenneth J. Latsch.
- Unfair Labor Practice Manager Mark S. Downing.
- Field Services Manager Katrina I. Boedecker.
- Field Services Manager Frederick J. Rosenberry.
- Field Services Manager Walter M. Stuteville.
- Field Services Manager Karl E. Nagel.

Marvin L. Schurke  
Executive Director

**WSR 04-13-047**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed June 10, 2004, 4:40 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Numbered Memorandum 04-29 MAA.  
Subject: Home infusion therapy/parenteral nutrition program—Billing instructions changes.

Effective Date: June 5, 2004.

Document Description: Effective for dates of service on and after June 5, 2004, MAA is making some minor changes to the home infusion therapy/parenteral nutrition program billing instructions, dated October 2003. These

changes do not affect current billing procedures. This memorandum explains the changes.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, DSHS, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website: <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

June 8, 2004

Ann Myers, Manager  
Rules and Publications Section

#### WSR 04-13-059A

#### NOTICE OF PUBLIC MEETINGS

#### WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

[Memorandum—June 11, 2004]

#### Change in Date/Time for August Board Meeting

The board meeting for August 2004 for the Western Washington Growth Management Hearings Board is going to be held at 10:00 a.m. on August 18 instead of 11:00 a.m. on August 11.

#### WSR 04-13-062

#### DEPARTMENT OF ECOLOGY

[Filed June 14, 2004, 4:06 p.m.]

#### Washington State Register Public Notice for Toxics Cleanup Program Policy and Procedure Changes

Below is a table of outdated and/or irrelevant toxics cleanup program (TCP) policies and procedures. A description of each policy and procedure, change implemented, and TCP contact name and number is included. This information was also forwarded to Linda Thompson of TCP's headquarters office to be included in the toxics cleanup program site register. In addition, Carol Dorn, TCP's forms and records analyst, and Barb Huether, TCP's internet coordinator, have been notified of the changes.

TCP Policy (POL) Number	Title	Description	Change (date) - Reason for Change	Contact Name and Number
POL500A	Negotiation Review Team	The negotiation review team is established to provide program-wide quality assurance in the cleanup of hazardous waste sites; it is advisory in nature and will elevate to management any major program issues needing resolution.	Eliminated (March 2004) - The toxics cleanup program disbanded the negotiation review team years ago.	Curtis Dahlgren (360) 407-7187
POL540A	Enforcement	This policy applies whenever the department intends to issue MTCA orders requiring a potentially liable person to pay for cleanup costs or natural resource damage assessments.	Updated (June 2003) - Updated enforcement provisions in accordance with chapter 173-340 WAC.	Curtis Dahlgren (360) 407-7187
POL540B	MTCA Aquatic Lands Enforcement Discretion (Interim)	This policy provides guidance to ecology staff on the exercise of enforcement discretion under MTCA with respect to owners of aquatic lands who would otherwise not be liable for contamination on their property but for the fact that they have authorized the use of their land for a permitted discharge.	Eliminated (March 2004) - Due to non-use.	Curtis Dahlgren (360) 407-7187
POL610	Recruiting/Appointing Members to TCP Regional Citizen's Advisory Committees	This policy applies when recruiting members for Regional Citizen's Advisory Committees established under WAC 193-340-610 and chapter 70.105D RCW.	Eliminated (March 2004) - The Regional Citizen's Advisory Committee was eliminated with the passage of SSB 5401 by the 2001 legislature.	Curtis Dahlgren (360) 407-7187
POL610A	Recruiting for Regional Citizen's Advisory Committee	This policy applies when recruiting members for the Regional Citizen's Advisory Committee (RCAC).	Eliminated (March 2004) - This policy is no longer necessary since the RCAC was eliminated.	Curtis Dahlgren (360) 407-7187

MISC.

TCP Policy (POL) Number	Title	Description	Change (date) - Reason for Change	Contact Name and Number
POL611	Providing Support to Citizen's Advisory Committees	This policy applies to regional office activities to support the Regional Citizen's Advisory Committee (RCAC) for the toxics cleanup program.	Eliminated (March 2004) - This policy is no longer necessary since the RCAC was eliminated.	Curtis Dahlgren (360) 407-7187
TCP Procedure (PRO) Number	Title	Description	Change	Contact Name and Number
PRO610A	Evaluating Applications and Appointing Members	This procedure applies when regional offices have completed a recruitment period to fill vacancies on a Regional Citizen's Advisory Committee (RCAC), see POL 610.	Eliminated (March 2004) - This procedure is no longer necessary since the RCAC was eliminated.	Curtis Dahlgren (360) 407-7187
PRO610B	Dismissing a Citizen's Advisory Committee Member	This procedure applies whenever a staff person learns of cause to dismiss a Citizen's Advisory Committee member.	Eliminated (March 2004) - This procedure is no longer necessary since the RCAC was eliminated.	Curtis Dahlgren (360) 407-7187

**WSR 04-13-072****DEPARTMENT OF AGRICULTURE**

[Filed June 16, 2004, 12:37 p.m.]

**PUBLIC NOTICE FOR SPARTINA TREATMENT IN WESTERN WASHINGTON****LEGAL NOTICE**

The Washington State Department of Agriculture (WSDA) Laboratory Services Division is hereby notifying the affected public that the herbicides glyphosate (Aquamaster®, Aquaneat®, or Rodeo®) and imazapyr (Habitat®), surfactants (R-11™, X-77™, Agri-Dex™, Class Act Next Generation™, Competitor™, Dyne-Amic™, Kinetic™, or LI-700™) and marker dyes may be used to control invasive *Spartina* grass species between June 1, 2004, and October 31, 2004. Properly licensed pesticide applicators who have obtained coverage under the WSDA National Pollutant Discharge Elimination System Waste Discharge General Permit may apply glyphosate or imazapyr to control the noxious weed *Spartina* on the saltwater tideflats of Grays Harbor, Hood Canal, Willapa Bay, Puget Sound, and the north and west sides of the Olympic Peninsula.

Use of herbicides is one of the options used to control *Spartina*. These infestations may also be treated by mowing, digging, crushing, or covering.

For more information, including locations of possible application sites or information on *Spartina*, contact the WSDA *Spartina* Control Program at (360) 902-1923. Or write WSDA *Spartina* Program, P.O. Box 42560, Olympia, WA 98504-2560. To contact the WSDA NPDES permit coordinator, call Brad White at (360) 902-2071. The Washington State Department of Ecology 24-hour emergency/spill response hotline is (425) 649-7000 (northwest region) or (360) 407-6300 (southwest region).

**WSR 04-13-079****NOTICE OF PUBLIC MEETINGS****EDMONDS COMMUNITY COLLEGE**

[Memorandum—June 9, 2004]

On Friday, June 4, the board of trustees of Edmonds Community College scheduled a special meeting to take place on Monday, June 7, at 7:00 a.m. in Snohomish Hall Room 304A.

The meeting schedule previously submitted to you on February 27, 2004, remains unchanged.

If you have any questions, please feel free to contact Patty Michajla at (425) 640-1516.

**WSR 04-13-080****NOTICE OF PUBLIC MEETINGS****EVERETT COMMUNITY COLLEGE**

[Memorandum—June 10, 2004]

**NOTIFICATION OF SPECIAL MEETING**

The board of trustees of Everett Community College will hold a special meeting on June 16, 2004, at 5:00 p.m. in the Olympus Board Room at Everett Community College.

The purpose of the meeting will be for the board of trustees to respond to the faculty's input on the college president's performance.

**WSR 04-13-081**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
 (State Capitol Committee)  
 [Memorandum—June 10, 2004]

Please publish a notice of cancellation for the Thursday, June 24, 2004, State Capitol Committee meeting.

If you have any questions, Lenore Miller can be reached at (360) 902-0970.

**WSR 04-13-083**  
**NOTICE OF PUBLIC MEETINGS**  
**SELECT COMMITTEE**  
**ON PENSION POLICY**  
 [Memorandum—June 16, 2004]

Select Committee on Pension Policy Full Committee meetings

July 13, 2004  
 Senate Hearing Room 4  
 10:00 a.m. - 1:00 p.m.

August 17, 2004  
 Senate Hearing Room 4  
 10:00 a.m. - 1:00 p.m.

Select Committee on Pension Policy Executive Committee meetings

July 13, 2004  
 Senate Hearing Room 1  
 9:30 a.m. - 10:00 a.m.  
 and  
 1:00 p.m. - 2:30 p.m.

August 17, 2004  
 Senate Conference Room A-B-C  
 9:30 a.m. - 10:00 a.m.  
 and  
 1:00 p.m. - 2:30 p.m.

**WSR 04-13-084**  
**AGENDA**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
 [Filed June 17, 2004, 9:05 a.m.]

**SEMI-ANNUAL**  
**RULE DEVELOPMENT AGENDA**  
 (RCW 34.05.314)

JULY 1, 2004 - DECEMBER 31, 2004

This agenda shows anticipated rule-making activity by the Department of Retirement Systems (DRS) for July 1, 2004, through December 31, 2004. Rules may be added or

deleted from the work schedule as a result of legislative action, court decisions, and employer, member, and agency requests.

If you have questions about this rule-making agenda or the DRS rule-making process, please contact Leslie L. Saege, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Tumwater, WA 98504-8380, phone (360) 664-7291, TTY (360) 586-5450, LeslieS@drs.wa.gov.

WAC Chapter or Section	Subject	Anticipated Rule-Making Actions by December 31, 2004
WAC 415-108-990 WAC 415-110-817 WAC 415-112-150	Waiving Plan 3 defined benefits. These new rules will implement 2003 legislation that provides the right for PERS, SERS, and TRS Plan 3 members to waive their one percent defined benefit. Members may wish to waive their defined benefit in order to qualify to purchase service credit from another state retirement system.	Public Hearing (July 27, 2004) Possible Adoption
Chapter 415-501 WAC	Deferred compensation plan rules will be amended to comply with changes required by section 457 of the IRS code, current policy, and clear writing standards.	CR-102, Public Hearing, Possible Adoption
Chapter 415-112 WAC	Teachers' Retirement System rules will be updated and rewritten to comply with current clear writing standards.	CR-102, Public Hearing, Possible Adoption
Chapter 415-108 WAC	These new rules pertain to disability-related retirement benefits for members of the Public Employees' Retirement System (Plans 1, 2, and 3).	CR-102, Public Hearing, Possible Adoption
Chapter 415-110 WAC	The department is planning to begin work on rules for disability-related benefits for members of the School Employees' Retirement System (SERS).	CR-102, Public Hearing, Possible Adoption
WAC 415-104-480 and other new sections	The department is planning to write new rules to implement RCW 41.26.470. This statute, amended in 2004, provides for disability-related retirement benefits for members of the Law Enforcement Officers' and Fire Fighters' (LEOFF) Retirement System Plan 2.	CR-102, Public Hearing, Possible Adoption

WAC Chapter or Section	Subject	Anticipated Rule-Making Actions by December 31, 2004
	Rules will include eligibility requirements for members with a duty-related disability and for members with a disability incurred elsewhere. See emergency rule, WAC 415-104-480 Does the disability I incurred in the line of duty qualify me for retirement benefits?	
WAC 415-113-080	The department is considering some amendments to this rule, which addresses retroactive retirement for people who are members of more than one retirement system.	CR-101, CR-102, Public Hearing, Possible Adoption
WAC 415-02-175	This new rule will explain when and how a member may purchase service credit for the time he/she is on an unpaid leave of absence.	CR-102, Public Hearing, Possible Adoption

June 16, 2004  
Leslie Saeger  
Rules Coordinator

**WSR 04-13-085**  
**NOTICE OF PUBLIC MEETINGS**  
**EVERETT COMMUNITY COLLEGE**

[Memorandum—June 15, 2004]

**CANCELLATION AND NOTIFICATION OF SPECIAL MEETING**

The special meeting of the board of trustees of Everett Community College scheduled for June 16, 2004, at 5:00 p.m. in the Olympus Board Room at Everett Community College has been cancelled. An open special meeting of the board of trustees of Everett Community College has been scheduled for June 21, 2004, at 5:00 p.m. in the Olympus Board Room at Everett Community College.

The purpose of the meeting will be for the board of trustees to respond to the faculty's input on the college president's performance.

**DEPARTMENT OF LICENSING**  
**RULE-MAKING AGENDA FOR RULES UNDER DEVELOPMENT**  
**JULY 2004**

CR-101	CR-102	PROGRAM	SUBJECT
97-11-002		Driver responsibility	Procedural rules regarding the revocation and restoration of driving privileges of those forced to be an habitual traffic offender under chapter 46.65 RCW, including rules regarding the right to a hearing.
97-15-037		Vehicle dealers	Change in vehicle dealer temporary permit requirements.
99-12-018		Master licensing	Chapter 308-87 WAC, Limousine carrier businesses.
99-18-126		Title and registration	Chapter 308-57 WAC, Motor vehicle excise tax.
99-18-010		Fuel tax	Chapter 308-97 WAC, Trip permits.

**WSR 04-13-088**  
**AGENDA**  
**DEPARTMENT OF NATURAL RESOURCES**  
[Filed June 17, 2004, 2:19 p.m.]

Following is the Department of Natural Resources' semi-annual rules development agenda for publication in the Washington State Register, pursuant to RCW 34.05.314. There may be additional rule-making activity not on the agenda as conditions warrant.

Please call Heather White at (360) 902-1408, or e-mail at [heather.white@wadnr.gov](mailto:heather.white@wadnr.gov) if you have questions.

**DEPARTMENT OF NATURAL RESOURCES**  
**RULES DEVELOPMENT AGENDA**  
July 2004 to December 2004

WAC Chapter or Section	Purpose of rule being developed or amended
332-130-100	Update requirements for calibrating survey equipment.
332-130-020 and 332-130-060	Allow land surveyors to utilize current datum adjustments.
332-130	To clarify when it is required to record a survey.
332-52	Revise and update rules to reflect current recreation and public access policy.
332-30-123	Revise section dealing with selection of upland parcel.
332-30-139	Minor change to existing WAC to clarify use of open water moorage and anchorage areas.
332-44-010	Authorizing statute for this WAC no longer exists so the rule is no longer being implemented.

Heather White  
DNR Rules Coordinator

**WSR 04-13-089**  
**AGENDA**  
**DEPARTMENT OF LICENSING**  
[Filed June 17, 2004, 2:23 p.m.]

Following is the rule-making agenda for the Department of Licensing. This agenda is sent as a requirement of RCW 34.05.314.

Feel free to contact Walt Fahrer if you need any assistance concerning this matter at 902-3640.

CR-101	CR-102	PROGRAM	SUBJECT
00-08-067		Master licensing	Chapter 308-300 WAC, Consolidated licensing system, specifically sections WAC 308-300-010 through 308-300-200.
00-10-029		Master licensing	Chapter 308-320 WAC, Commercial telephone solicitation.
01-14-089		Cosmetology	Chapter 308-20 WAC, Cosmetology.
01-20-101		Timeshare	Update to chapter 308-127 WAC.
01-22-061		Professional athletics	Fee adjustment, chapters 36-12, 36-13, 36-14 WAC.
01-24-057		Landscape architects	WAC 308-13-150, Landscape architects fee adjustment.
02-12-096	04-12-079	Dealers	Chapter 308-66 WAC, Motor vehicle dealers and manufacturers.
02-12-124		Prorate	Chapter 308-91 WAC, Reciprocity and proration.
02-20-086	02-23-059	Private investigator	Aliens to provide proof of firearms license.
03-01-006		Title and registration	Chapter 308-96A WAC, to include but not limited to WAC 308-96A-530.
02-24-074		Auctioneers	Update to chapter 308-11 WAC.
03-03-111		Waste water	Revision to chapter 196-30 WAC.
03-04-080		Geologists	Chapter 308-15 WAC.
03-12-018		Title and registration	Chapter 308-57 WAC, motor vehicle excise tax, to include but not limited to WAC 308-57-030.
03-14-024	03-16-113	Land surveying	Amending chapter 196-27A WAC.
03-17-069	04-09-105	UCC	Amend various rules in chapter 308-390 WAC, pertaining to search options and fees.
03-15-108		UCC	Possible adjustments to fees changed by the program WAC 308-30-100.
03-17-026		Cosmetology	Fee adjustment to chapter 308-20 WAC, regulating cosmetologist, barber, manicurist, and esthetician professions.
03-17-027		Court reporters	Fee adjustment to chapter 308-14 WAC, regulating court reporters.
03-17-028		Auctioneers	Fee adjustment to chapter 308-11 WAC, regulating auctioneers.
03-17-029		Camping resorts	Fee adjustment to chapter 308-420 WAC, regulating camping resorts.
03-17-036		Dealers	Filing fee to be submitted by a licensed motorcycle dealer when initiating a protest against the manufacturer for violations of chapter 46.94 RCW.
03-16-006		Collection agency	Possible adjustment of fees charged by the collection agency program.
03-20-033		Landscape architect	Amendment to WAC 308-13-150, Landscape architect fees.
03-20-065		Bail bond agent	Change fees for bail bond agents and bail bond agency company application and renewal fees.
03-21-063		Court reporters	Update to chapter 308-14 WAC.
03-22-043		Title and registration	WAC 308-56A-450, 308-56A-150.
03-23-003		Geologist	Chapter 308-15 WAC, Geologist licensing services.
03-22-059		Employment agency	Possible adjustments to fees charged by the employment agency program.
04-01-121	04-05-097	Camping resorts	Update to chapter 308-420 WAC.
04-01-122	04-05-098	Timeshares	Update to chapter 308-127 WAC.
04-01-161		Title and registration	Chapter 308-56A WAC, to include but not limited to WAC 308-56A-525.
04-03-002		Title and registration	Chapter 308-96A WAC, to include but not limited to WAC 308-96A-005.
04-03-003	04-10-003	Title and registration	Chapter 308-96A WAC, to include but not limited to WAC 308-96A-311.
04-04-050		Geologists	Chapter 308-15 WAC.
04-05-121	04-11-112	Title and registration	Chapter 308-56A WAC, a new rule clarifying administration of RCW 46.12.047 for all title transactions.
04-06-030		Landscape architects	Amend WAC 308-13-150 Landscape architect fees.
04-07-054		Title and registration	Chapter 308-93 WAC, to include but not limited to WAC 308-93-030, 308-93-050.
04-08-006		Title and registration	Chapter 308-56A WAC, to include but not limited to WAC 308-56A-250.
04-08-058		Title and registration	Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc. to include but not limited to WAC 308-56A-525 Vehicle sellers report of sale.
04-09-029		Title and registration	Chapter 308-96A WAC, to include but not limited to a new rule in WAC 308-96A-076.
04-09-030		Title and registration	Chapter 308-96A WAC, to include but not limited to a new rule in WAC 308-96A-078.
04-09-031		Title and registration	Chapter 308-96A WAC, to include but not limited to a new rule in WAC 308-96A-077.
04-09-032	04-12-072	Title and registration	Chapter 308-96A WAC, to include but not limited to specifically WAC 308-96A-070 Amateur radio operator special license plates, 308-96A-071 Military affiliate radio system special license, 308-96A-175 Ride-share vehicles.
04-09-059		Title and registration	Chapter 308-96A WAC, to include but not limited to WAC 308-96A-307 Emblems for special license plates.
04-09-060		Title and registration	Chapter 308-96A WAC, to include but not limited to new WAC 308-96A-079 Helping kids speak license plate.
	04-09-033	Title and registration	WAC 308-56A-075 Multiple legal owners (expedited rule making).

CR-101	CR-102	PROGRAM	SUBJECT
04-08-077		Bail bond	Process for regulating bail bond recovery agents.
04-08-078		Security guards	Revise training for security guards.
04-10-011		Engineers	Chapter 196-23 WAC, Stamping and seals, chapter 196-26A WAC, Registered engineer and land surveyor fees.
04-09-009		Professional athletics	Chapters 36-12, 36-13, 36-14 WAC.
04-12-009		Title and registration	Chapter 308-63 WAC, Wreckers, to include but not limited to WAC 308-63-090.
04-12-010		Title and registration	Chapter 308-61 WAC, Wreckers, to include but not limited to WAC 308-61-135.
04-11-104		Dealers	Chapter 308-63 WAC, Wreckers.
04-11-105		Dealers	Chapter 308-65 WAC, Hulk haulers/scrap processors.
04-11-106		Dealers	WAC 308-56A-405, 308-56A-410, 308-56A-415, 308-56A-420.
04-13-078		Title and registration	Chapter 308-96A WAC, Vehicle licenses, to include but not limited to a new rule to create a mechanism to assign a limited number of special license plates to sponsoring organizations. (Under the special license plate program).

Walt Fahrer  
Rules Coordinator

### WSR 04-13-090

#### AGENDA

#### DEPARTMENT OF CORRECTIONS

[Filed June 18, 2004, 9:00 a.m.]

Following is the Department of Corrections' semi-annual rule development agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on the agenda as conditions warrant.

**DEPARTMENT OF CORRECTIONS  
RULE DEVELOPMENT CALENDAR  
July - December 31, 2004**

**MISC.  
WAC Chapter  
or Section**

137-09

**Purpose**

Public disclosure, revise policies and procedures for disclosure of public records.

137-48

Offender mail.

137-57

Facility siting.

137-58

Guidelines for implementing the State Environmental Policy Act.

137-59

Facility siting.

137-70

Reimbursement for criminal justice costs and contingency plan expenses (pending OFM action).

137-75

Jail and medical cost reimbursement to cities and counties (pending OFM action).

John Nispel  
Rules Coordinator

### WSR 04-13-096

#### NOTICE OF PUBLIC MEETINGS

#### WASHINGTON SCHOOL

#### FOR THE DEAF

[Memorandum—June 16, 2004]

The location of the board summer retreat has changed. The retreat will now be held at the Oxford Suites, 115 West North River Drive, Spokane, WA. There will be no decisions made at this meeting.

### WSR 04-13-108

#### INTERPRETIVE OR POLICY STATEMENT

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

[Filed June 21, 2004, 1:36 p.m.]

#### DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-44 MAA.

Subject: Medical supplies and equipment (MSE): Fee schedule changes.

Effective Date: June 15, 2004.

Document Description: Effective for dates of service on and after July 1, 2004, the Medical Assistance Administration (MAA) is updating the medical supplies and equipment fee schedule section in MAA's nondurable medical supplies and equipment (MSE) billing instructions.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, DSHS, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

June 16, 2004

Ann Myers, Manager  
Rules and Publications Section

**WSR 04-13-109**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed June 21, 2004, 1:37 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Numbered Memorandum 04-45 MAA.  
Subject: Occupational therapy program: Fee schedule changes.

Effective Date: June 14, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2004 relative value units (RVUs); and
- The year 2004 additions of current procedural terminology (CPT↔) codes.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, DSHS, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

June 16, 2004

Ann Myers, Manager  
Rules and Publications Section

**WSR 04-13-110**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed June 21, 2004, 1:37 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Numbered Memorandum 04-46 MAA.  
Subject: Vision care program: Fee schedule change.

Effective Date: June 14, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2004 relative value units (RVUs);
- The year 2004 additions of current procedural terminology (CPT↔) codes; and
- Changes to healthcare common procedure coding system (HCPCS) Level II codes.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, DSHS, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered

Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

June 15, 2004

Ann Myers, Manager  
Rules and Publications Section

**WSR 04-13-111**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed June 21, 2004, 1:37 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Numbered Memorandum 04-48 MAA.  
Subject: Physical therapy program: Fee schedule changes.

Effective Date: June 14, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2004 relative value units (RVUs); and
- The year 2004 additions of current procedural terminology (CPT↔) codes.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, DSHS, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

June 15, 2004

Ann Myers, Manager  
Rules and Publications Section

**WSR 04-13-112**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed June 21, 2004, 1:38 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Numbered Memorandum 04-50 MAA.  
Subject: Prosthetic and orthotic devices: Fee schedule changes.

Effective Date: June 15, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) has revised the fee schedule in MAA's prosthetic and orthotic devices billing instructions, dated September 2001, to match Medicare's 2004 fees. The new fee schedule is attached to this memorandum.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, DSHS, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

June 16, 2004  
Ann Myers, Manager  
Rules and Publications Section

**WSR 04-13-113**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed June 21, 2004, 1:39 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Numbered Memorandum 04-51 MAA.  
Subject: Psychologist program: Fee schedule changes.  
Effective Date: June 14, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) will implement the updated Medicare physician fee schedule data base (MPFSDB) year 2004 relative value units (RVUs).

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, DSHS, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

June 15, 2004  
Ann Myers, Manager  
Rules and Publications Section

**WSR 04-13-114**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed June 21, 2004, 1:39 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Numbered Memorandum 04-53 MAA.  
Subject: Speech/audiology program: Fee schedule changes.

Effective Date: June 10, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2004 relative value units (RVUs); and
- The year 2004 additions of current procedural terminology (CPT↔) codes.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, DSHS, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

June 15, 2004

Ann Myers, Manager  
Rules and Publications Section

**WSR 04-13-115**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed June 21, 2004, 1:40 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Numbered Memorandum 04-55 MAA.  
Subject: New medical identification (ID) card.  
Effective Date: June 15, 2004.

Document Description: Effective July 2, 2004, the Medical Assistance Administration (MAA) is changing the look of the medical identification (ID) card to comply with new United States Postal Service requirements.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, DSHS, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

June 15, 2004

Ann Myers, Manager  
Rules and Publications Section

**WSR 04-13-116**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

(Board of Boiler Rules)  
[Memorandum—June 21, 2004]

The Board of Boiler Rules will hold a special meeting relating to the report to the legislature, required by chapter 701, Laws of 2003 (ESSB 5713) and chapter 67, Laws of 2004 (SB 6586).

DATE	TIME	LOCATION
July 29, 2004	9:00 a.m.	Department of Labor and Industries Auditorium 7273 Linderson Way S.E. Olympia, WA 98504

Please call (360) 902-6411 if you have any questions.

#### WSR 04-13-119

##### NOTICE OF PUBLIC MEETINGS

##### WESTERN WASHINGTON UNIVERSITY

[Memorandum—June 17, 2004]

Pursuant to RCW 42.30.075, following is a change to Western Washington University's board of trustees 2004 meeting schedule.

Western Washington University's board of trustees, at their June 11, 2004, board meeting, moved and approved that the date of December 10, 2004, be established for the December 2004 board meeting and that the date of December 3, 2004, be released.

Any questions regarding the meeting schedule can be directed to Suzanne Baker, assistant secretary to the board, at (360) 650-3117.

#### WSR 04-13-120

##### NOTICE OF PUBLIC MEETINGS

##### CONVENTION AND TRADE CENTER

[Memorandum—June 17, 2004]

A special meeting of the Washington State Convention and Trade Center board of directors will be held on Tuesday, June 22, 2004, at 12:00 p.m. (noon) in Room 3B of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

#### WSR 04-13-121

##### NOTICE OF PUBLIC MEETINGS

##### COMMISSION ON JUDICIAL CONDUCT

[Memorandum—June 21, 2004]

##### NOTICE OF SPECIAL MEETING

By direction of the Commission on Judicial Conduct, the commission will hold a special meeting commencing at 9:00 a.m. on Thursday, September 30, 2004, and continuing until approximately 9:00 p.m. on that date. The meeting will be conducted at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, for the purpose of providing an education program for its members.

#### WSR 04-13-122

##### NOTICE OF PUBLIC MEETINGS

##### COMMISSION ON JUDICIAL CONDUCT

[Memorandum—June 21, 2004]

By direction of the Commission on Judicial Conduct, the 11:00 a.m., Friday, August 6, 2004, business meeting of the commission scheduled to be held at the Holiday Inn Express Hotel & Suites, 19621 International Boulevard, SeaTac, WA 98188, will now be CANCELLED.

#### WSR 04-13-123

##### NOTICE OF PUBLIC MEETINGS

##### COMMISSION ON JUDICIAL CONDUCT

[Memorandum—June 21, 2004]

By direction of the Commission on Judicial Conduct, the 11:00 a.m., Friday, October 1, 2004, 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. at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662.

#### WSR 04-13-126

##### DEPARTMENT OF ECOLOGY

[Filed June 22, 2004, 11:33 a.m.]

##### PUBLIC NOTICE OF INTENT TO ISSUE GENERAL MUNICIPAL STORMWATER NPDES PERMITS

**Introduction:** Federal and state water quality regulations establish national pollutant discharge elimination system (NPDES) and waste discharge general permit requirements for stormwater discharges from certain industries, construction sites, and municipalities. In general, stormwater is the rainfall that flows overland into a drainage system and discharges into a surface water body or a constructed infiltration facility. Stormwater can transport pollutants and disturb flow regimes in streams, wetlands and other water bodies. Municipal stormwater permits regulate discharges from publicly-owned ditches, pipes and other conveyances.

These permits are being developed to meet the requirements of chapter 90.48 RCW as amended, and the Federal Water Pollution Control Act (FWPCA) (Title 33 United States Code, Section 1251 et seq.) as amended. These permits will comply with the regulations in the Code of Federal Regulations (C.F.R.) 40, Section 122 and Title 173 WAC.

In accordance with Washington's waste discharge general permit regulation, WAC 173-226-130, the purpose of this announcement is to:

- (1) Provide notice of a preliminary determination to develop general permits.
- (2) Request comments as to whether a general permit or individual permits would be more appropriate for such discharges.

(3) Provide an opportunity for interested or potentially affected parties to submit information on dischargers and discharges proposed to be covered under the permit as well as any other relevant information.

This notice covers the following three proposed permits:

**1. Phase I General Permit Renewal:** This permit is a renewal of the NPDES municipal stormwater general permits for "Phase I" municipalities to regulate discharges for urban areas in Seattle, Tacoma and unincorporated King, Pierce, Snohomish and Clark counties. Ecology is proposing to combine the three existing general permits for the Island/Snohomish, Cedar/Green, and South Puget Sound water quality management areas into a single general permit.

These permits will cover discharges from separate storm sewers owned or operated by the above named municipalities (municipal separate storm systems or "MS4s"). Public comments may be submitted on the characteristics of municipal storm sewer discharges including effluent quantity, quality and any receiving water impacts. These comments can relate to an individual discharger, or be representative of the category as a whole. Any other relevant information may also be submitted.

#### Phase I Permit Reissuance Timeline:

- A preliminary draft permit will be published for public comment in the fall of 2004.
- The target for the final draft, public hearings and requesting formal public comments is the spring of 2005.
- The target date for issuing the permit is the spring of 2005.

**Documents Available for Review:** The existing Phase I municipal stormwater permits, fact sheet and clarification of permit conditions are available at [http://www.ecy.wa.gov/programs/wq/stormwater/municipal/reissue.html#current\\_permits](http://www.ecy.wa.gov/programs/wq/stormwater/municipal/reissue.html#current_permits).

Annual reports submitted under the existing permits are available at the same link listed above.

**Public Comment/Interested Parties:** You may send your written comments and get on the mailing list for the Phase I permit by contacting Ann Wessel, Water Quality Program, Washington Department of Ecology, e-mail [awes461@ecy.wa.gov](mailto:awes461@ecy.wa.gov), P.O. Box 47696, Olympia, WA 98504-7696, (360) 407-6457.

**2. Phase II General Permit for Western Washington:** The federal Clean Water Act establishes a two-part system for implementing municipal stormwater permits. Larger and medium-sized municipalities were covered in Phase I; smaller jurisdictions were addressed later under Phase II. In 2000, EPA finalized NPDES Phase II rules regulating municipally-owned separate storm sewer systems within census-defined urban areas. These rules require the Department of Ecology to expand its stormwater program by issuing permits to additional operators of MS4s that discharge to surface waters.

The Department of Ecology proposes to issue separate general permits for western and eastern Washington. This notice announces only the western Washington permit due to a delay for the eastern Washington permit process pending completion of the department's stormwater management manual for eastern Washington. The Phase II general permit

for western Washington applies to approximately seventy-five jurisdictions located within the 2000 census-defined urban areas. Another five western Washington cities will be evaluated using designation criteria for inclusion in the Phase II process.

The Phase II federal regulations establish minimum requirements for the scope of the permits and content of the related stormwater management program to be developed by each permittee. This rule is posted at [http://cfpub1.epa.gov/npdes/regresult.cfm?program\\_id=6&view=all&type=1](http://cfpub1.epa.gov/npdes/regresult.cfm?program_id=6&view=all&type=1).

Public comments may be submitted on the characteristics of municipal storm sewer discharges including effluent quantity, quality and any receiving water impacts. These comments can relate to an individual discharger, or be representative of the category as a whole. Any other relevant information may also be submitted.

#### Phase II Western Washington General Permit Timeline:

- A preliminary draft permit will be published for public comment in the fall of 2004.
- The target for the final draft, public hearings and requesting formal public comments is the spring of 2005.
- The target date for issuing the permit is the spring of 2005.

**Documents Available for Review:** More information about the Phase II permit program, the communities that must apply for the Phase II permit and the EPA Phase II regulations is at [http://www.ecy.wa.gov/programs/wq/stormwater/phase\\_2/index.html](http://www.ecy.wa.gov/programs/wq/stormwater/phase_2/index.html).

**Public Comment/Interested Parties:** You may send your written comments and get on the mailing list for the western Washington Phase II permit by contacting Janice Sedlak, Water Quality Program, Department of Ecology, e-mail [jsed461@ecy.wa.gov](mailto:jsed461@ecy.wa.gov), P.O. Box 47696, Olympia, WA 98504-7696, (360) 407-6470.

**3. Statewide Stormwater Permit for the Washington Department of Transportation:** The Washington Department of Transportation (WSDOT) is required by state and federal regulations to have a stormwater permit in areas covered by Phase I and Phase II of the municipal stormwater permit program. WSDOT has agreed to a statewide permit to avoid having a piecemeal stormwater program and to promote better management of stormwater runoff from all state highways. The permit will cover stormwater runoff from state highways, rest areas, weigh stations, scenic view points, park and ride lots, ferry terminals, and maintenance facilities. This permit will replace WSDOT's current coverage under the current Phase I general permits.

#### WSDOT Permit Timeline:

- Ecology will scope the issues for this permit early in the summer of 2004.
- Ecology expects to publish a draft of this permit and the accompanying WSDOT Stormwater Management Program (SWMP) for public comment early in 2005.
- The target date for issuing this permit and SWMP is summer of 2005.

**Documents Available for Review:** WSDOT submitted an application to ecology in March 2003. The application is

posted on the WSDOT webpage at <http://www.wsdot.wa.gov/environment/wqec/docs/MS4NPDESSWPermitApplication.pdf>.

The stormwater 2003 NPDES progress report from WSDOT is posted at <http://www.wsdot.wa.gov/environment/wqec/docs/2002NPDESProgressReport.pdf>.

WSDOT's revised highway runoff manual is posted at <http://www.wsdot.wa.gov/environment/wqec/HRMRevision.htm>.

**Public Comment/Interested Parties:** You may send your written comments and get on the mailing list for the statewide stormwater permit for WSDOT by contacting Annie Svetecz, Water Quality Program, Department of Ecology, e-mail [asv461@ecy.wa.gov](mailto:asv461@ecy.wa.gov), P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6467.

**Public Involvement for all Permits:** This is a preliminary notice of ecology's intent to reissue a general municipal stormwater permit. There will be further opportunities to supply information, comments, or testimony. If you have any information or comments based on this public notice, please send them to the Department of Ecology no later than August 31, 2004.

**For Further Information about all Three Permits:** <http://www.ecy.wa.gov/programs/wq/stormwater/index.html> or contact Department of Ecology, Water Quality Program, (360) 407-6600, and you will be referred to the appropriate person.

If you have special accommodation needs or require this document in an alternative format, please contact the Department of Ecology's Diversity Program at (360) 407-6020. If you are a person with a speech or hearing impairment, call 711 or 800-833-6388 for TTY.

**WSR 04-13-151  
OFFICE OF  
INSURANCE COMMISSIONER**

[Filed June 23, 2004, 8:56 a.m.]

**TECHNICAL ASSISTANCE  
ADVISORY T 04-03**

The purpose of this technical assistance advisory is to draw your attention to HB 2014 (chapter 112, Laws of 2004) which passed during the 2004 legislative session and to outline the Office of Insurance Commissioner's expectations of carriers for existing and new contracts that will be impacted by this legislation.

The law applies to all contracts issued or renewed on or after June 10, 2004. After that date, contracts issued or renewed by disability insurers, HCSCs and HMOs may not contain language permitting denial of coverage for the treatment of any injury solely because the injury was sustained as a consequence of the covered individual being intoxicated or under the influence of a narcotic.

Additionally, the optional standard provision for intoxicants and narcotics noted in RCW 48.20.272 has been repealed. All disability contracts issued prior to June 10, 2004, that include this provision must be amended to eliminate this exclusionary language.

All amendatory language must be filed with this office. Please evaluate all contracts being marketed and file any amendments that are necessary to bring them into compliance with this new law.

Questions concerning this technical assistance advisory should be directed to Janis LaFlash at (360) 725-7040 or [JanisL@oic.wa.gov](mailto:JanisL@oic.wa.gov).

**WSR 04-13-155**

**NOTICE OF PUBLIC MEETINGS  
HEALTH CARE AUTHORITY  
(Public Employees Benefits Board)**

[Memorandum—June 23, 2004]

Following is the revised 2004 Public Employees Benefits Board (PEBB) meeting information.

Please contact Theresa Rush at (360) 923-2811, if you have any questions regarding the meeting schedule or need further information.

**Revised 2004 PEBB Board Meeting Schedule**

All meetings are held on Tuesdays and begin at 1:30 p.m. (unless otherwise noted)

1.	<b>February 24, 2004</b> <b>1:30 - 4:30 p.m.</b> Location: DIS Forum Building Board Room 605 East 11th Olympia
2.	<b>April 20, 2004</b> <b>1:30 - 4:30 p.m.</b> Location: Attorney General's Office Training Center RoweSix, Building 1 4224 6th Avenue S.E. Lacey
3.	<b>June 22, 2004</b> <b>1:30 - 4:30</b> Location: Holiday Inn - SeaTac SeaTac Room 17338 International Boulevard Seattle
4.	<b>July 8, 2004 - Thursday</b> <b>CANCELLED</b> <b>1:30 - 4:30</b> Location: Holiday Inn - SeaTac SeaTac Room 17338 International Boulevard Seattle

MISC.

5.	<b>July 27, 2004</b> <b>1:30 - 4:30 p.m.</b> Location: Health Care Authority Room 101 A&B 676 Woodland Square Loop S.E. Lacey, WA
6.	<b>August 3, 2004</b> <b><u>CANCELLED</u></b> <b>1:30 - 4:30 p.m.</b> Location: Attorney General's Office Training Center RoweSix, Building 1 4224 6th Avenue S.E. Lacey, WA
7.	<b>October 19, 2004 (planning session retreat)</b> <b>8:30 a.m. - 3:30 p.m.</b> Location: TBD
8.	<b>November 23, 2004 (telephone)</b> <b>1:30 - 4:30 p.m.</b>

If you are a person with a disability and need a special accommodation, please contact Theresa Rush, (360) 923-2811.

**WSR 04-13-172**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**

[Filed June 23, 2004, 10:52 a.m.]

**OPEN LETTER TO THOSE INTERESTED IN WASHINGTON STATE MARITIME PILOTAGE:**

The Washington State Board of Pilotage Commissioners has formed a committee to look into the pilot licensing standards for prospective Washington state pilots. The committee will be analyzing those portions of the Pilotage Act (chapter 88.16 RCW) and associated Washington Administrative Code (chapter 363-116 WAC) which relate to the requirements established therein that must be met in order to qualify for a license as a Washington state pilot. The committee may also look into issues related to licensing standards such as limitations on new pilots.

The committee presently consists of a chairman (representing the public at large) and nine additional members (two representing pilots; two representing shipping; one representing the Department of Ecology; one representing the public at large; and three representing mariners who aspire to be Washington state pilots). All of the members of the committee have been appointed except the public member (other than the chairman) and the three pilot aspirants.

If anyone is interested in sitting on this committee in one of the unfilled seats, please contact the Committee Chairman, Charles Davis, 2911 Second Avenue, Suite 100, Seattle, WA 98121, (206) 515-3904, fax (206) 515-3969. The public member must not have any connections to maritime shipping, pilots or be a pilot aspirant. The board also desires that at

least one of the pilot aspirants be a person who does not have a federal pilot endorsement (U.S. Coast Guard pilot license).

The first meeting of the committee will be on July 15, 2004, commencing at 9:00 a.m. in the Level B Conference Room at 2911 Second Avenue, Seattle, WA 98121. Announcements concerning other meetings of this committee will be made in advance of the meetings. The meetings will be open to the public. If you desire to receive announcements of these meetings, contact Mr. Davis at the above address or phone number.

If anyone has any questions concerning the work of the committee, please contact Mr. Davis at 2911 Second Avenue, Suite 100, Seattle, WA 98121.

Captain Harry Dudley  
Chairman

**WSR 04-13-175**  
**NOTICE OF PUBLIC MEETINGS**  
**CENTRAL WASHINGTON UNIVERSITY**

[Memorandum—June 21, 2004]

Regular meetings of the Central Washington University board of trustees will be held in Barge Hall, Room 412, on the Central Washington University Ellensburg campus, except where noted, at 1:00 p.m. on the following dates:

October 7-8, 2004 (*Campus retreat/faculty*)  
December 3, 2004  
February 4, 2005  
March 4, 2005 (*CWU - Lynnwood Center*)  
May 6, 2005  
June 10, 2005  
August 4-5, 2005 (*Board retreat*)

**WSR 04-13-176**  
**NOTICE OF PUBLIC MEETINGS**  
**SKAGIT VALLEY COLLEGE**

[Memorandum—June 22, 2004]

At the June 10, 2004, board of trustees meeting, the following dates were approved by the trustees for the July 2004-June 2005 meeting schedule. Unless otherwise noted, all meetings will be held at the Mount Vernon campus and will begin at 4:30 p.m.

July 2004-June 2005 Board Meeting Dates	Location
Tuesday, July 13, 2004	MV Board Room
Tuesday, September 14, 2004	MV Board Room
Tuesday, October 12, 2004	MV Board Room
Tuesday, November 9, 2004	MV Board Room
<b>Tuesday, December 14, 2004</b>	<b>MV Board Room</b>
Tuesday, January 11, 2005	MV Board Room
Tuesday, February 8, 2005	MV Board Room

**July 2004-June 2005 Board  
Meeting Dates**

	<b>Location</b>
Tuesday, March 8, 2005	MV Board Room
Tuesday, April 19, 2005	<b>Whidbey Island Cam-</b> <b>pus</b> <b>1900 S.E. Pioneer Way</b> <b>Oak Harbor</b>
Tuesday, May 10, 2005	MV Board Room
Thursday, June 9, 2005 - 11:00 a.m.	<b>San Juan Center</b> <b>221 Weber Way</b> <b>Friday Harbor</b>

**WSR 04-13-177**  
**NOTICE OF PUBLIC MEETINGS**  
**SOUTH PUGET SOUND**  
**COMMUNITY COLLEGE**

[Memorandum—June 10, 2004]

At their regular May 12, 2004, meeting, the board of trustees of South Puget Sound Community College District 24 adopted their regular meeting schedule for 2004-2005. In compliance with RCW 42.30.075, the following is the schedule:

Thursday, August 26, 2004	3:00 p.m.
Thursday, October 14, 2004	3:00 p.m.
Thursday, November 18, 2004	3:00 p.m.
Thursday, December 16, 2004	3:00 p.m.
Thursday, January 13, 2005	3:00 p.m.
Thursday, February 10, 2005	3:00 p.m.
Thursday, March 10, 2005	3:00 p.m.
Thursday, April 14, 2005	3:00 p.m.
Thursday, May 12, 2005	3:00 p.m.
Thursday, June 9, 2005	3:00 p.m.

If you have any questions, please contact Diana Toledo at 596-5206.

**WSR 04-13-178**  
**DEPARTMENT OF ECOLOGY**

[Filed June 23, 2004, 11:01 a.m.]

**PUBLIC NOTICE**

**Public Workshops and Hearings to Accept Comments on  
the Revised Sand and Gravel General Permit**

**Revision and Reissuing the Sand and Gravel General Permit:** The sand and gravel NPDES and state waste discharge general permit, issued by the Washington State Department of Ecology (ecology) on June 25, 1999, will expire on August 6, 2004. Ecology has revised the permit and is proposing to reissue the permit on September 15, 2004. The proposed draft sand and gravel general permit and fact

sheet are available for review and public comment from July 7, 2004, to August 19, 2004. Ecology will host two informational workshops and public hearings on its proposal to reissue the sand and gravel general permit. Ecology will accept written comments on the draft permit and fact sheet or oral comments can be given at the public hearings.

**Purpose of the Sand and Gravel General Permit:** The sand and gravel general permit provides coverage for industries located in Washington state that discharge process water, mine dewatering water, and storm water associated with sand and gravel operations, rock quarries, concrete batch plants, asphalt batch plants, and related mining and processing facilities. Under federal and state water quality law (Federal Clean Water Act and State Water Pollution Control Act), a permit is required for the discharge of wastewater. The proposed general permit addresses these legal requirements and controls the discharge of pollutants to protect surface water and ground water quality in Washington state.

A general permit is like an individual wastewater discharge permit except that it addresses a group of facilities as a whole. It implements the Federal Clean Water Act and State Water Pollution Control Act in a single permit. Individual facilities that receive coverage under the general permit are required to comply with the terms and conditions of the permit. Currently, nine hundred forty facilities are covered under the sand and gravel general permit.

Those facilities with activities designated by the following standard industrial classification (SIC) codes are required to comply with the sand and gravel general permit:

- 0811 Timber Tracts (sand and gravel point sources)
- 1411 Dimension Stone
- 1422 Crushed and Broken Limestone
- 1423 Crushed and Broken Granite
- 1429 Crushed and Broken Stone, Not Elsewhere Classified
- 1442 Construction Sand and Gravel
- 1446 Industrial Sand
- 1455 Kaolin and Ball Clay
- 1459 Clay, Ceramic, and Refractory Minerals, Not Otherwise Classified
- 1499 Miscellaneous Nonmetallic Minerals, Except Fuels
- 2411 Logging (sand and gravel point sources)
- 2951 Asphalt Paving Mixtures and Blocks
- 3273 Ready-Mixed Concrete
- Other related mining or mineral processing facilities

**Applying for a Sand and Gravel Permit:** Facilities covered under the existing sand and gravel general permit, who reapplied for a permit coverage, will be covered under the proposed permit unless notified by ecology. New or unpermitted facilities may obtain coverage under the general permit by submitting a complete permit application to ecology and satisfying all applicable public notice and State Environmental Policy Act (SEPA) requirements (WAC 173-226-200). The application is available online at [www.ecy.wa.gov/biblio/ecy07031.html](http://www.ecy.wa.gov/biblio/ecy07031.html).

**Requesting Copies of the Permit:** Beginning July 7, 2004, you can request copies of the proposed permit and fact sheet or you can download copies from the website

[www.ecy.wa.gov/programs/wq/sand/](http://www.ecy.wa.gov/programs/wq/sand/); or contact Jeff Killelea, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6442, fax (360) 407-6426, e-mail [jkil461@ecy.wa.gov](mailto:jkil461@ecy.wa.gov).

**Submitting Written and Oral Comments:** Ecology will accept written and oral comments on the draft sand and gravel general permit and fact sheet. Comments should reference specific text when possible. Comments may address the following:

- Technical issues,
- Accuracy and completeness of information,
- The scope of facilities proposed for coverage,
- Adequacy of environmental protection and permit conditions, or
- Any other concern that would result from issuance of the revised permit.

Submit written comments to Jeff Killelea, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

Written comments must be postmarked no later than midnight, Thursday, August 19, 2004. Oral comments can be made by attending and testifying at the public hearings.

**Public Workshops/Hearings:** The public workshops and hearings on the draft general permit will be held in Moses Lake, Washington on August 10, 2004, and in Lacey, Washington on August 12, 2004. The purpose of the workshops is to explain the general permit, what has changed from the previous permit, answer questions, and facilitate meaningful testimony during the hearing. The purpose of the hearings is to provide an opportunity for people to give formal oral testimony and comments on the proposed permit.

**The August 10, 2004, workshop and hearing will be held at the Moses Lake Convention Center, 1475 Nelson Road N.E., Moses Lake, WA, (509) 766-1416, driving directions <http://www.moseslakecc.com/visitor.html>.**

**The August 12, 2004, workshop and hearing will be held at the Washington State Department of Ecology, 300 Desmond Drive, Lacey, WA, (360) 407-6000, driving directions [http://www.ecy.wa.gov/images/offices/map\\_hq\\_swro.pdf](http://www.ecy.wa.gov/images/offices/map_hq_swro.pdf).**

Both public workshops and hearings will begin at 1:00 p.m. and conclude as soon as public testimony is completed.

**Issuing the Final Sand and Gravel General Permit:** The final permit will be issued after ecology receives and considers all public comments. If public comments represent a substantial departure from the scope or conditions in the original draft permit, another public notice of draft and comment period may ensue.

Ecology expects to issue the general permit on September 15, 2004. It will be effective thirty days later. When issued, a copy of the notice of issuance and ecology's responses to the comments will be sent to all persons who submitted written comment or gave public testimony.

If you have special accommodation needs or require a copy of the permit and fact sheet in an alternative format, please contact Jeff Killelea at (360) 407-6127. If you are a person with a speech or hearing impairment, call 711 or 800-833-6388 for TTY.

**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	04-02-071	16-170-010	NEW-P	04-05-119	16-170-145	NEW-P	04-05-119
4- 25-400	PREP	04-08-033	16-170-010	NEW	04-08-062	16-170-145	NEW	04-08-062
4- 25-410	PREP	04-08-033	16-170-020	NEW-P	04-05-119	16-170-150	NEW-P	04-05-119
4- 25-510	PREP	04-08-033	16-170-020	NEW	04-08-062	16-170-150	NEW	04-08-062
4- 25-530	PREP	04-06-085	16-170-030	NEW-P	04-05-119	16-170-155	NEW-P	04-05-119
4- 25-540	PREP	04-08-033	16-170-030	NEW	04-08-062	16-170-155	NEW	04-08-062
4- 25-550	PREP	04-08-033	16-170-035	NEW-P	04-05-119	16-170-170	NEW-P	04-05-119
4- 25-551	PREP	04-08-033	16-170-035	NEW	04-08-062	16-170-170	NEW	04-08-062
4- 25-610	PREP	04-08-033	16-170-037	NEW-P	04-05-119	16-170-175	NEW-P	04-05-119
4- 25-620	PREP	04-08-033	16-170-037	NEW	04-08-062	16-170-175	NEW	04-08-062
4- 25-626	PREP	04-08-033	16-170-040	NEW-P	04-05-119	16-170-180	NEW-P	04-05-119
4- 25-630	PREP	04-08-033	16-170-040	NEW	04-08-062	16-170-180	NEW	04-08-062
4- 25-631	PREP	04-08-033	16-170-050	NEW-P	04-05-119	16-219-010	REP-X	04-13-059
4- 25-640	PREP	04-08-033	16-170-050	NEW	04-08-062	16-219-100	REP-X	04-06-073
4- 25-650	PREP	04-08-033	16-170-060	NEW-P	04-05-119	16-219-100	REP	04-10-105
4- 25-660	PREP	04-08-033	16-170-060	NEW	04-08-062	16-219-105	REP-X	04-06-073
4- 25-661	PREP	04-08-033	16-170-070	NEW-P	04-05-119	16-219-105	REP	04-10-105
4- 25-670	PREP	04-08-033	16-170-070	NEW	04-08-062	16-228-1220	PREP	04-03-005
4- 25-710	PREP	04-08-033	16-170-075	NEW-P	04-05-119	16-228-1231	PREP	04-03-004
4- 25-720	PREP	04-08-033	16-170-075	NEW	04-08-062	16-228-1250	PREP	04-03-004
4- 25-721	PREP	04-08-033	16-170-080	NEW-P	04-05-119	16-230-250	REP-X	04-13-058
4- 25-730	PREP	04-08-033	16-170-080	NEW	04-08-062	16-230-260	REP-X	04-13-058
4- 25-735	PREP	04-08-033	16-170-090	NEW-P	04-05-119	16-230-270	REP-X	04-13-058
4- 25-745	PREP	04-08-033	16-170-090	NEW	04-08-062	16-230-281	REP-X	04-13-058
4- 25-746	PREP	04-08-033	16-170-100	NEW-P	04-05-119	16-230-290	REP-X	04-13-058
4- 25-750	PREP	04-08-033	16-170-100	NEW	04-08-062	16-230-400	PREP	04-03-004
4- 25-756	PREP	04-11-033	16-170-110	NEW-P	04-05-119	16-230-410	PREP	04-03-004
4- 25-782	PREP	04-11-033	16-170-110	NEW	04-08-062	16-230-420	PREP	04-03-004
4- 25-783	PREP	04-08-033	16-170-115	NEW-P	04-05-119	16-230-430	PREP	04-03-004
4- 25-790	PREP	04-08-033	16-170-115	NEW	04-08-062	16-230-440	PREP	04-03-004
4- 25-791	PREP	04-08-033	16-170-120	NEW-P	04-05-119	16-230-450	PREP	04-03-004
4- 25-792	PREP	04-08-033	16-170-120	NEW	04-08-062	16-230-460	PREP	04-03-004
4- 25-793	PREP	04-08-033	16-170-125	NEW-P	04-05-119	16-230-470	PREP	04-03-004
4- 25-795	PREP	04-08-033	16-170-125	NEW	04-08-062	16-230-600	PREP	04-03-004
4- 25-820	PREP	04-11-033	16-170-130	NEW-P	04-05-119	16-230-605	PREP	04-03-004
4- 25-830	PREP	04-08-033	16-170-130	NEW	04-08-062	16-230-610	PREP	04-03-004
4- 25-831	PREP	04-08-033	16-170-135	NEW-P	04-05-119	16-230-615	PREP	04-03-004
4- 25-910	PREP	04-08-033	16-170-135	NEW	04-08-062	16-230-620	PREP	04-03-004
16- 08-003	NEW	04-02-063	16-170-140	NEW-P	04-05-119	16-230-625	PREP	04-03-004
16- 08-004	NEW	04-02-063	16-170-140	NEW	04-08-062	16-230-630	PREP	04-03-004

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-230-635	PREP	04-03-004	16-231-300	PREP	04-03-004	16-232-041	PREP	04-03-004
16-230-640	PREP	04-03-004	16-231-305	PREP	04-03-004	16-232-044	PREP	04-03-004
16-230-645	PREP	04-03-004	16-231-310	PREP	04-03-004	16-232-047	PREP	04-03-004
16-230-650	PREP	04-03-004	16-231-315	PREP	04-03-004	16-232-050	PREP	04-03-004
16-230-655	PREP	04-03-004	16-231-320	PREP	04-03-004	16-232-053	PREP	04-03-004
16-230-660	PREP	04-03-004	16-231-325	PREP	04-03-004	16-232-056	PREP	04-03-004
16-230-665	PREP	04-03-004	16-231-330	PREP	04-03-004	16-232-059	PREP	04-03-004
16-230-670	PREP	04-03-004	16-231-335	PREP	04-03-004	16-232-062	PREP	04-03-004
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16-230-800	PREP	04-03-004	16-231-410	PREP	04-03-004	16-232-071	PREP	04-03-004
16-230-810	PREP	04-03-004	16-231-413	PREP	04-03-004	16-232-074	PREP	04-03-004
16-230-813	PREP	04-03-004	16-231-415	PREP	04-03-004	16-232-077	PREP	04-03-004
16-230-815	PREP	04-03-004	16-231-420	PREP	04-03-004	16-232-100	PREP	04-03-004
16-230-820	PREP	04-03-004	16-231-425	PREP	04-03-004	16-232-105	PREP	04-03-004
16-230-825	PREP	04-03-004	16-231-500	PREP	04-03-004	16-232-110	PREP	04-03-004
16-230-830	PREP	04-03-004	16-231-505	PREP	04-03-004	16-232-115	PREP	04-03-004
16-230-835	PREP	04-03-004	16-231-510	PREP	04-03-004	16-232-120	PREP	04-03-004
16-230-835	PREP	04-13-057	16-231-515	PREP	04-03-004	16-232-200	PREP	04-03-004
16-230-840	PREP	04-03-004	16-231-520	PREP	04-03-004	16-232-205	PREP	04-03-004
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16-230-850	PREP	04-03-004	16-231-530	PREP	04-03-004	16-232-215	PREP	04-03-004
16-230-855	PREP	04-03-004	16-231-600	PREP	04-03-004	16-232-220	PREP	04-03-004
16-230-860	PREP	04-03-004	16-231-605	PREP	04-03-004	16-232-225	PREP	04-03-004
16-230-860	PREP	04-13-057	16-231-610	PREP	04-03-004	16-232-300	PREP	04-03-004
16-230-861	PREP	04-03-004	16-231-613	PREP	04-03-004	16-232-305	PREP	04-03-004
16-230-862	PREP	04-03-004	16-231-615	PREP	04-03-004	16-232-310	PREP	04-03-004
16-230-863	PREP	04-03-004	16-231-620	PREP	04-03-004	16-232-315	PREP	04-03-004
16-230-864	PREP	04-03-004	16-231-700	PREP	04-03-004	16-250-155	PREP	04-06-074
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16-231-105	PREP	04-03-004	16-231-720	PREP	04-03-004	16-301-250	AMD	04-06-019
16-231-107	PREP	04-03-004	16-231-725	PREP	04-03-004	16-301-265	AMD	04-06-019
16-231-110	PREP	04-03-004	16-231-800	PREP	04-03-004	16-301-270	AMD	04-06-019
16-231-115	PREP	04-03-004	16-231-805	PREP	04-03-004	16-301-310	AMD	04-06-019
16-231-119	PREP	04-03-004	16-231-810	PREP	04-03-004	16-301-325	AMD	04-06-019
16-231-125	PREP	04-03-004	16-231-815	PREP	04-03-004	16-301-330	AMD	04-06-019
16-231-130	PREP	04-03-004	16-231-820	PREP	04-03-004	16-301-335	AMD	04-06-019
16-231-135	PREP	04-03-004	16-231-825	PREP	04-03-004	16-301-365	AMD-P	04-05-118
16-231-140	PREP	04-03-004	16-231-830	PREP	04-03-004	16-301-365	AMD	04-08-043
16-231-145	PREP	04-03-004	16-231-835	PREP	04-03-004	16-301-375	AMD-P	04-05-118
16-231-149	PREP	04-03-004	16-231-840	PREP	04-03-004	16-301-375	AMD	04-08-043
16-231-153	PREP	04-03-004	16-231-900	PREP	04-03-004	16-301-380	AMD-P	04-05-118
16-231-156	PREP	04-03-004	16-231-905	PREP	04-03-004	16-301-380	AMD	04-08-043
16-231-159	PREP	04-03-004	16-231-910	PREP	04-03-004	16-301-395	AMD-P	04-05-118
16-231-162	PREP	04-03-004	16-231-912	PREP	04-03-004	16-301-395	AMD	04-08-043
16-231-165	PREP	04-03-004	16-231-915	PREP	04-03-004	16-301-396	NEW-P	04-05-118
16-231-168	PREP	04-03-004	16-231-920	PREP	04-03-004	16-301-396	NEW	04-08-043
16-231-171	PREP	04-03-004	16-231-925	PREP	04-03-004	16-301-410	AMD-P	04-05-118
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16-231-177	PREP	04-03-004	16-231-935	PREP	04-03-004	16-301-415	AMD-P	04-05-118
16-231-180	PREP	04-03-004	16-232-001	PREP	04-03-004	16-301-415	AMD	04-08-043
16-231-183	PREP	04-03-004	16-232-005	PREP	04-03-004	16-301-420	AMD-P	04-05-118
16-231-200	PREP	04-03-004	16-232-007	PREP	04-03-004	16-301-420	AMD	04-08-043
16-231-205	PREP	04-03-004	16-232-010	PREP	04-03-004	16-301-430	AMD-P	04-05-118
16-231-210	PREP	04-03-004	16-232-015	PREP	04-03-004	16-301-430	AMD	04-08-043
16-231-215	PREP	04-03-004	16-232-020	PREP	04-03-004	16-301-435	AMD-P	04-05-118
16-231-220	PREP	04-03-004	16-232-025	PREP	04-03-004	16-301-435	AMD	04-08-043
16-231-225	PREP	04-03-004	16-232-027	PREP	04-03-004	16-301-440	AMD-P	04-05-118
16-231-230	PREP	04-03-004	16-232-030	PREP	04-03-004	16-301-440	AMD	04-08-043
16-231-235	PREP	04-03-004	16-232-035	PREP	04-03-004	16-301-450	REP-P	04-05-118

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-301-450	REP	04-08-043	16-390-210	NEW	04-11-078	16-402-130	NEW-E	04-07-046
16-301-455	REP-P	04-05-118	16-390-220	NEW-P	04-08-128	16-402-130	NEW-P	04-11-111
16-301-455	REP	04-08-043	16-390-220	NEW	04-11-078	16-449-001	REP	04-05-117
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16-301-460	REP	04-08-043	16-390-230	NEW	04-11-078	16-449-020	REP	04-05-117
16-301-465	REP-P	04-05-118	16-390-240	NEW-P	04-08-128	16-449-030	REP	04-05-117
16-301-465	REP	04-08-043	16-390-240	NEW	04-11-078	16-450-005	NEW	04-05-117
16-301-470	REP-P	04-05-118	16-390-242	NEW-P	04-08-128	16-450-010	NEW	04-05-117
16-301-470	REP	04-08-043	16-390-242	NEW	04-11-078	16-450-012	NEW	04-05-117
16-301-475	REP-P	04-05-118	16-390-245	NEW-P	04-08-128	16-450-014	NEW	04-05-117
16-301-475	REP	04-08-043	16-390-245	NEW	04-11-078	16-450-016	NEW	04-05-117
16-301-480	REP-P	04-05-118	16-390-250	NEW-P	04-08-128	16-450-020	NEW	04-05-117
16-301-480	REP	04-08-043	16-390-250	NEW	04-11-078	16-450-022	NEW	04-05-117
16-301-485	REP-P	04-05-118	16-390-260	NEW-P	04-08-128	16-450-024	NEW	04-05-117
16-301-485	REP	04-08-043	16-390-260	NEW	04-11-078	16-450-026	NEW	04-05-117
16-302-385	AMD-P	04-05-120	16-390-270	NEW-P	04-08-128	16-450-028	NEW	04-05-117
16-302-385	AMD	04-08-044	16-390-270	NEW	04-11-078	16-450-032	NEW	04-05-117
16-302-685	AMD	04-06-018	16-390-280	NEW-P	04-08-128	16-450-040	NEW	04-05-117
16-303-340	AMD	04-06-029	16-390-280	NEW	04-11-078	16-450-042	NEW	04-05-117
16-319-041	AMD	04-06-028	16-400-007	REP-P	04-08-128	16-450-044	NEW	04-05-117
16-324-375	AMD-X	04-07-170	16-400-007	REP	04-11-078	16-450-046	NEW	04-05-117
16-324-375	AMD	04-12-026	16-400-008	REP-P	04-08-128	16-450-048	NEW	04-05-117
16-324-393	AMD-X	04-07-170	16-400-008	REP	04-11-078	16-450-050	NEW	04-05-117
16-324-393	AMD	04-12-026	16-400-010	REP-P	04-08-128	16-450-060	NEW	04-05-117
16-324-398	AMD-X	04-07-170	16-400-010	REP	04-11-078	16-450-070	NEW	04-05-117
16-324-398	AMD	04-12-026	16-400-040	REP-P	04-08-128	16-458-075	REP-P	04-08-128
16-324-720	REP-X	04-07-170	16-400-040	REP	04-11-078	16-458-075	REP	04-11-078
16-324-720	REP	04-12-026	16-400-045	REP-P	04-08-128	16-458-085	REP-P	04-08-128
16-324-730	REP-X	04-07-170	16-400-045	REP	04-11-078	16-458-085	REP	04-11-078
16-324-730	REP	04-12-026	16-400-060	REP-P	04-08-128	16-459-001	REP	04-05-117
16-324-740	REP-X	04-07-170	16-400-060	REP	04-11-078	16-459-00101	REP	04-05-117
16-324-740	REP	04-12-026	16-400-100	REP-P	04-08-128	16-459-010	REP	04-05-117
16-324-750	REP-X	04-07-170	16-400-100	REP	04-11-078	16-459-020	REP	04-05-117
16-324-750	REP	04-12-026	16-400-150	REP-P	04-08-128	16-459-030	REP	04-05-117
16-328	PREP	04-09-082	16-400-150	REP	04-11-078	16-459-040	REP	04-05-117
16-328-011	AMD-P	04-13-150	16-400-210	REP-P	04-08-128	16-470	PREP	04-09-080
16-333	PREP	04-09-081	16-400-210	REP	04-11-078	16-470-105	AMD-C	04-05-025
16-333-041	AMD-P	04-13-149	16-400-270	REP-P	04-08-128	16-470-105	AMD	04-09-027
16-350-040	AMD-P	04-07-171	16-400-270	REP	04-11-078	16-470-750	NEW-E	04-08-082
16-350-040	AMD	04-11-025	16-401	PREP	04-04-108	16-470-755	NEW-E	04-08-082
16-350-045	AMD-P	04-07-171	16-401	PREP	04-06-082	16-470-760	NEW-E	04-08-082
16-350-045	AMD	04-11-025	16-401	PREP	04-09-079	16-470-765	NEW-E	04-08-082
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16-390-005	NEW	04-11-078	16-401-070	NEW	04-11-026	16-470-912	AMD-P	04-13-148
16-390-010	NEW-P	04-08-128	16-402	AMD-P	04-06-083	16-470-917	AMD-P	04-13-148
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16-390-020	NEW-P	04-08-128	16-402	AMD	04-09-084	16-481	AMD-P	04-13-147
16-390-020	NEW	04-11-078	16-402-010	AMD-P	04-06-083	16-481-010	AMD-P	04-13-147
16-390-030	NEW-P	04-08-128	16-402-010	AMD	04-09-084	16-481-015	AMD-P	04-13-147
16-390-030	NEW	04-11-078	16-402-020	AMD-P	04-06-083	16-481-020	AMD-P	04-13-147
16-390-040	NEW-P	04-08-128	16-402-020	AMD	04-09-084	16-481-025	AMD-P	04-13-147
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16-390-060	NEW	04-11-078	16-402-040	NEW-P	04-06-083	16-481-060	AMD-P	04-13-147
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16-390-100	NEW	04-11-078	16-402-100	NEW-E	04-07-046	16-481-075	REP-P	04-13-147
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16-390-200	NEW	04-11-078	16-402-120	NEW-E	04-07-046	16-512-010	AMD	04-07-128
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16-532-020	AMD-W	04-10-056	51- 11-1006	AMD-W	04-07-082	118- 33-020	REP	04-08-007
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16-532-040	AMD-W	04-10-056	51- 11-1310	AMD-W	04-07-082	118- 33-040	REP	04-08-007
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16-532-105	NEW-W	04-10-055	51- 11-1334	AMD-W	04-07-082	118- 33-090	REP	04-08-007
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16-532-115	NEW-W	04-10-075	51- 11-1413	AMD-W	04-07-082	118- 33-110	REP	04-08-007
16-532-120	AMD	04-10-059	51- 11-1414	AMD-W	04-07-082	118- 33-120	REP	04-08-007
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16-561-006	NEW-P	04-07-194	51- 13-201	AMD	04-07-192	131- 16-450	AMD-P	04-07-095
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16-690-010	REP	04-05-117	51- 13-502	AMD	04-07-192	132L- 26-040	REP-P	04-10-052
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16-690-020	REP	04-05-117	51- 13-503	AMD	04-07-192	132L- 26-055	REP-P	04-10-052
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16-690-030	REP	04-05-117	51- 50-003	AMD-X	04-13-077	132L- 26-065	REP-P	04-10-052
16-690-035	REP	04-05-117	51- 50-005	AMD-X	04-13-077	132L- 26-070	REP-P	04-10-052
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132L-108-090	NEW-P	04-10-052	132L-280-015	REP-P	04-10-052	132V-120-241	AMD-P	04-09-017
132L-108-100	NEW-P	04-10-052	132L-280-020	REP-P	04-10-052	132V-120-245	AMD-P	04-09-017
132L-117-010	AMD-P	04-10-052	132L-280-030	REP-P	04-10-052	132V-120-270	AMD-P	04-09-017
132L-117-020	AMD-P	04-10-052	132L-280-040	REP-P	04-10-052	132V-120-280	AMD-P	04-09-017
132L-117-030	AMD-P	04-10-052	132L-280-050	REP-P	04-10-052	132V-120-290	AMD-P	04-09-017
132L-117-040	AMD-P	04-10-052	132L-280-060	REP-P	04-10-052	132V-120-295	NEW-P	04-09-017
132L-117-060	AMD-P	04-10-052	132L-280-070	REP-P	04-10-052	132V-120-300	AMD-P	04-09-017
132L-117-080	AMD-P	04-10-052	132L-280-080	REP-P	04-10-052	132V-120-310	AMD-P	04-09-017
132L-117-090	AMD-P	04-10-052	132L-280-090	REP-P	04-10-052	132V-120-320	AMD-P	04-09-017
132L-117-110	AMD-P	04-10-052	132L-280-100	REP-P	04-10-052	132V-120-335	NEW-P	04-09-017
132L-117-130	AMD-P	04-10-052	132L-280-110	REP-P	04-10-052	132V-120-340	NEW-P	04-09-017
132L-117-140	AMD-P	04-10-052	132L-280-120	REP-P	04-10-052	132V-120-345	NEW-P	04-09-017
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132L-117-170	AMD-P	04-10-052	132L-300-020	NEW-P	04-10-052	132V-130-020	AMD-P	04-09-016
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132L-117-190	AMD-P	04-10-052	132L-300-040	NEW-P	04-10-052	136-130-040	AMD	04-05-001
132L-117-210	AMD-P	04-10-052	132L-300-050	NEW-P	04-10-052	136-130-060	AMD	04-05-001
132L-117-230	AMD-P	04-10-052	132L-300-060	NEW-P	04-10-052	136-130-070	AMD	04-05-001
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132L-120-130	AMD-P	04-10-052	132L-400-020	REP-P	04-10-052	139- 05-242	PREP	04-11-054
132L-122-010	NEW-P	04-10-052	132L-400-030	REP-P	04-10-052	139- 05-915	PREP	04-05-064
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132L-136-020	AMD-P	04-10-052	132Q- 01-050	AMD	04-10-065	173- 26-105	REP	04-10-068
132L-136-020	DECOD-P	04-10-052	132Q-113-010	AMD	04-10-065	173-175-010	AMD-P	04-09-109
132L-136-021	NEW-P	04-10-052	132Q-136-030	AMD	04-10-065	173-175-020	AMD-P	04-09-109
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132L-140-020	AMD-P	04-10-052	132V-120-040	AMD-P	04-09-017	173-175-520	AMD-P	04-09-109
132L-140-030	REP-P	04-10-052	132V-120-050	AMD-P	04-09-017	173-175-610	AMD-P	04-09-109
132L-276-010	AMD-P	04-10-052	132V-120-070	AMD-P	04-09-017	173-175-620	AMD-P	04-09-109
132L-276-020	AMD-P	04-10-052	132V-120-080	AMD-P	04-09-017	173-175-705	NEW-P	04-09-109
132L-276-030	REP-P	04-10-052	132V-120-090	AMD-P	04-09-017	173-175-725	NEW-P	04-09-109
132L-276-040	REP-P	04-10-052	132V-120-100	AMD-P	04-09-017	173-175-735	NEW-P	04-09-109
132L-276-050	AMD-P	04-10-052	132V-120-110	AMD-P	04-09-017	173-175-755	NEW-P	04-09-109
132L-276-060	AMD-P	04-10-052	132V-120-120	AMD-P	04-09-017	173-175-765	NEW-P	04-09-109
132L-276-070	AMD-P	04-10-052	132V-120-130	AMD-P	04-09-017	173-175-775	NEW-P	04-09-109
132L-276-080	AMD-P	04-10-052	132V-120-140	AMD-P	04-09-017	173-175-785	NEW-P	04-09-109
132L-276-090	AMD-P	04-10-052	132V-120-150	AMD-P	04-09-017	173-175-795	NEW-P	04-09-109
132L-276-100	AMD-P	04-10-052	132V-120-160	AMD-P	04-09-017	173-224-030	AMD-P	04-08-104
132L-276-110	AMD-P	04-10-052	132V-120-170	AMD-P	04-09-017	173-224-040	AMD-P	04-08-104
132L-276-120	AMD-P	04-10-052	132V-120-180	AMD-P	04-09-017	173-224-050	AMD-P	04-08-104
132L-276-130	AMD-P	04-10-052	132V-120-200	AMD-P	04-09-017	173-224-090	AMD-P	04-08-104
132L-276-140	AMD-P	04-10-052	132V-120-210	AMD-P	04-09-017	173-300-020	AMD-X	04-11-067

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173-300-060	AMD-X	04-11-067	180- 41	PREP	04-12-110	180- 96	PREP	04-12-105
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173-300-080	AMD-X	04-11-067	180- 46	PREP	04-09-065	181- 01-002	NEW	04-08-047
173-300-090	AMD-X	04-11-067	180- 46-005	REP-W	04-07-081	181- 01-003	NEW-P	04-04-106
173-300-100	AMD-X	04-11-067	180- 46-010	REP-W	04-07-081	181- 01-003	NEW	04-08-048
173-300-110	AMD-X	04-11-067	180- 46-015	REP-W	04-07-081	182	PREP	04-07-079
173-300-120	AMD-X	04-11-067	180- 46-020	REP-W	04-07-081	182- 08-015	AMD-P	04-13-156
173-300-130	AMD-X	04-11-067	180- 46-025	REP-W	04-07-081	182- 08-095	REP-P	04-13-156
173-300-140	AMD-X	04-11-067	180- 46-030	REP-W	04-07-081	182- 08-120	AMD-P	04-13-156
173-303	PREP	04-04-101	180- 46-035	REP-W	04-07-081	182- 08-125	REP-P	04-13-156
173-322	PREP	04-13-124	180- 46-040	REP-W	04-07-081	182- 08-160	REP-P	04-13-156
173-400	PREP-W	04-10-010	180- 46-045	REP-W	04-07-081	182- 08-165	REP-P	04-13-156
173-405	PREP-W	04-10-010	180- 46-050	REP-W	04-07-081	182- 08-175	REP-P	04-13-156
173-410	PREP-W	04-10-010	180- 46-055	REP-W	04-07-081	182- 08-180	AMD-P	04-13-156
173-430	PREP	04-13-125	180- 46-065	REP-W	04-07-081	182- 08-190	AMD-P	04-13-156
173-433	PREP-W	04-10-010	180- 50	PREP	04-12-108	182- 08-196	AMD-P	04-13-156
173-434	PREP-W	04-10-010	180- 50-300	AMD-P	04-04-086	182- 08-200	AMD-P	04-13-156
173-503	PREP	04-06-027	180- 50-320	AMD-P	04-04-086	182- 08-210	REP-P	04-13-156
173-517	PREP	04-07-185	180- 51	PREP	04-09-062	182- 08-230	NEW-P	04-13-156
173-518	PREP	04-07-129	180- 51-050	AMD	04-04-093	182- 12	PREP	04-07-080
173-531A	PREP	04-11-038	180- 51-061	AMD	04-04-092	182- 12-108	NEW-P	04-13-156
173-532	PREP	04-08-061	180- 52	PREP	04-12-108	182- 12-109	NEW-P	04-13-156
173-563	PREP	04-11-038	180- 55	PREP	04-12-108	182- 12-110	REP-P	04-13-156
180- 08	PREP	04-12-115	180- 55-005	AMD	04-04-093	182- 12-111	AMD-P	04-13-156
180- 10	PREP	04-12-115	180- 55-015	AMD	04-04-093	182- 12-112	NEW-P	04-13-156
180- 16	PREP	04-12-114	180- 55-020	AMD	04-04-093	182- 12-115	PREP	04-11-011
180- 16-220	AMD	04-04-093	180- 55-034	AMD	04-04-093	182- 12-117	REP-P	04-13-156
180- 16-220	PREP	04-09-066	180- 55-150	REP	04-04-093	182- 12-118	REP-P	04-13-156
180- 16-225	AMD	04-04-093	180- 56	PREP	04-12-108	182- 12-119	REP-P	04-13-156
180- 16-227	AMD	04-04-093	180- 57	PREP	04-09-061	182- 12-121	AMD-P	04-13-156
180- 18	PREP	04-12-114	180- 72	PREP	04-09-063	182- 12-123	NEW-P	04-13-156
180- 18-050	AMD	04-04-093	180- 77	PREP	04-08-056	182- 12-124	REP-P	04-13-156
180- 18-055	AMD	04-04-093	180- 77A	PREP	04-08-056	182- 12-128	NEW-P	04-13-156
180- 18-090	NEW	04-04-093	180- 78A	PREP	04-08-056	182- 12-131	NEW-P	04-13-156
180- 20	PREP	04-12-113	180- 78A-100	AMD	04-04-090	182- 12-132	REP-P	04-13-156
180- 20-009	AMD-P	04-04-087	180- 78A-270	AMD	04-04-089	182- 12-133	NEW-P	04-13-156
180- 20-009	AMD	04-08-055	180- 78A-507	AMD	04-04-010	182- 12-136	NEW-P	04-13-156
180- 20-021	NEW-P	04-04-087	180- 79A	PREP	04-08-056	182- 12-138	NEW-P	04-13-156
180- 20-021	NEW	04-08-055	180- 79A-030	AMD	04-04-011	182- 12-141	NEW-P	04-13-156
180- 20-101	AMD-P	04-04-087	180- 79A-117	AMD	04-04-088	182- 12-145	REP-P	04-13-156
180- 20-101	AMD	04-08-055	180- 79A-140	PREP	04-04-084	182- 12-146	NEW-P	04-13-156
180- 20-111	AMD-P	04-04-087	180- 79A-206	AMD	04-04-011	182- 12-148	NEW-P	04-13-156
180- 20-111	AMD	04-08-055	180- 79A-213	AMD	04-04-011	182- 12-171	NEW-P	04-13-156
180- 22	PREP	04-12-112	180- 79A-223	AMD	04-04-012	182- 12-190	AMD-P	04-13-156
180- 24	PREP	04-12-112	180- 79A-226	AMD	04-04-011	182- 12-200	AMD-P	04-13-156
180- 24-225	NEW	04-04-091	180- 79A-231	PREP	04-04-084	182- 12-205	NEW-P	04-13-156
180- 25	PREP	04-12-111	180- 79A-257	AMD	04-04-009	182- 12-211	NEW-P	04-13-156
180- 26	PREP	04-12-111	180- 79A-257	AMD	04-04-011	182- 12-215	REP-P	04-13-156
180- 27	PREP	04-12-111	180- 81	PREP	04-08-056	182- 12-220	REP-P	04-13-156
180- 27-100	PREP	04-10-086	180- 82	PREP	04-08-056	182- 12-230	REP-P	04-13-156
180- 27-120	PREP	04-12-116	180- 82A	PREP	04-08-056	182- 12-250	NEW-P	04-13-156
180- 29	PREP	04-12-111	180- 83	PREP	04-08-056	182- 12-260	NEW-P	04-13-156
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180- 32	PREP	04-12-111	180- 85-077	AMD-P	04-10-087	182- 12-270	NEW-P	04-13-156
180- 33	PREP	04-12-111	180- 85-105	AMD-P	04-04-085	182- 16-040	PREP	04-07-079
180- 34	PREP	04-12-111	180- 85-105	AMD	04-08-054	182- 16-040	AMD-P	04-13-156
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180- 37	PREP	04-12-110	180- 87	PREP	04-08-056	182- 20-400	AMD	04-03-006
180- 38	PREP	04-12-110	180- 88	PREP	04-09-064	182- 25-040	AMD-X	04-11-039

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192-150-130	NEW-P	04-10-114	192-230-100	NEW-E	04-10-071	196- 21-030	AMD	04-04-001
192-150-135	NEW-E	04-02-039	192-230-100	NEW-P	04-10-114	196- 23-	PREP	04-10-011
192-150-135	NEW-E	04-10-071	192-240-035	AMD-E	04-02-039	196- 23-070	AMD	04-04-001
192-150-135	NEW-P	04-10-114	192-240-035	AMD-E	04-10-071	196- 24-041	REP	04-04-001
192-150-140	NEW-E	04-02-039	192-240-035	AMD-P	04-10-114	196- 24-080	REP	04-04-001
192-150-140	NEW-E	04-10-071	192-240-040	AMD-E	04-02-039	196- 24-085	REP	04-04-001
192-150-140	NEW-P	04-10-114	192-240-040	AMD-E	04-10-071	196- 24-100	REP	04-04-001
192-150-150	NEW-E	04-02-039	192-240-040	AMD-P	04-10-114	196- 24-105	REP	04-04-001
192-150-150	NEW-E	04-10-071	192-300-050	AMD-E	04-02-039	196- 24-110	REP-W	04-05-061
192-150-150	NEW-P	04-10-114	192-300-050	AMD-E	04-10-071	196- 25-001	AMD	04-04-001
192-150-200	NEW-E	04-02-039	192-300-050	AMD-P	04-10-113	196- 25-002	AMD-W	04-05-061
192-150-200	NEW-E	04-10-071	192-310-010	AMD-E	04-02-039	196- 25-005	AMD	04-04-001
192-150-200	NEW-P	04-10-114	192-310-010	AMD-E	04-10-071	196- 25-010	AMD	04-04-001
192-150-205	NEW-E	04-02-039	192-310-010	AMD-P	04-10-113	196- 25-020	REP	04-04-001
192-150-205	NEW-E	04-10-071	192-310-025	AMD-E	04-02-039	196- 25-030	REP	04-04-001
192-150-205	NEW-P	04-10-114	192-310-025	AMD-E	04-10-071	196- 25-040	AMD-W	04-05-061
192-150-210	NEW-E	04-02-039	192-310-025	AMD-P	04-10-113	196- 25-050	AMD	04-04-001
192-150-210	NEW-E	04-10-071	192-310-030	AMD-E	04-02-039	196- 25-100	REP	04-04-001
192-150-210	NEW-P	04-10-114	192-310-030	AMD-E	04-10-071	196- 26A	PREP	04-10-011
192-150-215	NEW-E	04-02-039	192-310-030	AMD-P	04-10-113	196- 27A-025	NEW-W	04-05-061
192-150-215	NEW-E	04-10-071	192-320-070	AMD-E	04-02-039	199- 08-300	NEW-E	04-10-002
192-150-215	NEW-P	04-10-114	192-320-070	AMD-E	04-10-071	199- 08-305	NEW-E	04-10-002
192-150-220	NEW-E	04-02-039	192-320-070	AMD-P	04-10-113	199- 08-310	NEW-E	04-10-002
192-150-220	NEW-E	04-10-071	192-320-075	NEW-E	04-02-039	199- 08-315	NEW-E	04-10-002
192-150-220	NEW-P	04-10-114	192-320-075	NEW-E	04-10-071	199- 08-320	NEW-E	04-10-002
192-180-010	AMD-E	04-02-039	192-320-075	NEW-P	04-10-113	199- 08-325	NEW-E	04-10-002
192-180-010	AMD-E	04-10-071	192-340-100	NEW-E	04-02-039	199- 08-335	NEW-E	04-10-002
192-180-010	AMD-P	04-10-114	192-340-100	NEW-E	04-10-071	199- 08-340	NEW-E	04-10-002
192-180-015	AMD-E	04-02-039	192-340-100	NEW-P	04-10-113	199- 08-350	NEW-E	04-10-002
192-180-015	AMD-E	04-10-071	196- 09-	AMD	04-04-001	199- 08-385	NEW-E	04-10-002
192-180-015	AMD-P	04-10-114	196- 09-010	AMD	04-04-001	199- 08-390	NEW-E	04-10-002
192-180-020	AMD-E	04-02-039	196- 09-050	NEW	04-04-001	199- 08-395	NEW-E	04-10-002
192-180-020	AMD-E	04-10-071	196- 09-055	NEW	04-04-001	199- 08-400	NEW-E	04-10-002
192-180-020	AMD-P	04-10-114	196- 09-060	NEW	04-04-001	199- 08-405	NEW-E	04-10-002
192-180-025	AMD-E	04-02-039	196- 09-100	NEW	04-04-001	199- 08-410	NEW-E	04-10-002
192-180-025	AMD-E	04-10-071	196- 09-110	NEW	04-04-001	199- 08-415	NEW-E	04-10-002
192-180-025	AMD-P	04-10-114	196- 09-120	NEW	04-04-001	199- 08-420	NEW-E	04-10-002
192-180-030	AMD-E	04-02-039	196- 12-005	NEW	04-04-001	199- 08-425	NEW-E	04-10-002
192-180-030	AMD-E	04-10-071	196- 12-010	AMD	04-04-001	199- 08-426	NEW-E	04-10-002
192-180-030	AMD-P	04-10-114	196- 12-020	AMD	04-04-001	199- 08-427	NEW-E	04-10-002
192-180-040	NEW-E	04-02-039	196- 12-030	AMD	04-04-001	199- 08-428	NEW-E	04-10-002
192-180-040	NEW-E	04-10-071	196- 12-045	AMD	04-04-001	199- 08-429	NEW-E	04-10-002
192-180-040	NEW-P	04-10-114	196- 12-050	AMD	04-04-001	199- 08-430	NEW-E	04-10-002
192-200-005	NEW-E	04-02-039	196- 12-055	NEW	04-04-001	199- 08-435	NEW-E	04-10-002
192-200-005	NEW-E	04-10-071	196- 12-065	NEW	04-04-001	199- 08-440	NEW-E	04-10-002
192-200-005	NEW-P	04-10-114	196- 16-006	NEW	04-04-001	199- 08-445	NEW-E	04-10-002
192-200-010	NEW-E	04-02-039	196- 16-007	AMD	04-04-001	199- 08-450	NEW-E	04-10-002
192-200-010	NEW-E	04-10-071	196- 16-010	AMD	04-04-001	199- 08-455	NEW-E	04-10-002
192-200-010	NEW-P	04-10-114	196- 16-020	AMD	04-04-001	199- 08-460	NEW-E	04-10-002
192-200-030	NEW-E	04-02-039	196- 16-031	AMD	04-04-001	199- 08-465	NEW-E	04-10-002
192-200-030	NEW-E	04-10-071	196- 16-035	NEW	04-04-001	199- 08-470	NEW-E	04-10-002
192-200-030	NEW-P	04-10-114	196- 20-005	NEW-P	04-04-027	199- 08-475	NEW-E	04-10-002
192-220-010	NEW-E	04-02-039	196- 20-005	NEW	04-10-067	199- 08-480	NEW-E	04-10-002
192-220-010	NEW-E	04-10-071	196- 20-010	AMD-P	04-04-027	199- 08-485	NEW-E	04-10-002
192-220-010	NEW-P	04-10-114	196- 20-010	AMD	04-10-067	199- 08-490	NEW-E	04-10-002
192-220-020	NEW-E	04-02-039	196- 20-020	AMD-P	04-04-027	199- 08-495	NEW-E	04-10-002
192-220-020	NEW-E	04-10-071	196- 20-020	AMD	04-10-067	199- 08-500	NEW-E	04-10-002
192-220-020	NEW-P	04-10-114	196- 20-030	AMD-P	04-04-027	199- 08-510	NEW-E	04-10-002
192-220-030	NEW-E	04-02-039	196- 20-030	AMD	04-10-067	199- 08-515	NEW-E	04-10-002
192-220-030	NEW-E	04-10-071	196- 21-005	NEW	04-04-001	199- 08-520	NEW-E	04-10-002

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199-08-535	NEW-E	04-10-002	208-690-150	NEW-P	04-11-110	220-33-01000A	NEW-E	04-08-011
199-08-540	NEW-E	04-10-002	208-690-160	NEW-E	04-07-182	220-33-01000A	REP-E	04-08-026
199-08-545	NEW-E	04-10-002	208-690-160	NEW-P	04-11-110	220-33-01000B	NEW-E	04-08-026
199-08-550	NEW-E	04-10-002	208-690-170	NEW-E	04-07-182	220-33-01000B	REP-E	04-09-021
199-08-555	NEW-E	04-10-002	208-690-170	NEW-P	04-11-110	220-33-01000C	NEW-E	04-09-021
199-08-565	NEW-E	04-10-002	208-690-180	NEW-E	04-07-182	220-33-01000C	REP-E	04-11-001
199-08-570	NEW-E	04-10-002	208-690-180	NEW-P	04-11-110	220-33-01000D	NEW-E	04-11-075
199-08-580	NEW-E	04-10-002	212-17-060	AMD-E	04-11-061	220-33-01000D	REP-E	04-11-075
204-91A	PREP	04-10-054	212-17-480	NEW-E	04-11-061	220-33-01000Q	REP-E	04-04-071
204-91A-030	AMD-P	04-13-040	212-17-485	NEW-E	04-11-061	220-33-01000R	NEW-E	04-04-071
204-91A-040	AMD-P	04-13-040	212-17-490	NEW-E	04-11-061	220-33-01000R	REP-E	04-04-071
204-91A-050	AMD-P	04-13-040	212-17-495	NEW-E	04-11-061	220-33-01000S	NEW-E	04-06-002
204-91A-060	AMD-P	04-13-040	212-17-500	NEW-E	04-11-061	220-33-01000S	REP-E	04-06-002
204-91A-070	AMD-P	04-13-040	212-17-505	NEW-E	04-11-061	220-33-01000S	REP-E	04-06-059
204-91A-080	AMD-P	04-13-040	212-17-510	NEW-E	04-11-061	220-33-01000T	NEW-E	04-06-059
204-91A-090	AMD-P	04-13-040	212-17-515	NEW-E	04-11-061	220-33-01000T	REP-E	04-07-008
204-91A-120	AMD-P	04-13-040	212-17-520	NEW-E	04-11-061	220-33-01000U	NEW-E	04-07-008
204-91A-130	AMD-P	04-13-040	212-17-525	NEW-E	04-11-061	220-33-01000U	REP-E	04-07-028
204-91A-140	AMD-P	04-13-040	212-17-530	NEW-E	04-11-061	220-33-01000V	NEW-E	04-07-028
204-91A-170	AMD-P	04-13-040	212-17-535	NEW-E	04-11-061	220-33-01000V	REP-E	04-07-050
204-96-010	AMD	04-07-012	212-17-540	NEW-E	04-11-061	220-33-01000W	NEW-E	04-07-050
208-690-010	NEW-E	04-07-182	220-12-020	AMD	04-07-009	220-33-01000W	REP-E	04-07-078
208-690-010	NEW-P	04-11-110	220-16-270	AMD	04-07-009	220-33-01000X	NEW-E	04-07-078
208-690-020	NEW-E	04-07-182	220-16-470	AMD-X	04-12-073	220-33-01000X	REP-E	04-07-118
208-690-020	NEW-P	04-11-110	220-16-47000B	NEW-E	04-10-034	220-33-01000Y	NEW-E	04-07-118
208-690-030	NEW-E	04-07-182	220-16-550	AMD	04-07-009	220-33-01000Y	REP-E	04-07-169
208-690-030	NEW-P	04-11-110	220-16-800	NEW	04-07-009	220-33-01000Z	NEW-E	04-07-169
208-690-031	NEW-E	04-07-182	220-16-810	NEW	04-07-009	220-33-01000Z	REP-E	04-08-011
208-690-031	NEW-P	04-11-110	220-20-056	REP	04-10-108	220-33-03000U	NEW-E	04-09-018
208-690-035	NEW-E	04-07-182	220-20-080	AMD	04-08-025	220-33-03000U	REP-E	04-09-018
208-690-035	NEW-P	04-11-110	220-22-40000F	NEW-E	04-13-024	220-33-04000U	REP-E	04-07-117
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208-690-045	NEW-P	04-11-110	220-24-04000M	NEW-E	04-11-052	220-36-023	AMD-X	04-11-109
208-690-050	NEW-E	04-07-182	220-24-04000M	REP-E	04-11-052	220-40-027	AMD-X	04-11-109
208-690-050	NEW-P	04-11-110	220-24-04000N	NEW-E	04-12-011	220-44-05000A	NEW-E	04-03-010C
208-690-060	NEW-E	04-07-182	220-24-04000N	REP-E	04-12-011	220-44-05000A	REP-E	04-12-012
208-690-060	NEW-P	04-11-110	220-32-05100P	NEW-E	04-03-075	220-44-05000B	NEW-E	04-12-012
208-690-070	NEW-E	04-07-182	220-32-05100P	REP-E	04-03-075	220-44-05000Z	REP-E	04-03-010C
208-690-070	NEW-P	04-11-110	220-32-05100P	REP-E	04-04-053	220-47-301	AMD-X	04-12-129
208-690-075	NEW-E	04-07-182	220-32-05100Q	NEW-E	04-04-053	220-47-302	AMD-X	04-12-129
208-690-075	NEW-P	04-11-110	220-32-05100Q	REP-E	04-04-053	220-47-303	AMD-X	04-12-129
208-690-080	NEW-E	04-07-182	220-32-05100Q	REP-E	04-07-027	220-47-307	AMD-X	04-12-129
208-690-080	NEW-P	04-11-110	220-32-05100R	NEW-E	04-07-027	220-47-311	AMD-X	04-12-129
208-690-090	NEW-E	04-07-182	220-32-05100R	REP-E	04-07-027	220-47-325	AMD-X	04-12-129
208-690-090	NEW-P	04-11-110	220-32-05100S	NEW-E	04-10-064	220-47-401	AMD-X	04-12-129
208-690-100	NEW-E	04-07-182	220-32-05100S	REP-E	04-10-064	220-47-411	AMD-X	04-12-129
208-690-100	NEW-P	04-11-110	220-32-05100T	NEW-E	04-11-022	220-47-428	AMD-X	04-12-129
208-690-110	NEW-E	04-07-182	220-32-05100T	REP-E	04-11-022	220-47-430	REP-X	04-12-129
208-690-110	NEW-P	04-11-110	220-32-05100T	REP-E	04-11-074	220-48-01500T	NEW-E	04-07-029
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208-690-120	NEW-P	04-11-110	220-32-05100W	NEW-E	04-13-065	220-48-03200C	NEW-E	04-05-056
208-690-130	NEW-E	04-07-182	220-32-05100W	REP-E	04-13-117	220-48-03200C	REP-E	04-13-055
208-690-130	NEW-P	04-11-110	220-32-05100X	NEW-E	04-13-117	220-48-03200D	NEW-E	04-13-055
208-690-140	NEW-E	04-07-182	220-32-05100X	REP-E	04-13-117	220-48-062	AMD-P	04-13-005
208-690-140	NEW-P	04-11-110	220-32-06000B	NEW-E	04-10-064	220-48-06200C	NEW-E	04-05-056

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220- 49-020	AMD-P	04-13-005	220- 52-07100G	NEW-E	04-06-041	220- 56-27000U	NEW-E	04-07-123
220- 49-02000P	NEW-E	04-05-056	220- 52-073	AMD-P	04-13-033	220- 56-27000U	REP-E	04-07-123
220- 49-02000P	REP-E	04-13-055	220- 52-07300J	REP-E	04-03-010B	220- 56-27000V	NEW-E	04-13-056
220- 49-02000Q	NEW-E	04-13-055	220- 52-07300K	NEW-E	04-03-010B	220- 56-282	AMD	04-07-009
220- 49-023	AMD-P	04-13-163	220- 52-07300K	REP-E	04-03-074	220- 56-310	AMD	04-07-009
220- 49-056	AMD-P	04-13-005	220- 52-07300L	NEW-E	04-03-074	220- 56-310	AMD-P	04-13-023
220- 49-05600C	NEW-E	04-05-056	220- 52-07300L	REP-E	04-06-012	220- 56-315	AMD	04-07-009
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220- 49-05600D	NEW-E	04-13-055	220- 55-061	NEW	04-08-063	220- 56-32500K	NEW-E	04-09-020
220- 52-03000U	NEW-E	04-11-051	220- 55-115	AMD-P	04-13-061	220- 56-32500K	REP-E	04-09-052
220- 52-03000U	REP-E	04-11-051	220- 56-100	AMD-W	04-05-060	220- 56-32500L	NEW-E	04-09-052
220- 52-04000A	NEW-E	04-13-024	220- 56-100	AMD	04-07-009	220- 56-32500L	REP-E	04-09-102
220- 52-04000A	REP-E	04-13-024	220- 56-100	AMD-X	04-11-119	220- 56-32500M	NEW-E	04-09-102
220- 52-04000B	NEW-E	04-13-060	220- 56-10000C	NEW-E	04-10-034	220- 56-32500M	REP-E	04-10-028
220- 52-04000B	REP-E	04-13-060	220- 56-115	AMD	04-07-009	220- 56-32500N	NEW-E	04-10-028
220- 52-04000U	REP-E	04-05-007	220- 56-118	NEW	04-07-009	220- 56-32500N	REP-E	04-11-014
220- 52-04000V	NEW-E	04-05-007	220- 56-123	AMD-X	04-11-119	220- 56-32500P	NEW-E	04-11-014
220- 52-04000V	REP-E	04-05-014	220- 56-128	AMD-X	04-11-119	220- 56-32500P	REP-E	04-11-077
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220- 52-04000X	NEW-E	04-06-003	220- 56-150	AMD	04-07-009	220- 56-32500R	NEW-E	04-12-036
220- 52-04000X	REP-E	04-07-013	220- 56-175	AMD	04-10-033	220- 56-32500R	REP-E	04-12-061
220- 52-04000Y	NEW-E	04-07-013	220- 56-180	AMD-X	04-11-119	220- 56-32500S	NEW-E	04-12-061
220- 52-04000Y	REP-E	04-07-019	220- 56-18000C	NEW-E	04-10-034	220- 56-32500S	REP-E	04-13-034
220- 52-04000Z	NEW-E	04-07-019	220- 56-195	AMD-X	04-11-119	220- 56-32500T	NEW-E	04-13-034
220- 52-04600D	REP-E	04-03-049	220- 56-19500M	NEW-E	04-10-034	220- 56-32500T	REP-E	04-13-093
220- 52-04600F	REP-E	04-05-007	220- 56-215	AMD	04-07-009	220- 56-32500U	NEW-E	04-13-093
220- 52-04600G	NEW-E	04-03-049	220- 56-232	NEW-W	04-10-077	220- 56-330	AMD	04-07-009
220- 52-04600G	REP-E	04-06-042	220- 56-235	AMD	04-07-009	220- 56-33000J	NEW-E	04-13-004
220- 52-04600H	NEW-E	04-05-007	220- 56-235	AMD-W	04-10-073	220- 56-33000J	REP-E	04-13-028
220- 52-04600H	REP-E	04-06-013	220- 56-235	AMD-P	04-13-005	220- 56-33000K	NEW-E	04-13-008
220- 52-04600I	NEW-E	04-06-013	220- 56-23500S	NEW-E	04-05-057	220- 56-33000L	NEW-E	04-13-066
220- 52-04600I	REP-E	04-07-013	220- 56-23500S	REP-E	04-13-056	220- 56-33000L	REP-E	04-13-066
220- 52-04600J	NEW-E	04-06-042	220- 56-23500T	NEW-E	04-07-006	220- 56-335	AMD	04-07-009
220- 52-04600J	REP-E	04-08-038	220- 56-23500T	REP-E	04-07-006	220- 56-350	AMD	04-07-009
220- 52-04600K	NEW-E	04-07-013	220- 56-23500U	NEW-E	04-13-056	220- 56-35000Q	NEW-E	04-03-010A
220- 52-04600K	REP-E	04-07-042	220- 56-250	AMD	04-07-009	220- 56-35000Q	REP-E	04-06-035
220- 52-04600L	NEW-E	04-07-042	220- 56-250	AMD-W	04-10-073	220- 56-35000R	NEW-E	04-06-035
220- 52-04600L	REP-E	04-13-024	220- 56-25000F	NEW-E	04-07-005	220- 56-35000R	REP-E	04-07-043
220- 52-04600M	NEW-E	04-08-038	220- 56-25000G	NEW-E	04-10-042	220- 56-35000S	NEW-E	04-07-043
220- 52-04600M	REP-E	04-08-038	220- 56-25000G	REP-E	04-10-042	220- 56-35000S	REP-E	04-09-006
220- 52-04600N	NEW-E	04-13-024	220- 56-25500K	NEW-E	04-10-027	220- 56-35000T	NEW-E	04-09-006
220- 52-04600N	REP-E	04-13-024	220- 56-25500K	REP-E	04-10-043	220- 56-36000A	NEW-E	04-10-070
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220- 52-04600P	REP-E	04-13-060	220- 56-25500L	REP-E	04-12-002	220- 56-36000W	NEW-E	04-03-048
220- 52-05100P	NEW-E	04-09-007	220- 56-25500M	NEW-E	04-12-002	220- 56-36000W	REP-E	04-03-048
220- 52-05100P	REP-E	04-10-025	220- 56-25500M	REP-E	04-12-032	220- 56-36000X	NEW-E	04-05-100
220- 52-05100Q	NEW-E	04-10-025	220- 56-25500N	NEW-E	04-12-032	220- 56-36000X	REP-E	04-05-100
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220- 52-05100R	REP-E	04-13-007	220- 56-267	AMD-P	04-13-005	220- 56-36000Z	NEW-E	04-09-058
220- 52-05100S	NEW-E	04-13-007	220- 56-26700B	NEW-E	04-05-057	220- 56-36000Z	REP-E	04-09-058
220- 52-05100S	REP-E	04-13-027	220- 56-26700B	REP-E	04-13-056	220- 56-370	REP	04-07-009
220- 52-05100T	NEW-E	04-13-027	220- 56-26700C	NEW-E	04-13-056	220- 56-380	AMD	04-07-009
220- 52-05100T	REP-E	04-13-082	220- 56-270	AMD-P	04-13-005	220- 56-38000G	NEW-E	04-03-010A
220- 52-05100U	NEW-E	04-13-082	220- 56-27000R	REP-E	04-07-116	220- 56-390	AMD-P	04-13-005
220- 52-07100D	NEW-E	04-03-031	220- 56-27000R	REP-E	04-07-123	220- 56-39000B	NEW-E	04-05-057
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220-56-41000A	REP-E	04-13-056	222-08-090	NEW	04-05-122	232-16-610	NEW-P	04-13-168
220-56-41000B	NEW-E	04-13-056	222-08-100	NEW	04-05-122	232-16-740	AMD-P	04-13-168
220-69-210	AMD-P	04-13-193	222-08-120	NEW	04-05-122	232-28-248	AMD-P	04-05-115
220-69-215	AMD-P	04-13-193	222-08-130	NEW	04-05-122	232-28-248	AMD	04-11-036
220-69-220	AMD-P	04-13-193	222-08-140	RECOD	04-05-122	232-28-271	AMD	04-03-026
220-69-23402	AMD-P	04-13-193	222-08-150	RECOD	04-05-122	232-28-272	AMD-P	04-05-109
220-69-236	AMD-P	04-13-193	222-08-160	RECOD	04-05-122	232-28-272	AMD	04-11-036
220-69-240	AMD-P	04-13-033	222-12-090	AMD	04-05-087	232-28-272	AMD-P	04-13-165
220-69-240	AMD-P	04-13-193	222-16-010	AMD	04-05-087	232-28-273	AMD-P	04-05-111
220-69-241	AMD	04-05-028	230-02-030	AMD-X	04-12-038	232-28-273	AMD	04-11-036
220-69-241	AMD-P	04-13-193	230-02-035	AMD-X	04-12-038	232-28-282	AMD-P	04-05-111
220-69-242	AMD-P	04-13-193	230-04-124	AMD-W	04-05-059	232-28-282	AMD	04-11-036
220-69-243	AMD-P	04-13-193	230-04-192	REP-P	04-05-078	232-28-285	NEW-P	04-13-170
220-69-250	AMD-P	04-13-193	230-04-192	REP	04-09-028	232-28-333	AMD-P	04-05-113
220-69-254	AMD-P	04-13-193	230-04-196	REP-P	04-05-078	232-28-335	AMD-P	04-05-114
220-69-260	AMD-P	04-13-193	230-04-196	REP	04-09-028	232-28-335	AMD	04-11-036
220-69-262	REP-P	04-13-193	230-12-045	AMD-P	04-07-103	232-28-337	AMD-P	04-05-116
220-69-264	AMD-P	04-13-193	230-12-045	AMD	04-11-091	232-28-337	AMD	04-11-036
220-69-26401	AMD-P	04-13-193	230-12-330	AMD-P	04-11-090	232-28-341	AMD-P	04-05-112
220-69-270	AMD-P	04-13-193	230-12-340	AMD-P	04-11-090	232-28-341	AMD	04-11-036
220-69-274	AMD-P	04-13-193	230-20-059	AMD	04-07-102	232-28-341	AMD-P	04-13-169
220-69-280	AMD-P	04-13-193	230-30-033	AMD-P	04-09-088	232-28-351	AMD-P	04-05-107
220-69-300	AMD-P	04-13-193	230-30-072	AMD-P	04-02-045	232-28-351	AMD	04-11-036
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220-72-011	AMD-P	04-05-069	230-40-070	AMD-P	04-07-147	232-28-352	AMD	04-11-036
220-72-089	AMD-P	04-05-069	230-40-070	AMD-P	04-09-087	232-28-427	REP-P	04-13-171
220-72-08900C	NEW-E	04-08-037	230-40-070	AMD	04-11-092	232-28-428	NEW-P	04-13-171
220-72-090	AMD-P	04-05-069	230-40-120	AMD-C	04-04-036	232-28-515	AMD-P	04-13-166
220-72-09000C	NEW-E	04-08-037	230-40-120	AMD	04-06-005	232-28-619	AMD	04-07-009
220-88B-030	AMD	04-05-027	230-40-120	AMD-W	04-07-051	232-28-619	AMD-X	04-11-069
220-88B-040	AMD	04-05-027	230-40-625	AMD-P	04-11-089	232-28-619	AMD-X	04-11-119
220-88C-030	AMD-P	04-07-186	230-40-823	AMD	04-06-058	232-28-619	AMD-P	04-13-094
220-88C-030	AMD	04-10-035	230-40-825	AMD-P	04-11-089	232-28-61900A	NEW-E	04-09-103
220-88C-03000	NEW-E	04-10-041	232-12-004	AMD-P	04-05-099	232-28-61900A	REP-E	04-09-103
220-88C-040	AMD-P	04-07-186	232-12-004	AMD	04-11-036	232-28-61900A	REP-E	04-11-003
220-88C-040	AMD	04-10-035	232-12-005	NEW-P	04-05-099	232-28-61900B	NEW-E	04-10-005
220-88C-04000	NEW-E	04-10-041	232-12-005	NEW	04-11-036	232-28-61900B	REP-E	04-10-005
220-100-110	AMD-X	04-09-046	232-12-014	AMD-P	04-05-110	232-28-61900B	REP-E	04-10-036
220-110-035	PREP	04-04-008	232-12-014	AMD	04-11-036	232-28-61900C	NEW-E	04-10-034
220-110-035	AMD-P	04-08-064	232-12-019	AMD	04-07-009	232-28-61900C	REP-E	04-13-069
220-120-010	REP-P	04-13-141	232-12-047	AMD-P	04-05-106	232-28-61900D	NEW-E	04-10-036
220-120-020	REP-P	04-13-141	232-12-047	AMD	04-11-036	232-28-61900D	REP-E	04-10-036
220-120-030	REP-P	04-13-141	232-12-054	AMD-P	04-05-106	232-28-61900D	REP-E	04-11-002
220-120-040	REP-P	04-13-141	232-12-054	AMD	04-11-036	232-28-61900E	NEW-E	04-10-063
220-120-050	REP-P	04-13-141	232-12-064	AMD-P	04-05-099	232-28-61900E	REP-E	04-12-060
220-120-060	REP-P	04-13-141	232-12-064	AMD	04-11-036	232-28-61900F	REP-E	04-07-004
220-120-070	REP-P	04-13-141	232-12-168	AMD	04-07-009	232-28-61900F	NEW-E	04-11-002
220-120-080	REP-P	04-13-141	232-12-224	REP-P	04-13-038	232-28-61900F	REP-E	04-11-073
220-120-090	REP-P	04-13-141	232-12-243	AMD-P	04-13-165	232-28-61900G	NEW-E	04-03-047
220-120-100	REP-P	04-13-141	232-12-271	AMD-P	04-05-099	232-28-61900G	REP-E	04-03-047
220-125-010	AMD	04-05-026	232-12-271	AMD	04-11-036	232-28-61900G	REP-E	04-04-028
222-08-010	AMD	04-05-122	232-12-275	AMD-P	04-13-167	232-28-61900H	NEW-E	04-11-003
222-08-020	AMD	04-05-122	232-12-31500K	REP-E	04-08-065	232-28-61900H	REP-E	04-11-003
222-08-020	DECOD	04-05-122	232-12-31500L	NEW-E	04-08-065	232-28-61900H	NEW-E	04-04-028
222-08-030	AMD	04-05-122	232-12-31500L	REP-E	04-08-065	232-28-61900H	REP-E	04-04-028
222-08-030	DECOD	04-05-122	232-12-619	AMD	04-07-009	232-28-61900H	REP-E	04-05-032
222-08-035	DECOD	04-05-122	232-12-619	AMD-X	04-11-119	232-28-61900H	NEW-E	04-11-021
222-08-040	AMD	04-05-122	232-12-619	AMD-P	04-13-094	232-28-61900H	REP-E	04-11-021
222-08-050	NEW	04-05-122	232-12-61900V	NEW-E	04-10-034	232-28-61900I	NEW-E	04-04-060
222-08-060	NEW	04-05-122	232-12-828	AMD-P	04-05-106	232-28-61900I	NEW-E	04-11-050
222-08-070	NEW	04-05-122	232-12-828	AMD	04-11-036	232-28-61900I	REP-E	04-11-050

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232- 28-61900J	NEW-E	04-05-015	236- 51-006	NEW	04-07-104	246-233-001	AMD	04-04-055
232- 28-61900J	REP-E	04-05-015	236- 51-010	NEW	04-07-104	246-233-005	NEW	04-04-055
232- 28-61900J	NEW-E	04-11-076	236- 51-100	NEW	04-07-104	246-233-015	NEW	04-04-055
232- 28-61900J	REP-E	04-11-076	236- 51-110	NEW	04-07-104	246-233-020	AMD	04-04-055
232- 28-61900K	NEW-E	04-05-033	236- 51-115	NEW	04-07-104	246-233-025	NEW	04-04-055
232- 28-61900K	REP-E	04-05-033	236- 51-120	NEW	04-07-104	246-233-030	NEW	04-04-055
232- 28-61900K	REP-E	04-07-026	236- 51-200	NEW	04-07-104	246-233-035	NEW	04-04-055
232- 28-61900K	NEW-E	04-12-013	236- 51-205	NEW	04-07-104	246-233-040	NEW	04-04-055
232- 28-61900K	REP-E	04-12-013	236- 51-210	NEW	04-07-104	246-235-093	AMD	04-04-055
232- 28-61900L	NEW-E	04-05-048	236- 51-215	NEW	04-07-104	246-235-095	AMD	04-04-055
232- 28-61900L	REP-E	04-05-048	236- 51-220	NEW	04-07-104	246-235-097	AMD	04-04-055
232- 28-61900L	NEW-E	04-12-033	236- 51-225	NEW	04-07-104	246-239-080	AMD	04-04-055
232- 28-61900L	REP-E	04-12-033	236- 51-300	NEW	04-07-104	246-247-010	AMD-P	04-07-180
232- 28-61900M	NEW-E	04-07-007	236- 51-302	NEW	04-07-104	246-247-040	AMD-P	04-07-180
232- 28-61900M	REP-E	04-07-007	236- 51-305	NEW	04-07-104	246-247-045	NEW-P	04-07-180
232- 28-61900M	NEW-E	04-12-060	236- 51-306	NEW	04-07-104	246-247-075	AMD-W	04-02-067
232- 28-61900N	NEW-E	04-07-004	236- 51-310	NEW	04-07-104	246-247-075	AMD-P	04-07-180
232- 28-61900N	REP-E	04-07-004	236- 51-320	NEW	04-07-104	246-247-080	AMD-P	04-07-180
232- 28-61900N	NEW-E	04-13-035	236- 51-400	NEW	04-07-104	246-247-085	AMD-P	04-07-180
232- 28-61900N	REP-E	04-13-035	236- 51-405	NEW	04-07-104	246-247-110	AMD-W	04-02-067
232- 28-61900P	NEW-E	04-07-026	236- 51-410	NEW	04-07-104	246-247-110	AMD-P	04-07-180
232- 28-61900P	REP-E	04-07-026	236- 51-500	NEW	04-07-104	246-247-120	AMD-W	04-02-067
232- 28-61900P	REP-E	04-09-049	236- 51-502	NEW	04-07-104	246-247-120	AMD-P	04-07-180
232- 28-61900P	NEW-E	04-13-054	236- 51-505	NEW	04-07-104	246-247-130	AMD-W	04-02-067
232- 28-61900P	REP-E	04-13-054	236- 51-510	NEW	04-07-104	246-247-130	AMD-P	04-07-180
232- 28-61900Q	NEW-E	04-07-067	236- 51-515	NEW	04-07-104	246-254-053	AMD-P	04-07-181
232- 28-61900Q	REP-E	04-07-067	236- 51-600	NEW	04-07-104	246-254-053	AMD	04-12-125
232- 28-61900Q	NEW-E	04-13-064	236- 51-605	NEW	04-07-104	246-254-070	AMD-P	04-07-175
232- 28-61900Q	REP-E	04-13-164	236- 51-610	NEW	04-07-104	246-254-070	AMD	04-12-124
232- 28-61900R	NEW-E	04-08-005	236- 51-615	NEW	04-07-104	246-254-080	AMD-P	04-07-175
232- 28-61900R	REP-E	04-08-005	236- 51-620	NEW	04-07-104	246-254-080	AMD	04-12-124
232- 28-61900R	REP-E	04-08-013	236- 51-700	NEW	04-07-104	246-254-090	AMD	04-04-055
232- 28-61900R	NEW-E	04-13-069	236- 51-710	NEW	04-07-104	246-254-090	AMD-P	04-07-175
232- 28-61900S	NEW-E	04-08-013	236- 51-715	NEW	04-07-104	246-254-090	AMD	04-12-124
232- 28-61900S	NEW-E	04-13-164	236- 51-720	NEW	04-07-104	246-254-100	AMD-P	04-07-175
232- 28-61900T	NEW-E	04-08-049	236- 51-725	NEW	04-07-104	246-254-100	AMD	04-12-124
232- 28-61900T	REP-E	04-08-049	236- 51-730	NEW	04-07-104	246-254-120	AMD-P	04-07-175
232- 28-61900U	NEW-E	04-09-047	236- 51-735	NEW	04-07-104	246-254-120	AMD	04-12-124
232- 28-61900V	NEW-E	04-09-019	236- 51-740	NEW	04-07-104	246-260	AMD-C	04-12-118
232- 28-61900V	REP-E	04-09-019	236- 51-745	NEW	04-07-104	246-260-001	AMD-P	04-08-099
232- 28-61900W	NEW-E	04-09-023	246- 01	PREP	04-06-043	246-260-010	AMD-P	04-08-099
232- 28-61900W	REP-E	04-09-023	246- 08	PREP	04-06-043	246-260-020	REP-P	04-08-099
232- 28-61900W	REP-E	04-09-103	246- 50-001	AMD-W	04-02-066	246-260-021	NEW-P	04-08-099
232- 28-61900X	NEW-E	04-09-022	246- 50-005	NEW-W	04-02-066	246-260-030	REP-P	04-08-099
232- 28-61900X	REP-E	04-09-022	246- 50-010	AMD-W	04-02-066	246-260-031	NEW-P	04-08-099
232- 28-61900Y	NEW-E	04-09-048	246- 50-020	AMD-W	04-02-066	246-260-040	REP-P	04-08-099
232- 28-61900Y	REP-E	04-11-072	246- 50-030	AMD-W	04-02-066	246-260-041	NEW-P	04-08-099
232- 28-61900Z	NEW-E	04-09-049	246- 50-035	NEW-W	04-02-066	246-260-050	REP-P	04-08-099
232- 28-61900Z	REP-E	04-09-049	246- 50-040	REP-W	04-02-066	246-260-051	NEW-P	04-08-099
232- 28-61900Z	REP-E	04-10-005	246- 50-990	AMD-W	04-02-066	246-260-060	REP-P	04-08-099
232- 28-620	AMD-X	04-11-079	246-101-015	PREP	04-12-119	246-260-061	NEW-P	04-08-099
232- 28-62000P	NEW-E	04-10-034	246-101-101	PREP	04-12-119	246-260-070	REP-P	04-08-099
232- 28-62000P	REP-E	04-13-142	246-101-201	PREP	04-12-119	246-260-071	NEW-P	04-08-099
232- 28-62000Q	NEW-E	04-13-142	246-101-301	PREP	04-12-119	246-260-080	REP-P	04-08-099
232- 28-621	AMD-X	04-11-079	246-217-010	PREP-W	04-06-020	246-260-081	NEW-P	04-08-099
232- 28-62100N	NEW-E	04-10-034	246-217-010	AMD-P	04-09-056	246-260-090	REP-P	04-08-099
232- 28-62100N	REP-E	04-13-068	246-217-010	AMD-C	04-11-097	246-260-091	NEW-P	04-08-099
232- 28-62100P	NEW-E	04-13-068	246-217-015	PREP-W	04-06-020	246-260-100	REP-P	04-08-099
236- 12-290	AMD-P	04-05-101	246-232-020	AMD	04-04-055	246-260-101	NEW-P	04-08-099
236- 12-470	PREP	04-10-112	246-232-040	AMD	04-04-055	246-260-110	REP-P	04-08-099
236- 51-001	NEW	04-07-104	246-232-050	AMD	04-04-055	246-260-111	NEW-P	04-08-099
236- 51-005	NEW	04-07-104	246-232-060	AMD	04-04-055	246-260-120	REP-P	04-08-099

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246-260-130	REP-P	04-08-099	246-310-263	NEW-P	04-11-099	246-828-220	AMD	04-02-068
246-260-131	NEW-P	04-08-099	246-310-990	AMD-P	04-11-099	246-828-270	AMD	04-02-068
246-260-140	REP-P	04-08-099	246-320-010	AMD	04-11-057	246-828-290	AMD	04-02-068
246-260-141	NEW-P	04-08-099	246-320-370	NEW	04-11-057	246-828-320	AMD	04-02-068
246-260-150	REP-P	04-08-099	246-320-990	AMD-P	04-13-161	246-828-330	AMD	04-02-068
246-260-151	NEW-P	04-08-099	246-322-990	AMD-P	04-13-161	246-828-350	AMD	04-02-068
246-260-160	REP-P	04-08-099	246-324-990	AMD-P	04-13-161	246-828-500	AMD	04-02-068
246-260-170	REP-P	04-08-099	246-325-990	AMD-P	04-13-161	246-828-500	PREP	04-13-050
246-260-171	NEW-P	04-08-099	246-326-990	AMD-P	04-13-161	246-828-510	PREP	04-13-050
246-260-181	NEW-P	04-08-099	246-329-990	AMD-P	04-13-161	246-828-530	PREP	04-13-050
246-260-191	NEW-P	04-08-099	246-335-990	PREP	04-09-054	246-828-550	AMD	04-02-068
246-260-200	REP-P	04-08-099	246-335-990	AMD-P	04-13-160	246-828-550	PREP	04-13-050
246-260-201	NEW-P	04-08-099	246-360-001	AMD-P	04-12-117	246-828-990	AMD	04-02-068
246-260-210	REP-P	04-08-099	246-360-010	AMD-P	04-12-117	246-840-010	AMD-E	04-05-043
246-260-211	NEW-P	04-08-099	246-360-020	AMD-P	04-12-117	246-840-010	AMD-P	04-09-057
246-260-220	REP-P	04-08-099	246-360-030	AMD-P	04-12-117	246-840-010	AMD	04-13-053
246-260-221	NEW-P	04-08-099	246-360-035	NEW-P	04-12-117	246-840-700	AMD-E	04-06-009
246-260-230	REP-P	04-08-099	246-360-040	AMD-P	04-12-117	246-840-700	AMD-P	04-10-078
246-260-240	REP-P	04-08-099	246-360-050	AMD-P	04-12-117	246-840-840	AMD-E	04-05-043
246-260-250	REP-P	04-08-099	246-360-070	AMD-P	04-12-117	246-840-840	AMD-P	04-09-057
246-260-260	REP-P	04-08-099	246-360-080	AMD-P	04-12-117	246-840-840	AMD	04-13-053
246-260-999	NEW-P	04-08-099	246-360-090	AMD-P	04-12-117	246-840-850	AMD-E	04-05-043
246-260-99901	NEW-P	04-08-099	246-360-100	AMD-P	04-12-117	246-840-850	AMD-P	04-09-057
246-260-99902	NEW-P	04-08-099	246-360-110	AMD-P	04-12-117	246-840-850	AMD	04-13-053
246-272B	PREP	04-03-010	246-360-120	AMD-P	04-12-117	246-840-860	AMD-E	04-05-043
246-282-990	AMD-P	04-11-098	246-360-130	AMD-P	04-12-117	246-840-860	AMD-P	04-09-057
246-290	PREP	04-06-044	246-360-140	AMD-P	04-12-117	246-840-860	AMD	04-13-053
246-290-010	AMD	04-04-056	246-360-150	AMD-P	04-12-117	246-840-870	AMD-E	04-05-043
246-290-025	AMD	04-04-056	246-360-160	AMD-P	04-12-117	246-840-870	AMD-P	04-09-057
246-290-130	AMD	04-04-056	246-360-180	AMD-P	04-12-117	246-840-870	AMD	04-13-053
246-290-300	AMD	04-04-056	246-360-200	AMD-P	04-12-117	246-840-880	AMD-E	04-05-043
246-290-310	AMD	04-04-056	246-360-220	NEW-P	04-12-117	246-840-880	AMD-P	04-09-057
246-290-320	AMD	04-04-056	246-360-230	NEW-P	04-12-117	246-840-880	AMD	04-13-053
246-290-480	AMD	04-04-056	246-360-500	AMD-P	04-12-117	246-840-890	AMD-E	04-05-043
246-290-601	AMD	04-04-056	246-360-990	AMD-P	04-13-161	246-840-890	AMD-P	04-09-057
246-290-630	AMD	04-04-056	246-808-190	PREP	04-02-064	246-840-890	AMD	04-13-053
246-290-660	AMD	04-04-056	246-808-535	PREP	04-02-064	246-840-900	REP-E	04-05-043
246-290-664	AMD	04-04-056	246-809-610	AMD	04-06-010	246-840-900	AMD-P	04-09-057
246-290-666	AMD	04-04-056	246-809-620	AMD	04-06-010	246-840-900	AMD	04-13-053
246-290-72010	AMD	04-04-056	246-809-630	AMD	04-06-010	246-840-905	NEW-P	04-09-057
246-290-72012	AMD	04-04-056	246-809-700	NEW	04-06-011	246-840-905	NEW	04-13-053
246-290-990	AMD-P	04-06-046	246-809-710	NEW	04-06-011	246-840-910	AMD-E	04-06-009
246-290-990	AMD-C	04-10-013	246-809-720	NEW	04-06-011	246-840-910	AMD-P	04-10-078
246-290-990	AMD	04-12-123	246-812	PREP	04-12-120	246-840-930	AMD-E	04-06-009
246-292	PREP	04-13-051	246-815-020	AMD-P	04-12-122	246-840-930	AMD-P	04-10-078
246-292-160	AMD-P	04-06-046	246-815-050	AMD-P	04-12-122	246-840-940	AMD-E	04-06-009
246-292-160	AMD-C	04-10-013	246-815-100	AMD-P	04-12-122	246-840-940	AMD-P	04-10-078
246-292-160	AMD	04-12-123	246-815-110	AMD-P	04-12-122	246-840-990	AMD	04-04-054
246-294-001	AMD	04-06-047	246-815-115	AMD-P	04-12-122	246-841-405	AMD-E	04-06-008
246-294-010	AMD	04-06-047	246-817-135	PREP	04-08-096	246-841-405	AMD-P	04-10-079
246-294-020	AMD	04-06-047	246-817-440	PREP	04-08-095	246-847	PREP	04-11-094
246-294-030	AMD	04-06-047	246-817-560	PREP	04-09-055	246-847-080	PREP	04-11-096
246-294-040	AMD	04-06-047	246-828-030	REP	04-02-068	246-847-115	PREP	04-11-096
246-294-050	AMD	04-06-047	246-828-045	AMD	04-02-068	246-847-190	PREP	04-11-095
246-294-060	AMD	04-06-047	246-828-055	REP	04-02-068	246-851-570	NEW	04-05-004
246-294-070	AMD	04-06-047	246-828-061	REP	04-02-068	246-851-580	NEW-P	04-06-045
246-294-080	AMD	04-06-047	246-828-070	REP	04-02-068	246-851-580	NEW	04-12-127
246-294-090	AMD	04-06-047	246-828-075	AMD	04-02-068	246-851-590	NEW-P	04-06-045
246-310-010	AMD-X	04-10-014	246-828-090	AMD	04-02-068	246-851-590	NEW	04-12-127
246-310-132	REP-P	04-11-099	246-828-095	AMD	04-02-068	246-851-600	NEW	04-05-004
246-310-261	AMD-P	04-11-099	246-828-100	AMD	04-02-068	246-851-610	NEW-P	04-06-045

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246-873-090	PREP-W	04-07-010	246-919-480	PREP	04-03-106	251-30-010	DECOD-P	04-07-188
246-887-160	AMD-X	04-03-105	246-924-510	NEW-P	04-08-098	251-30-010	RECOD-P	04-07-188
246-887-160	AMD	04-13-162	246-924-515	NEW-P	04-08-098	251-30-010	AMD	04-11-045
246-888-010	AMD-P	04-08-097	246-930-010	PREP-W	04-10-012	251-30-010	DECOD	04-11-045
246-888-020	AMD-P	04-08-097	246-930-010	PREP	04-13-158	251-30-010	RECOD	04-11-045
246-888-030	AMD-P	04-08-097	246-930-030	PREP-W	04-10-012	251-30-020	AMD-P	04-07-188
246-888-040	RECOD-P	04-08-097	246-930-040	PREP-W	04-10-012	251-30-020	DECOD-P	04-07-188
246-888-040	REP-P	04-08-097	246-930-040	PREP	04-13-159	251-30-020	RECOD-P	04-07-188
246-888-050	DECOD-P	04-08-097	246-930-050	PREP-W	04-10-012	251-30-020	AMD	04-11-045
246-888-050	RECOD-P	04-08-097	246-930-050	PREP	04-13-159	251-30-020	DECOD	04-11-045
246-888-060	DECOD-P	04-08-097	246-930-060	PREP	04-13-158	251-30-020	RECOD	04-11-045
246-888-060	RECOD-P	04-08-097	246-930-075	PREP-W	04-10-012	251-30-030	AMD-P	04-07-188
246-888-070	AMD-P	04-08-097	246-930-075	PREP	04-13-159	251-30-030	DECOD-P	04-07-188
246-888-070	DECOD-P	04-08-097	246-930-200	PREP-W	04-10-012	251-30-030	RECOD-P	04-07-188
246-888-070	RECOD-P	04-08-097	246-930-310	PREP-W	04-10-012	251-30-030	AMD	04-11-045
246-888-080	DECOD-P	04-08-097	246-930-320	PREP-W	04-10-012	251-30-030	DECOD	04-11-045
246-888-080	RECOD-P	04-08-097	246-930-320	PREP	04-13-158	251-30-030	RECOD	04-11-045
246-888-090	DECOD-P	04-08-097	246-930-330	PREP-W	04-10-012	251-30-032	NEW-P	04-07-188
246-888-090	RECOD-P	04-08-097	246-930-330	PREP	04-13-159	251-30-032	NEW	04-11-045
246-888-100	DECOD-P	04-08-097	246-930-410	PREP-W	04-10-012	251-30-034	NEW-P	04-07-188
246-888-100	RECOD-P	04-08-097	246-976-161	AMD	04-08-103	251-30-034	NEW	04-11-045
246-888-110	DECOD-P	04-08-097	246-976-171	AMD	04-08-103	251-30-040	REP-P	04-07-188
246-915-010	AMD-P	04-08-046	246-976-930	AMD	04-08-103	251-30-040	REP	04-11-045
246-915-010	AMD	04-13-052	246-976-935	AMD-P	04-07-179	251-30-050	REP-P	04-07-188
246-915-040	PREP	04-07-195	246-976-935	AMD	04-12-126	251-30-050	REP	04-11-045
246-915-050	PREP	04-07-178	250-20-041	AMD-P	04-03-108	251-30-055	AMD-P	04-07-188
246-915-078	AMD-P	04-08-046	250-20-041	AMD	04-08-060	251-30-055	AMD	04-11-045
246-915-078	AMD	04-13-052	250-65	PREP	04-08-059	251-30-057	AMD-P	04-07-188
246-915-085	AMD-P	04-03-104	251-01-160	AMD-P	04-11-115	251-30-057	AMD	04-11-045
246-915-085	AMD	04-08-101	251-01-201	AMD-P	04-11-115	251-30-060	REP-P	04-07-188
246-915-100	PREP	04-07-173	251-01-305	AMD-P	04-11-115	251-30-060	REP	04-11-045
246-915-105	PREP	04-07-174	251-01-310	AMD-P	04-11-115	260	PREP	04-08-057
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246-915-140	AMD-P	04-08-046	251-04-030	AMD-P	04-11-115	260-08-610	REP	04-05-089
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296- 46B-970	AMD-P	04-08-088	296- 78-710	PREP	04-06-078	296- 96-01027	AMD	04-12-047
296- 46B-970	AMD	04-12-049	296- 78-71001	AMD-X	04-12-069	296- 96-01035	AMD-P	04-08-087
296- 46B-990	AMD-P	04-08-088	296- 78-71007	AMD-P	04-03-085	296- 96-01035	AMD	04-12-047
296- 46B-990	AMD	04-12-049	296- 78-71017	AMD-P	04-03-085	296- 96-01070	AMD-P	04-08-087
296- 46B-995	AMD-P	04-08-088	296- 78-71505	AMD-P	04-03-085	296- 96-01070	AMD	04-12-047
296- 46B-995	AMD	04-12-049	296- 79-030	AMD-P	04-03-085	296- 96-01075	NEW-P	04-08-087
296- 46B-999	AMD-P	04-08-088	296- 79-220	AMD-P	04-03-102	296- 96-01075	NEW	04-12-047
296- 46B-999	AMD	04-12-049	296- 96-00500	AMD-P	04-08-087	296- 96-01080	REP-P	04-08-087
296- 54-573	AMD-P	04-03-085	296- 96-00500	AMD	04-12-047	296- 96-01080	REP	04-12-047
296- 54-57310	AMD-P	04-03-102	296- 96-00600	AMD-P	04-08-087	296- 96-02230	NEW-P	04-08-087
296- 56	PREP	04-07-154	296- 96-00600	AMD	04-12-047	296- 96-02230	NEW	04-12-047
296- 56-60115	AMD-X	04-05-072	296- 96-00650	AMD-P	04-08-087	296- 96-02232	NEW-P	04-08-087
296- 56-60115	AMD	04-11-066	296- 96-00650	AMD	04-12-047	296- 96-02232	NEW	04-12-047
296- 56-60243	AMD-X	04-05-072	296- 96-00700	AMD-P	04-08-087	296- 96-02235	NEW-P	04-08-087
296- 56-60243	AMD	04-11-066	296- 96-00700	AMD	04-12-047	296- 96-02235	NEW	04-12-047
296- 59-130	AMD-P	04-03-085	296- 96-00800	AMD-P	04-08-087	296- 96-02240	AMD-P	04-08-087
296- 62	PREP	04-05-073	296- 96-00800	AMD	04-12-047	296- 96-02240	AMD	04-12-047
296- 62	PREP	04-07-155	296- 96-00805	NEW-P	04-08-087	296- 96-02275	AMD-P	04-08-087
296- 62	PREP	04-07-156	296- 96-00805	NEW	04-12-047	296- 96-02275	AMD	04-12-047
296- 62	PREP	04-09-097	296- 96-00900	NEW-P	04-08-087	296- 96-02276	NEW-P	04-08-087
296- 62-052	REP	04-10-026	296- 96-00900	NEW	04-12-047	296- 96-02276	NEW	04-12-047
296- 62-05201	REP	04-10-026	296- 96-00902	NEW-P	04-08-087	296- 96-02277	AMD-P	04-08-087
296- 62-05203	REP	04-10-026	296- 96-00902	NEW	04-12-047	296- 96-02277	AMD	04-12-047
296- 62-05205	REP	04-10-026	296- 96-00903	NEW-P	04-08-087	296- 96-02278	AMD-P	04-08-087
296- 62-05207	REP	04-10-026	296- 96-00903	NEW	04-12-047	296- 96-02278	AMD	04-12-047
296- 62-05209	REP	04-10-026	296- 96-00904	NEW-P	04-08-087	296- 96-02280	AMD-P	04-08-087
296- 62-05213	REP	04-10-026	296- 96-00904	NEW	04-12-047	296- 96-02280	AMD	04-12-047
296- 62-05215	REP	04-10-026	296- 96-00906	NEW-P	04-08-087	296- 96-02281	AMD-P	04-08-087
296- 62-05217	REP	04-10-026	296- 96-00906	NEW	04-12-047	296- 96-02281	AMD	04-12-047
296- 62-05219	REP	04-10-026	296- 96-00910	NEW-P	04-08-087	296- 96-02282	NEW-P	04-08-087
296- 62-05221	REP	04-10-026	296- 96-00910	NEW	04-12-047	296- 96-02282	NEW	04-12-047
296- 62-05223	REP	04-10-026	296- 96-00912	NEW-P	04-08-087	296- 96-02283	NEW-P	04-08-087
296- 62-05305	AMD-P	04-07-159	296- 96-00912	NEW	04-12-047	296- 96-02283	NEW	04-12-047
296- 62-07314	AMD	04-10-026	296- 96-00914	NEW-P	04-08-087	296- 96-02285	NEW-P	04-08-087
296- 62-07329	AMD	04-10-026	296- 96-00914	NEW	04-12-047	296- 96-02285	NEW	04-12-047
296- 62-07336	AMD	04-10-026	296- 96-00916	NEW-P	04-08-087	296- 96-02290	NEW-P	04-08-087
296- 62-07342	AMD	04-10-026	296- 96-00916	NEW	04-12-047	296- 96-02290	NEW	04-12-047
296- 62-07375	AMD	04-10-026	296- 96-00918	NEW-P	04-08-087	296- 96-02310	AMD-P	04-08-087
296- 62-07427	AMD	04-10-026	296- 96-00918	NEW	04-12-047	296- 96-02310	AMD	04-12-047
296- 62-07460	AMD	04-10-026	296- 96-00920	NEW-P	04-08-087	296- 96-02315	AMD-P	04-08-087
296- 62-07470	AMD	04-10-026	296- 96-00920	NEW	04-12-047	296- 96-02315	AMD	04-12-047
296- 62-07521	AMD	04-10-026	296- 96-00922	NEW-P	04-08-087	296- 96-02317	NEW-P	04-08-087
296- 62-07540	AMD	04-10-026	296- 96-00922	NEW	04-12-047	296- 96-02317	NEW	04-12-047
296- 62-07631	AMD	04-10-026	296- 96-00924	NEW-P	04-08-087	296- 96-02318	NEW-P	04-08-087
296- 62-07727	AMD	04-10-026	296- 96-00924	NEW	04-12-047	296- 96-02318	NEW	04-12-047
296- 62-09041	AMD	04-10-026	296- 96-00926	NEW-P	04-08-087	296- 96-02320	AMD-P	04-08-087
296- 62-141	AMD	04-03-081	296- 96-00926	NEW	04-12-047	296- 96-02320	AMD	04-12-047
296- 62-14533	AMD	04-10-026	296- 96-00930	NEW-P	04-08-087	296- 96-02325	AMD-P	04-08-087
296- 62-20023	AMD	04-10-026	296- 96-00930	NEW	04-12-047	296- 96-02325	AMD	04-12-047
296- 62-300	AMD	04-02-053	296- 96-01000	AMD-P	04-08-087	296- 96-02330	AMD-P	04-08-087
296- 62-40019	AMD	04-10-026	296- 96-01000	AMD	04-12-047	296- 96-02330	AMD	04-12-047
296- 65	PREP	04-05-073	296- 96-01005	AMD-P	04-08-087	296- 96-02340	AMD-P	04-08-087
296- 78-540	AMD	04-07-160	296- 96-01005	AMD	04-12-047	296- 96-02340	AMD	04-12-047
296- 78-56511	AMD-P	04-03-085	296- 96-01006	NEW-P	04-08-087	296- 96-02350	AMD-P	04-08-087
296- 78-590	AMD-P	04-03-085	296- 96-01006	NEW	04-12-047	296- 96-02350	AMD	04-12-047

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296- 96-02355	AMD-P	04-11-063	296- 96-08020	AMD	04-12-047	296- 96-11057	AMD	04-12-047
296- 96-02360	AMD-P	04-08-087	296- 96-08022	NEW-P	04-08-087	296- 96-11078	AMD-P	04-08-087
296- 96-02360	AMD	04-12-047	296- 96-08022	NEW	04-12-047	296- 96-11078	AMD	04-12-047
296- 96-02361	NEW-P	04-08-087	296- 96-08024	NEW-P	04-08-087	296- 96-11080	NEW-P	04-08-087
296- 96-02361	NEW	04-12-047	296- 96-08024	NEW	04-12-047	296- 96-11080	NEW	04-12-047
296- 96-02362	NEW-P	04-08-087	296- 96-08030	AMD-P	04-08-087	296- 96-13135	NEW-P	04-08-087
296- 96-02362	NEW	04-12-047	296- 96-08030	AMD	04-12-047	296- 96-13135	NEW	04-12-047
296- 96-02363	NEW-P	04-08-087	296- 96-08050	AMD-P	04-08-087	296- 96-13139	NEW-P	04-08-087
296- 96-02363	NEW	04-12-047	296- 96-08050	AMD	04-12-047	296- 96-13139	NEW	04-12-047
296- 96-02364	NEW-P	04-08-087	296- 96-08060	AMD-P	04-08-087	296- 96-13143	NEW-P	04-08-087
296- 96-02364	NEW	04-12-047	296- 96-08060	AMD	04-12-047	296- 96-13143	NEW	04-12-047
296- 96-02365	REP-P	04-08-087	296- 96-08090	AMD-P	04-08-087	296- 96-13145	NEW-P	04-08-087
296- 96-02365	REP	04-12-047	296- 96-08090	AMD	04-12-047	296- 96-13145	NEW	04-12-047
296- 96-02366	NEW-P	04-08-087	296- 96-08100	AMD-P	04-08-087	296- 96-13147	NEW-P	04-08-087
296- 96-02366	NEW	04-12-047	296- 96-08100	AMD	04-12-047	296- 96-13147	NEW	04-12-047
296- 96-02367	NEW-P	04-08-087	296- 96-08110	AMD-P	04-08-087	296- 96-13149	NEW-P	04-08-087
296- 96-02367	NEW	04-12-047	296- 96-08110	AMD	04-12-047	296- 96-13149	NEW	04-12-047
296- 96-02370	NEW-P	04-08-087	296- 96-08140	AMD-P	04-08-087	296- 96-13151	NEW-P	04-08-087
296- 96-02370	NEW	04-12-047	296- 96-08140	AMD	04-12-047	296- 96-13151	NEW	04-12-047
296- 96-02371	NEW-P	04-08-087	296- 96-08150	AMD-P	04-08-087	296- 96-13153	NEW-P	04-08-087
296- 96-02371	NEW	04-12-047	296- 96-08150	AMD	04-12-047	296- 96-13153	NEW	04-12-047
296- 96-05010	AMD-P	04-08-087	296- 96-08160	AMD-P	04-08-087	296- 96-13155	NEW-P	04-08-087
296- 96-05010	AMD	04-12-047	296- 96-08160	AMD	04-12-047	296- 96-13155	NEW	04-12-047
296- 96-05030	AMD-P	04-08-087	296- 96-08170	AMD-P	04-08-087	296- 96-13157	NEW-P	04-08-087
296- 96-05030	AMD	04-12-047	296- 96-08170	AMD	04-12-047	296- 96-13157	NEW	04-12-047
296- 96-05070	AMD-P	04-08-087	296- 96-08175	AMD-P	04-08-087	296- 96-13159	NEW-P	04-08-087
296- 96-05070	AMD	04-12-047	296- 96-08175	AMD	04-12-047	296- 96-13159	NEW	04-12-047
296- 96-05160	AMD-P	04-08-087	296- 96-08180	AMD-P	04-08-087	296- 96-13161	NEW-P	04-08-087
296- 96-05160	AMD	04-12-047	296- 96-08180	AMD	04-12-047	296- 96-13161	NEW	04-12-047
296- 96-05170	AMD-P	04-08-087	296- 96-08190	AMD-P	04-08-087	296- 96-13167	NEW-P	04-08-087
296- 96-05170	AMD	04-12-047	296- 96-08190	AMD	04-12-047	296- 96-13167	NEW	04-12-047
296- 96-05230	AMD-P	04-08-087	296- 96-08200	AMD-P	04-08-087	296- 96-13169	NEW-P	04-08-087
296- 96-05230	AMD	04-12-047	296- 96-08200	AMD	04-12-047	296- 96-13169	NEW	04-12-047
296- 96-05290	AMD-P	04-08-087	296- 96-08215	NEW-P	04-08-087	296- 96-13171	NEW-P	04-08-087
296- 96-05290	AMD	04-12-047	296- 96-08215	NEW	04-12-047	296- 96-13171	NEW	04-12-047
296- 96-07010	AMD-P	04-08-087	296- 96-08220	AMD-P	04-08-087	296- 96-14045	AMD-P	04-08-087
296- 96-07010	AMD	04-12-047	296- 96-08220	AMD	04-12-047	296- 96-14045	AMD	04-12-047
296- 96-07021	NEW-P	04-08-087	296- 96-08230	AMD-P	04-08-087	296- 96-14060	AMD-P	04-08-087
296- 96-07021	NEW	04-12-047	296- 96-08230	AMD	04-12-047	296- 96-14060	AMD	04-12-047
296- 96-07024	NEW-P	04-08-087	296- 96-08250	AMD-P	04-08-087	296- 96-14070	AMD-P	04-08-087
296- 96-07024	NEW	04-12-047	296- 96-08250	AMD	04-12-047	296- 96-14070	AMD	04-12-047
296- 96-07080	AMD-P	04-08-087	296- 96-09002	AMD-P	04-08-087	296- 96-14080	AMD-P	04-08-087
296- 96-07080	AMD	04-12-047	296- 96-09002	AMD	04-12-047	296- 96-14080	AMD	04-12-047
296- 96-07100	AMD-P	04-08-087	296- 96-09003	NEW-P	04-08-087	296- 96-16040	AMD-P	04-08-087
296- 96-07100	AMD	04-12-047	296- 96-09003	NEW	04-12-047	296- 96-16040	AMD	04-12-047
296- 96-07170	AMD-P	04-08-087	296- 96-09004	NEW-P	04-08-087	296- 96-16150	AMD-P	04-08-087
296- 96-07170	AMD	04-12-047	296- 96-09004	NEW	04-12-047	296- 96-16150	AMD	04-12-047
296- 96-07180	AMD-P	04-08-087	296- 96-10002	NEW-P	04-08-087	296- 96-23100	AMD-P	04-08-087
296- 96-07180	AMD	04-12-047	296- 96-10002	NEW	04-12-047	296- 96-23100	AMD	04-12-047
296- 96-07190	AMD-P	04-08-087	296- 96-11000	REP-P	04-08-087	296- 96-23101	AMD-P	04-08-087
296- 96-07190	AMD	04-12-047	296- 96-11000	REP	04-12-047	296- 96-23101	AMD	04-12-047
296- 96-07200	AMD-P	04-08-087	296- 96-11001	AMD-P	04-08-087	296- 96-23117	NEW-P	04-08-087
296- 96-07200	AMD	04-12-047	296- 96-11001	AMD	04-12-047	296- 96-23117	NEW	04-12-047
296- 96-07215	NEW-P	04-08-087	296- 96-11016	AMD-P	04-08-087	296- 96-23118	NEW-P	04-08-087
296- 96-07215	NEW	04-12-047	296- 96-11016	AMD	04-12-047	296- 96-23118	NEW	04-12-047
296- 96-07230	AMD-P	04-08-087	296- 96-11019	AMD-P	04-08-087	296- 96-23119	NEW-P	04-08-087
296- 96-07230	AMD	04-12-047	296- 96-11019	AMD	04-12-047	296- 96-23119	NEW	04-12-047
296- 96-07250	AMD-P	04-08-087	296- 96-11022	AMD-P	04-08-087	296- 96-23151	AMD-P	04-08-087
296- 96-07250	AMD	04-12-047	296- 96-11022	AMD	04-12-047	296- 96-23151	AMD	04-12-047
296- 96-08010	AMD-P	04-08-087	296- 96-11045	AMD-P	04-08-087	296- 96-23240	AMD-P	04-08-087
296- 96-08010	AMD	04-12-047	296- 96-11045	AMD	04-12-047	296- 96-23240	AMD	04-12-047
296- 96-08020	AMD-P	04-08-087	296- 96-11057	AMD-P	04-08-087	296- 96-23270	AMD-P	04-08-087

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-96-23270	AMD	04-12-047	296-301-020	PREP	04-06-078	296-400A-020	AMD	04-12-046
296-96-23287	AMD-P	04-08-087	296-301-020	AMD-X	04-12-069	296-400A-021	AMD-P	04-08-089
296-96-23287	AMD	04-12-047	296-301-170	AMD-P	04-03-085	296-400A-021	AMD	04-12-046
296-96-23303	NEW-P	04-11-063	296-302-010	REP-P	04-03-085	296-400A-023	NEW-P	04-08-089
296-96-23610	AMD-P	04-08-087	296-302-015	REP-P	04-03-085	296-400A-023	NEW	04-12-046
296-96-23610	AMD	04-12-047	296-302-020	REP-P	04-03-085	296-400A-026	AMD-P	04-08-089
296-104	PREP	04-08-114	296-302-025	REP-P	04-03-085	296-400A-026	AMD	04-12-046
296-104-700	AMD-P	04-08-115	296-302-02501	REP-P	04-03-085	296-400A-028	NEW-P	04-08-089
296-104-700	AMD	04-13-044	296-302-02503	REP-P	04-03-085	296-400A-028	NEW	04-12-046
296-115-050	AMD-P	04-03-085	296-302-02505	REP-P	04-03-085	296-400A-029	NEW-P	04-08-089
296-127	PREP	04-06-063	296-302-02507	REP-P	04-03-085	296-400A-029	NEW	04-12-046
296-127-011	AMD-X	04-03-083	296-302-02509	REP-P	04-03-085	296-400A-030	AMD-P	04-08-089
296-127-011	AMD	04-10-083	296-302-02511	REP-P	04-03-085	296-400A-030	AMD	04-12-046
296-127-01377	AMD-P	04-12-068	296-302-02513	REP-P	04-03-085	296-400A-031	AMD-P	04-08-089
296-150C	PREP	04-13-132	296-302-02515	REP-P	04-03-085	296-400A-031	AMD	04-12-046
296-150C-3000	AMD-P	04-08-092	296-302-02517	REP-P	04-03-085	296-400A-035	AMD-P	04-08-089
296-150C-3000	AMD	04-12-048	296-302-02519	REP-P	04-03-085	296-400A-035	AMD	04-12-046
296-150F	PREP	04-13-132	296-302-03001	REP-P	04-03-085	296-400A-045	AMD-P	04-08-089
296-150F-3000	AMD-P	04-08-092	296-302-03003	REP-P	04-03-085	296-400A-045	AMD	04-12-046
296-150F-3000	AMD	04-12-048	296-302-035	REP-P	04-03-085	296-400A-120	AMD-P	04-08-089
296-150M	PREP	04-13-132	296-302-040	REP-P	04-03-085	296-400A-120	AMD	04-12-046
296-150M-3000	AMD-P	04-08-092	296-302-045	REP-P	04-03-085	296-400A-121	AMD-P	04-08-089
296-150M-3000	AMD	04-12-048	296-302-050	REP-P	04-03-085	296-400A-121	AMD	04-12-046
296-150P	PREP	04-13-132	296-302-05501	REP-P	04-03-085	296-400A-122	AMD-P	04-08-089
296-150P-3000	AMD-P	04-08-092	296-302-05503	REP-P	04-03-085	296-400A-122	AMD	04-12-046
296-150P-3000	AMD	04-12-048	296-302-060	REP-P	04-03-085	296-400A-130	AMD-P	04-08-089
296-150R	PREP	04-13-132	296-302-065	REP-P	04-03-085	296-400A-130	AMD	04-12-046
296-150R-3000	AMD-P	04-08-092	296-302-06501	REP-P	04-03-085	296-400A-135	NEW-P	04-08-089
296-150R-3000	AMD	04-12-048	296-302-06503	REP-P	04-03-085	296-400A-135	NEW	04-12-046
296-150T	PREP	04-13-132	296-302-06505	REP-P	04-03-085	296-400A-140	AMD-P	04-08-089
296-150T-3000	AMD-P	04-08-092	296-302-06507	REP-P	04-03-085	296-400A-140	AMD	04-12-046
296-150T-3000	AMD	04-12-048	296-302-06509	REP-P	04-03-085	296-400A-150	NEW-P	04-08-089
296-150V	PREP	04-13-132	296-302-06511	REP-P	04-03-085	296-400A-150	NEW	04-12-046
296-150V-3000	AMD-P	04-08-092	296-302-06513	REP-P	04-03-085	296-400A-155	NEW-P	04-08-089
296-150V-3000	AMD	04-12-048	296-302-06515	REP-P	04-03-085	296-400A-155	NEW	04-12-046
296-155	PREP	04-03-084	296-302-06517	REP-P	04-03-085	296-400A-300	AMD-P	04-08-089
296-155	PREP	04-05-074	296-302-06519	REP-P	04-03-085	296-400A-300	AMD	04-12-046
296-155	PREP	04-11-062	296-302-06521	REP-P	04-03-085	296-400A-400	AMD-P	04-08-089
296-155-120	AMD	04-07-160	296-302-06523	REP-P	04-03-085	296-400A-400	AMD	04-12-046
296-155-17331	AMD	04-10-026	296-302-06525	REP-P	04-03-085	296-400A-425	AMD-P	04-08-089
296-155-174	AMD	04-10-026	296-302-06527	REP-P	04-03-085	296-400A-425	AMD	04-12-046
296-155-300	REP-X	04-12-069	296-302-06529	REP-P	04-03-085	296-800	PREP	04-07-157
296-155-429	AMD-P	04-03-102	296-302-06531	REP-P	04-03-085	296-800-11045	PREP	04-06-078
296-155-487	AMD-P	04-03-085	296-303-030	AMD-P	04-03-085	296-800-11045	AMD-X	04-12-069
296-155-488	AMD-P	04-03-085	296-305-01515	AMD	04-07-160	296-800-150	AMD	04-07-160
296-155-525	AMD-P	04-03-085	296-305-02501	AMD	04-10-026	296-800-15005	AMD	04-07-160
296-155-575	REP	04-09-099	296-305-04501	PREP	04-08-090	296-800-15010	REP	04-07-160
296-155-576	REP	04-09-099	296-305-04501	PREP	04-11-062	296-800-15015	REP	04-07-160
296-155-610	AMD-E	04-10-107	296-305-06519	AMD-P	04-03-085	296-800-15025	REP	04-07-160
296-155-617	PREP	04-07-154	296-307	PREP	04-09-097	296-800-17005	AMD	04-10-026
296-155-617	REP-P	04-12-071	296-307-039	AMD	04-07-160	296-800-180	AMD	04-10-026
296-155-61701	REP-P	04-12-071	296-307-03905	AMD	04-07-160	296-800-310	AMD-W	04-11-058
296-155-61703	REP-P	04-12-071	296-307-03910	REP	04-07-160	296-800-31010	AMD-W	04-11-058
296-155-61705	REP-P	04-12-071	296-307-03915	REP	04-07-160	296-800-31020	AMD-W	04-11-058
296-155-61707	REP-P	04-12-071	296-307-03925	REP	04-07-160	296-800-31070	AMD-W	04-11-058
296-155-61709	REP-P	04-12-071	296-307-14505	AMD-X	04-07-162	296-800-35052	PREP	04-06-078
296-155-61711	REP-P	04-12-071	296-307-14505	AMD	04-13-129	296-800-35052	AMD-X	04-12-069
296-155-61713	REP-P	04-12-071	296-307-14510	AMD-X	04-07-162	296-800-370	AMD-W	04-11-058
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296-200A-900	AMD	04-12-048	296-400A-005	AMD	04-12-046	296-802-20005	NEW	04-10-026
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296-823-14015	AMD-X	04-07-158	296-841-300	AMD-X	04-11-064	296-863-40010	NEW-P	04-08-039
296-823-14015	AMD	04-12-070	296-843-100	NEW	04-02-053	296-863-40015	NEW-P	04-08-039
296-823-14025	AMD-X	04-07-158	296-843-110	NEW	04-02-053	296-863-40020	NEW-P	04-08-039
296-823-14025	AMD	04-12-070	296-843-11005	NEW	04-02-053	296-863-40025	NEW-P	04-08-039
296-823-14050	AMD-X	04-07-158	296-843-11010	NEW	04-02-053	296-863-40030	NEW-P	04-08-039
296-823-14050	AMD	04-12-070	296-843-120	NEW	04-02-053	296-863-40035	NEW-P	04-08-039
296-823-14060	AMD-X	04-07-158	296-843-12005	NEW	04-02-053	296-863-40040	NEW-P	04-08-039
296-823-14060	AMD	04-12-070	296-843-130	NEW	04-02-053	296-863-40045	NEW-P	04-08-039
296-823-14065	AMD-X	04-07-158	296-843-13005	NEW	04-02-053	296-863-40050	NEW-P	04-08-039
296-823-14065	AMD	04-12-070	296-843-13010	NEW	04-02-053	296-863-40055	NEW-P	04-08-039
296-823-15010	AMD-X	04-07-158	296-843-140	NEW	04-02-053	296-863-40060	NEW-P	04-08-039
296-823-15010	AMD	04-12-070	296-843-14005	NEW	04-02-053	296-863-40065	NEW-P	04-08-039
296-823-15015	AMD-X	04-07-158	296-843-150	NEW	04-02-053	296-863-500	NEW-P	04-08-039
296-823-15015	AMD	04-12-070	296-843-15005	NEW	04-02-053	296-863-50005	NEW-P	04-08-039
296-823-15020	AMD-X	04-07-158	296-843-15010	NEW	04-02-053	296-863-600	NEW-P	04-08-039
296-823-15020	AMD	04-12-070	296-843-15015	NEW	04-02-053	296-863-60005	NEW-P	04-08-039
296-823-160	AMD-X	04-07-158	296-843-160	NEW	04-02-053	296-863-60010	NEW-P	04-08-039
296-823-160	AMD	04-12-070	296-843-16005	NEW	04-02-053	296-863-60015	NEW-P	04-08-039
296-823-16005	AMD-X	04-07-158	296-843-170	NEW	04-02-053	296-863-700	NEW-P	04-08-039
296-823-16005	AMD	04-12-070	296-843-17005	NEW	04-02-053	296-864-100	NEW-P	04-12-071
296-823-16010	AMD-X	04-07-158	296-843-180	NEW	04-02-053	296-864-200	NEW-P	04-12-071
296-823-16010	AMD	04-12-070	296-843-18005	NEW	04-02-053	296-864-20005	NEW-P	04-12-071
296-823-16015	AMD-X	04-07-158	296-843-18010	NEW	04-02-053	296-864-20010	NEW-P	04-12-071
296-823-16015	AMD	04-12-070	296-843-18015	NEW	04-02-053	296-864-20015	NEW-P	04-12-071
296-823-16025	AMD-X	04-07-158	296-843-18020	NEW	04-02-053	296-864-300	NEW-P	04-12-071
296-823-16025	AMD	04-12-070	296-843-190	NEW	04-02-053	296-864-30005	NEW-P	04-12-071
296-823-16030	AMD-X	04-07-158	296-843-19005	NEW	04-02-053	296-864-30010	NEW-P	04-12-071
296-823-16030	AMD	04-12-070	296-843-200	NEW	04-02-053	296-864-30015	NEW-P	04-12-071
296-823-17010	AMD-X	04-07-158	296-843-20005	NEW	04-02-053	296-864-400	NEW-P	04-12-071
296-823-17010	AMD	04-12-070	296-843-20010	NEW	04-02-053	296-864-40005	NEW-P	04-12-071
296-823-180	AMD-X	04-07-158	296-843-20015	NEW	04-02-053	296-864-40010	NEW-P	04-12-071
296-823-180	AMD	04-12-070	296-843-20020	NEW	04-02-053	296-864-40015	NEW-P	04-12-071
296-823-18015	AMD-X	04-07-158	296-843-20025	NEW	04-02-053	296-864-40020	NEW-P	04-12-071
296-823-18015	AMD	04-12-070	296-843-20030	NEW	04-02-053	296-864-500	NEW-P	04-12-071
296-823-18045	AMD-X	04-07-158	296-843-20035	NEW	04-02-053	296-864-50005	NEW-P	04-12-071
296-823-18045	AMD	04-12-070	296-843-210	NEW	04-02-053	296-864-50010	NEW-P	04-12-071
296-823-18050	AMD-X	04-07-158	296-843-21005	NEW	04-02-053	296-864-50015	NEW-P	04-12-071
296-823-18050	AMD	04-12-070	296-843-220	NEW	04-02-053	296-864-50020	NEW-P	04-12-071
296-823-18055	AMD-X	04-07-158	296-843-22005	NEW	04-02-053	296-864-600	NEW-P	04-12-071
296-823-18055	AMD	04-12-070	296-843-22010	NEW	04-02-053	296-864-60005	NEW-P	04-12-071
296-823-200	AMD-X	04-07-158	296-843-300	NEW	04-02-053	296-864-60010	NEW-P	04-12-071
296-823-200	AMD	04-12-070	296-863-10005	NEW-P	04-08-039	296-864-700	NEW-P	04-12-071
296-829-100	NEW	04-09-099	296-863-200	NEW-P	04-08-039	308- 13-150	PREP	04-06-030
296-829-200	NEW	04-09-099	296-863-20005	NEW-P	04-08-039	308- 13-150	AMD-P	04-13-143
296-829-20005	NEW	04-09-099	296-863-20010	NEW-P	04-08-039	308- 15	PREP	04-04-050
296-829-20010	NEW	04-09-099	296-863-20015	NEW-P	04-08-039	308- 17-150	AMD-P	04-07-032
296-829-300	NEW	04-09-099	296-863-20020	NEW-P	04-08-039	308- 17-150	AMD	04-12-024
296-829-30005	NEW	04-09-099	296-863-20025	NEW-P	04-08-039	308- 18-150	AMD-P	04-07-031
296-829-30010	NEW	04-09-099	296-863-20030	NEW-P	04-08-039	308- 18-150	AMD	04-12-023
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296-829-40005	NEW	04-09-099	296-863-20040	NEW-P	04-08-039	308- 20-040	AMD	04-05-005
296-829-40010	NEW	04-09-099	296-863-300	NEW-P	04-08-039	308- 20-055	NEW	04-05-005
296-829-40015	NEW	04-09-099	296-863-30005	NEW-P	04-08-039	308- 20-090	AMD	04-05-005
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308- 56A-040	AMD	04-07-168	308- 96A-005	AMD-P	04-10-003	308-390-101	AMD-P	04-09-105
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308- 56A-075	AMD	04-13-118	308- 96A-021	AMD	04-08-079	308-390-104	AMD-P	04-09-105
308- 56A-140	AMD-P	04-04-006	308- 96A-026	AMD-P	04-04-022	308-390-105	AMD-P	04-09-105
308- 56A-140	AMD	04-08-080	308- 96A-026	AMD	04-08-002	308-390-108	AMD-P	04-09-105
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308- 56A-250	PREP	04-08-006	308- 96A-070	AMD-P	04-12-072	308-390-203	AMD-P	04-09-105
308- 56A-405	PREP	04-11-106	308- 96A-071	PREP	04-09-032	308-390-204	AMD-P	04-09-105
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308- 56A-420	PREP	04-11-106	308- 96A-072	AMD-P	04-03-121	308-390-401	AMD-P	04-09-105
308- 56A-450	AMD-P	04-04-022	308- 96A-072	AMD	04-08-079	308-390-500	AMD-P	04-09-105
308- 56A-450	AMD	04-08-002	308- 96A-074	AMD-P	04-03-121	308-390-502	AMD-P	04-09-105
308- 56A-455	AMD-P	04-04-006	308- 96A-074	AMD	04-08-079	308-390-503	AMD-P	04-09-105
308- 56A-455	AMD	04-08-080	308- 96A-076	PREP	04-09-029	308-390-505	AMD-P	04-09-105
308- 56A-460	AMD-P	04-04-006	308- 96A-077	PREP	04-09-031	308-390-602	AMD-P	04-09-105
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308- 56A-505	AMD-P	04-04-049	308- 96A-175	AMD-E	04-09-044	314- 02	PREP	04-08-108
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308- 65	PREP	04-11-105	308- 96A-316	AMD-P	04-10-003	314- 11-070	AMD-X	04-08-112
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308- 66-120	AMD-P	04-12-079	308- 96A-550	AMD	04-08-079	314- 12	PREP	04-08-108
308- 66-140	AMD-P	04-12-079	308- 96A-560	AMD-P	04-03-121	314- 16	PREP	04-08-107
308- 66-145	AMD-P	04-12-079	308- 96A-560	AMD	04-08-079	314- 16	PREP	04-08-108
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308- 66-155	AMD-P	04-12-079	308- 99-020	AMD-W	04-08-001	314- 17-020	AMD-P	04-08-111
308- 66-157	AMD-P	04-12-079	308- 99-040	AMD-P	04-07-047	314- 17-030	AMD-P	04-08-111
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308- 66-175	AMD-P	04-12-079	308- 99-060	AMD-W	04-08-001	314- 17-060	AMD-P	04-08-111
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308- 66-190	AMD-P	04-12-079	308-124A-025	AMD-P	04-03-039	314- 17-070	AMD-P	04-08-111
308- 66-195	AMD-P	04-12-079	308-124A-025	AMD	04-08-012	314- 17-080	AMD-P	04-08-111
308- 66-200	AMD-P	04-12-079	308-124A-110	AMD-P	04-03-039	314- 17-085	AMD-P	04-08-111
308- 66-210	AMD-P	04-12-079	308-124A-110	AMD	04-07-153	314- 17-095	AMD-P	04-08-111
308- 66-211	AMD-P	04-12-079	308-124A-440	AMD-P	04-03-039	314- 17-105	AMD-P	04-08-111
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326- 02-034	AMD	04-13-032	356- 06-040	AMD-P	04-11-114	356- 60-040	REP-P	04-07-188
326- 02-040	AMD-P	04-02-043	356- 06-065	AMD-P	04-11-114	356- 60-040	REP	04-11-045
326- 02-040	AMD	04-08-093	356- 06-080	REP-P	04-11-114	356- 60-050	REP-P	04-07-188
326- 02-045	AMD-P	04-02-043	356- 06-100	AMD-P	04-11-114	356- 60-050	REP	04-11-045
326- 02-045	AMD	04-08-093	356- 06-110	AMD-P	04-11-114	356- 60-055	AMD-P	04-07-188
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326- 20-092	AMD	04-08-075	356- 26-030	AMD	04-11-046	357- 01-075	NEW-P	04-13-179
326- 20-094	AMD-P	04-02-041	356- 26-140	AMD-P	04-08-119	357- 01-080	NEW-P	04-13-179
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326- 20-095	AMD	04-08-075	356- 30-260	AMD-P	04-11-114	357- 01-095	NEW-P	04-13-179
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326- 20-096	AMD	04-08-075	356- 30-330	AMD	04-11-046	357- 01-105	NEW-P	04-13-179
326- 20-098	AMD-P	04-02-041	356- 39-010	AMD-P	04-11-114	357- 01-110	NEW-P	04-13-179
326- 20-098	AMD	04-08-075	356- 39-020	AMD-P	04-11-114	357- 01-115	NEW-P	04-13-179
326- 20-110	AMD-P	04-02-043	356- 46-070	AMD-P	04-11-114	357- 01-120	NEW-P	04-13-179
326- 20-110	AMD	04-08-093	356- 46-090	AMD-P	04-11-114	357- 01-125	NEW-P	04-13-179
326- 20-120	AMD-P	04-02-043	356- 46-100	AMD-P	04-11-114	357- 01-130	NEW-P	04-13-179
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326- 20-125	AMD	04-08-074	356- 56-035	AMD-P	04-11-114	357- 01-145	NEW-P	04-13-179
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326- 20-160	AMD	04-08-093	356- 60-010	AMD-P	04-07-188	357- 01-155	NEW-P	04-13-179
326- 20-173	AMD-P	04-02-043	356- 60-010	DECOD-P	04-07-188	357- 01-160	NEW-P	04-13-179
326- 20-173	AMD	04-08-093	356- 60-010	RECOD-P	04-07-188	357- 01-165	NEW-P	04-13-179
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326- 20-180	AMD	04-08-093	356- 60-010	DECOD	04-11-045	357- 01-175	NEW-P	04-13-179
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357- 46-110	NEW-P	04-13-030	365-230-134	NEW	04-10-037	388- 14A-4121	NEW-E	04-07-057
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357- 46-140	NEW-P	04-13-030	365-230-160	NEW	04-10-037	388- 14A-4124	NEW-E	04-07-057
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357- 46-190	NEW-P	04-13-030	365-230-210	NEW	04-10-037	388- 14A-4135	NEW-E	04-07-057
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388- 27-0175	AMD	04-06-024	388- 71-0420	AMD-E	04-10-062	388- 72A-0042	NEW-W	04-11-082
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388- 27-0210	AMD	04-06-024	388- 71-0470	AMD-E	04-10-062	388- 72A-0058	NEW-P	04-10-101
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388- 71-0405	AMD-E	04-10-062	388- 72A-0040	REP-E	04-09-094	388- 78A-0160	REP-P	04-11-116
388- 71-0405	AMD-P	04-10-101	388- 72A-0041	NEW-E	04-09-094	388- 78A-0170	REP-P	04-11-116
388- 71-0410	AMD-E	04-10-062	388- 72A-0041	NEW-P	04-10-097	388- 78A-0180	REP-P	04-11-116

## **Table of WAC Sections Affected**

**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 78A-2800	NEW-P	04-11-116	388-105-0040	AMD	04-09-092	388-140-0165	NEW-E	04-03-010D
388- 78A-2810	NEW-P	04-11-116	388-105-0045	NEW-P	04-04-044	388-140-0170	NEW-E	04-03-010D
388- 78A-2820	NEW-P	04-11-116	388-105-0045	NEW-E	04-06-038	388-140-0175	NEW-E	04-03-010D
388- 78A-2830	NEW-P	04-11-116	388-105-0045	NEW-W	04-06-056	388-140-0180	NEW-E	04-03-010D
388- 78A-2840	NEW-P	04-11-116	388-105-0045	NEW-P	04-06-075	388-140-0185	NEW-E	04-03-010D
388- 78A-2850	NEW-P	04-11-116	388-105-0045	NEW	04-09-092	388-140-0190	NEW-E	04-03-010D
388- 78A-2860	NEW-P	04-11-116	388-110	AMD-P	04-13-021	388-140-0195	NEW-E	04-03-010D
388- 78A-2870	NEW-P	04-11-116	388-110-005	AMD-P	04-13-021	388-140-0200	NEW-E	04-03-010D
388- 78A-2880	NEW-P	04-11-116	388-110-010	AMD-P	04-13-021	388-140-0205	NEW-E	04-03-010D
388- 78A-2890	NEW-P	04-11-116	388-110-020	AMD-P	04-13-021	388-140-0210	NEW-E	04-03-010D
388- 78A-2900	NEW-P	04-11-116	388-110-030	AMD-P	04-13-021	388-140-0215	NEW-E	04-03-010D
388- 78A-2910	NEW-P	04-11-116	388-110-040	AMD-P	04-13-021	388-140-0220	NEW-E	04-03-010D
388- 78A-2920	NEW-P	04-11-116	388-110-050	AMD-P	04-13-021	388-140-0225	NEW-E	04-03-010D
388- 78A-2930	NEW-P	04-11-116	388-110-060	REP-P	04-13-021	388-140-0230	NEW-E	04-03-010D
388- 78A-2940	NEW-P	04-11-116	388-110-070	AMD-P	04-13-021	388-140-0235	NEW-E	04-03-010D
388- 78A-2950	NEW-P	04-11-116	388-110-080	REP-P	04-13-021	388-140-0240	NEW-E	04-03-010D
388- 78A-2960	NEW-P	04-11-116	388-110-090	AMD-P	04-13-021	388-140-0245	NEW-E	04-03-010D
388- 78A-2970	NEW-P	04-11-116	388-110-100	AMD-P	04-13-021	388-140-0250	NEW-E	04-03-010D
388- 78A-2980	NEW-P	04-11-116	388-110-120	AMD-P	04-13-021	388-140-0255	NEW-E	04-03-010D
388- 78A-2990	NEW-P	04-11-116	388-110-140	AMD-P	04-13-021	388-140-0260	NEW-E	04-03-010D
388- 78A-3000	NEW-P	04-11-116	388-110-150	AMD-P	04-13-021	388-140-0265	NEW-E	04-03-010D
388- 78A-3010	NEW-P	04-11-116	388-110-170	REP-P	04-13-021	388-140-0270	NEW-E	04-03-010D
388- 78A-3020	NEW-P	04-11-116	388-110-180	REP-P	04-13-021	388-140-0275	NEW-E	04-03-010D
388- 78A-3030	NEW-P	04-11-116	388-110-190	REP-P	04-13-021	388-140-0280	NEW-E	04-03-010D
388- 78A-3040	NEW-P	04-11-116	388-110-200	REP-P	04-13-021	388-140-0285	NEW-E	04-03-010D
388- 78A-3050	NEW-P	04-11-116	388-110-220	AMD-P	04-13-021	388-140-0290	NEW-E	04-03-010D
388- 78A-3060	NEW-P	04-11-116	388-110-240	AMD-P	04-13-021	388-140-0295	NEW-E	04-03-010D
388- 78A-3070	NEW-P	04-11-116	388-110-260	AMD-P	04-13-021	388-140-0300	NEW-E	04-03-010D
388- 78A-3080	NEW-P	04-11-116	388-110-270	AMD-P	04-13-021	388-140-0305	NEW-E	04-03-010D
388- 78A-3090	NEW-P	04-11-116	388-110-280	AMD-P	04-13-021	388-140-0310	NEW-E	04-03-010D
388- 78A-3100	NEW-P	04-11-116	388-140-0005	NEW-E	04-03-010D	388-140-0315	NEW-E	04-03-010D
388- 78A-3110	NEW-P	04-11-116	388-140-0010	NEW-E	04-03-010D	388-140-0320	NEW-E	04-03-010D
388- 78A-3120	NEW-P	04-11-116	388-140-0015	NEW-E	04-03-010D	388-140-0325	NEW-E	04-03-010D
388- 78A-3130	NEW-P	04-11-116	388-140-0020	NEW-E	04-03-010D	388-140-0330	NEW-E	04-03-010D
388- 78A-3140	NEW-P	04-11-116	388-140-0025	NEW-E	04-03-010D	388-140-0335	NEW-E	04-03-010D
388- 78A-3150	NEW-P	04-11-116	388-140-0030	NEW-E	04-03-010D	388-140-0340	NEW-E	04-03-010D
388- 78A-3160	NEW-P	04-11-116	388-140-0035	NEW-E	04-03-010D	388-140-0345	NEW-E	04-03-010D
388- 78A-3170	NEW-P	04-11-116	388-140-0040	NEW-E	04-03-010D	388-140-0350	NEW-E	04-03-010D
388- 78A-3180	NEW-P	04-11-116	388-140-0045	NEW-E	04-03-010D	388-140-0355	NEW-E	04-03-010D
388- 78A-3190	NEW-P	04-11-116	388-140-0050	NEW-E	04-03-010D	388-140-0360	NEW-E	04-03-010D
388- 78A-3200	NEW-P	04-11-116	388-140-0055	NEW-E	04-03-010D	388-140-0365	NEW-E	04-03-010D
388- 78A-3210	NEW-P	04-11-116	388-140-0060	NEW-E	04-03-010D	388-140-0370	NEW-E	04-03-010D
388- 78A-3220	NEW-P	04-11-116	388-140-0065	NEW-E	04-03-010D	388-140-0375	NEW-E	04-03-010D
388- 78A-3230	NEW-P	04-11-116	388-140-0070	NEW-E	04-03-010D	388-140-0380	NEW-E	04-03-010D
388- 96	PREP	04-08-133	388-140-0075	NEW-E	04-03-010D	388-140-0385	NEW-E	04-03-010D
388- 97-017	PREP	04-12-095	388-140-0080	NEW-E	04-03-010D	388-140-0390	NEW-E	04-03-010D
388- 97-125	PREP	04-06-055	388-140-0085	NEW-E	04-03-010D	388-140-0395	NEW-E	04-03-010D
388-105	PREP	04-10-089	388-140-0090	NEW-E	04-03-010D	388-140-0400	NEW-E	04-03-010D
388-105-0005	AMD-P	04-04-044	388-140-0095	NEW-E	04-03-010D	388-140-0405	NEW-E	04-03-010D
388-105-0005	AMD-E	04-06-038	388-140-0100	NEW-E	04-03-010D	388-140-0410	NEW-E	04-03-010D
388-105-0005	AMD-W	04-06-056	388-140-0105	NEW-E	04-03-010D	388-140-0415	NEW-E	04-03-010D
388-105-0005	AMD-P	04-06-075	388-140-0110	NEW-E	04-03-010D	388-140-0420	NEW-E	04-03-010D
388-105-0005	AMD	04-09-092	388-140-0115	NEW-E	04-03-010D	388-140-0425	NEW-E	04-03-010D
388-105-0030	AMD-P	04-04-044	388-140-0120	NEW-E	04-03-010D	388-140-0430	NEW-E	04-03-010D
388-105-0030	AMD-E	04-06-038	388-140-0125	NEW-E	04-03-010D	388-140-0435	NEW-E	04-03-010D
388-105-0030	AMD-W	04-06-056	388-140-0130	NEW-E	04-03-010D	388-140-0440	NEW-E	04-03-010D
388-105-0030	AMD-P	04-06-075	388-140-0135	NEW-E	04-03-010D	388-140-0445	NEW-E	04-03-010D
388-105-0030	AMD	04-09-092	388-140-0140	NEW-E	04-03-010D	388-140-0450	NEW-E	04-03-010D
388-105-0040	AMD-P	04-04-044	388-140-0145	NEW-E	04-03-010D	388-140-0455	NEW-E	04-03-010D
388-105-0040	AMD-E	04-06-038	388-140-0150	NEW-E	04-03-010D	388-140-0460	NEW-E	04-03-010D
388-105-0040	AMD-W	04-06-056	388-140-0155	NEW-E	04-03-010D	388-140-0465	NEW-E	04-03-010D
388-105-0040	AMD-P	04-06-075	388-140-0160	NEW-E	04-03-010D	388-140-0470	NEW-E	04-03-010D

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-140-0475	NEW-E	04-03-010D	388-148-0060	AMD-E	04-05-035	388-148-0240	AMD	04-08-073
388-140-0480	NEW-E	04-03-010D	388-148-0060	AMD	04-08-073	388-148-0245	AMD-P	04-03-116
388-140-0485	NEW-E	04-03-010D	388-148-0065	AMD-P	04-03-116	388-148-0245	AMD	04-08-073
388-140-0490	NEW-E	04-03-010D	388-148-0065	AMD-E	04-05-035	388-148-0250	AMD-P	04-03-116
388-140-0495	NEW-E	04-03-010D	388-148-0065	AMD	04-08-073	388-148-0255	AMD-P	04-03-116
388-140-0500	NEW-E	04-03-010D	388-148-0070	AMD-P	04-03-116	388-148-0255	AMD	04-08-073
388-140-0505	NEW-E	04-03-010D	388-148-0070	AMD	04-08-073	388-148-0265	AMD-P	04-03-116
388-140-0510	NEW-E	04-03-010D	388-148-0075	AMD-P	04-03-116	388-148-0265	AMD	04-08-073
388-140-0515	NEW-E	04-03-010D	388-148-0075	AMD	04-08-073	388-148-0260	AMD-E	04-05-035
388-140-0520	NEW-E	04-03-010D	388-148-0085	AMD-P	04-03-116	388-148-0260	AMD	04-08-073
388-140-0525	NEW-E	04-03-010D	388-148-0085	AMD	04-08-073	388-148-0265	AMD-P	04-03-116
388-140-0530	NEW-E	04-03-010D	388-148-0090	AMD-P	04-03-116	388-148-0265	AMD	04-08-073
388-140-0535	NEW-E	04-03-010D	388-148-0090	AMD	04-08-073	388-148-0270	AMD-P	04-03-116
388-140-0540	NEW-E	04-03-010D	388-148-0095	AMD-P	04-03-116	388-148-0270	AMD-E	04-05-035
388-140-0545	NEW-E	04-03-010D	388-148-0095	AMD-E	04-05-035	388-148-0270	AMD	04-08-073
388-140-0550	NEW-E	04-03-010D	388-148-0095	AMD	04-08-073	388-148-0275	AMD-P	04-03-116
388-140-0560	NEW-E	04-03-010D	388-148-0098	NEW-P	04-03-116	388-148-0275	AMD	04-08-073
388-140-0565	NEW-E	04-03-010D	388-148-0098	NEW	04-08-073	388-148-0285	REP-P	04-03-116
388-140-0570	NEW-E	04-03-010D	388-148-0100	AMD-P	04-03-116	388-148-0285	REP	04-08-073
388-140-0575	NEW-E	04-03-010D	388-148-0100	AMD	04-08-073	388-148-0300	AMD-P	04-03-116
388-140-0580	NEW-E	04-03-010D	388-148-0110	AMD-P	04-03-116	388-148-0300	AMD	04-08-073
388-140-0585	NEW-E	04-03-010D	388-148-0110	AMD	04-08-073	388-148-0305	AMD-P	04-03-116
388-140-0590	NEW-E	04-03-010D	388-148-0120	AMD-P	04-03-116	388-148-0305	AMD	04-08-073
388-140-0595	NEW-E	04-03-010D	388-148-0120	AMD-E	04-05-035	388-148-0315	AMD-P	04-03-116
388-140-0600	NEW-E	04-03-010D	388-148-0120	AMD	04-08-073	388-148-0315	AMD	04-08-073
388-140-0605	NEW-E	04-03-010D	388-148-0125	AMD-P	04-03-116	388-148-0320	AMD-P	04-03-116
388-140-0610	NEW-E	04-03-010D	388-148-0125	AMD-E	04-05-035	388-148-0320	AMD	04-08-073
388-140-0615	NEW-E	04-03-010D	388-148-0125	AMD	04-08-073	388-148-0325	AMD-P	04-03-116
388-140-0620	NEW-E	04-03-010D	388-148-0127	NEW-P	04-03-116	388-148-0325	AMD	04-08-073
388-140-0625	NEW-E	04-03-010D	388-148-0127	NEW	04-08-073	388-148-0335	AMD-P	04-03-116
388-140-0630	NEW-E	04-03-010D	388-148-0130	AMD-P	04-03-116	388-148-0335	AMD-E	04-05-035
388-140-0635	NEW-E	04-03-010D	388-148-0130	AMD	04-08-073	388-148-0335	AMD	04-08-073
388-148	AMD-P	04-03-116	388-148-0135	AMD-P	04-03-116	388-148-0340	AMD-P	04-03-116
388-148	AMD	04-08-073	388-148-0135	AMD	04-08-073	388-148-0340	AMD	04-08-073
388-148-0005	AMD-P	04-03-116	388-148-0140	AMD-P	04-03-116	388-148-0345	AMD-P	04-03-116
388-148-0005	AMD	04-08-073	388-148-0140	AMD-E	04-05-035	388-148-0345	AMD-E	04-05-035
388-148-0010	AMD-P	04-03-116	388-148-0140	AMD	04-08-073	388-148-0345	AMD	04-08-073
388-148-0010	AMD	04-08-073	388-148-0150	AMD-P	04-03-116	388-148-0350	AMD-P	04-03-116
388-148-0015	AMD-P	04-03-116	388-148-0150	AMD	04-08-073	388-148-0350	AMD-E	04-05-035
388-148-0015	AMD	04-08-073	388-148-0165	AMD-P	04-03-116	388-148-0350	AMD	04-08-073
388-148-0020	AMD-P	04-03-116	388-148-0165	AMD	04-08-073	388-148-0352	NEW-P	04-03-116
388-148-0020	AMD	04-08-073	388-148-0170	AMD-P	04-03-116	388-148-0352	NEW	04-08-073
388-148-0025	AMD-P	04-03-116	388-148-0170	AMD-E	04-05-035	388-148-0355	AMD-P	04-03-116
388-148-0025	AMD	04-08-073	388-148-0170	AMD	04-08-073	388-148-0355	AMD	04-08-073
388-148-0035	AMD-P	04-03-116	388-148-0180	AMD-P	04-03-116	388-148-0360	REP-P	04-03-116
388-148-0035	AMD-E	04-05-035	388-148-0180	AMD	04-08-073	388-148-0360	REP	04-08-073
388-148-0035	AMD	04-08-073	388-148-0185	AMD-P	04-03-116	388-148-0365	AMD-P	04-03-116
388-148-0040	AMD-P	04-03-116	388-148-0185	AMD	04-08-073	388-148-0365	AMD	04-08-073
388-148-0040	AMD-E	04-05-035	388-148-0200	AMD-P	04-03-116	388-148-0375	AMD-P	04-03-116
388-148-0040	AMD	04-08-073	388-148-0200	AMD	04-08-073	388-148-0375	AMD	04-08-073
388-148-0045	AMD-P	04-03-116	388-148-0210	AMD-P	04-03-116	388-148-0380	AMD-P	04-03-116
388-148-0045	AMD-E	04-05-035	388-148-0210	AMD	04-08-073	388-148-0380	AMD	04-08-073
388-148-0045	AMD	04-08-073	388-148-0220	AMD-P	04-03-116	388-148-0385	AMD-P	04-03-116
388-148-0050	AMD-P	04-03-116	388-148-0220	AMD-E	04-05-035	388-148-0385	AMD	04-08-073
388-148-0050	AMD-E	04-05-035	388-148-0220	AMD	04-08-073	388-148-0395	AMD-P	04-03-116
388-148-0050	AMD	04-08-073	388-148-0225	AMD-P	04-03-116	388-148-0395	AMD-E	04-05-035
388-148-0055	AMD-P	04-03-116	388-148-0225	AMD	04-08-073	388-148-0395	AMD	04-08-073
388-148-0055	AMD	04-08-073	388-148-0230	AMD-P	04-03-116	388-148-0400	AMD-P	04-03-116
388-148-0058	NEW-P	04-03-116	388-148-0230	AMD	04-08-073	388-148-0400	AMD	04-08-073
388-148-0058	NEW-E	04-05-035	388-148-0235	AMD-P	04-03-116	388-148-0422	NEW-P	04-03-116
388-148-0058	NEW	04-08-073	388-148-0235	AMD	04-08-073	388-148-0422	NEW	04-08-073
388-148-0060	AMD-P	04-03-116	388-148-0240	AMD-P	04-03-116	388-148-0425	AMD-P	04-03-116

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-148-0425	AMD	04-08-073	388-148-0630	REP-P	04-03-116	388-148-0830	AMD-P	04-03-116
388-148-0427	NEW-E	04-05-035	388-148-0630	AMD-E	04-05-035	388-148-0830	AMD	04-08-073
388-148-0430	AMD-P	04-03-116	388-148-0630	REP	04-08-073	388-148-0860	AMD-P	04-03-116
388-148-0430	AMD	04-08-073	388-148-0635	REP-P	04-03-116	388-148-0860	AMD	04-08-073
388-148-0445	AMD-P	04-03-116	388-148-0635	REP	04-08-073	388-148-0870	AMD-P	04-03-116
388-148-0445	AMD	04-08-073	388-148-0640	AMD-P	04-03-116	388-148-0870	AMD	04-08-073
388-148-0450	REP-P	04-03-116	388-148-0640	AMD	04-08-073	388-148-0875	AMD-P	04-03-116
388-148-0450	REP	04-08-073	388-148-0645	AMD-P	04-03-116	388-148-0875	AMD	04-08-073
388-148-0455	AMD-P	04-03-116	388-148-0645	AMD	04-08-073	388-148-0880	AMD-P	04-03-116
388-148-0455	AMD	04-08-073	388-148-0650	REP-P	04-03-116	388-148-0880	AMD-E	04-05-035
388-148-0460	AMD-P	04-03-116	388-148-0650	REP	04-08-073	388-148-0880	AMD	04-08-073
388-148-0460	AMD-E	04-05-035	388-148-0655	AMD-P	04-03-116	388-148-0885	AMD-P	04-03-116
388-148-0460	AMD	04-08-073	388-148-0655	AMD	04-08-073	388-148-0885	AMD	04-08-073
388-148-0462	NEW-E	04-05-035	388-148-0660	AMD-P	04-03-116	388-148-0890	AMD-P	04-03-116
388-148-0470	AMD-P	04-03-116	388-148-0660	AMD	04-08-073	388-148-0890	AMD	04-08-073
388-148-0470	AMD	04-08-073	388-148-0670	AMD-P	04-03-116	388-148-0892	NEW-P	04-03-116
388-148-0480	AMD-P	04-03-116	388-148-0670	AMD	04-08-073	388-148-0892	NEW-E	04-05-035
388-148-0480	AMD	04-08-073	388-148-0685	AMD-P	04-03-116	388-148-0892	NEW	04-08-073
388-148-0485	AMD-P	04-03-116	388-148-0685	AMD	04-08-073	388-148-0895	AMD-P	04-03-116
388-148-0485	AMD	04-08-073	388-148-0695	AMD-P	04-03-116	388-148-0895	AMD	04-08-073
388-148-0487	NEW-P	04-03-116	388-148-0695	AMD	04-08-073	388-148-0900	AMD-P	04-03-116
388-148-0487	NEW	04-08-073	388-148-0700	AMD-P	04-03-116	388-148-0900	AMD	04-08-073
388-148-0488	NEW-P	04-03-116	388-148-0700	AMD-E	04-05-035	388-148-0905	AMD-P	04-03-116
388-148-0488	NEW	04-08-073	388-148-0700	AMD	04-08-073	388-148-0905	AMD	04-08-073
388-148-0490	AMD-P	04-03-116	388-148-0705	AMD-P	04-03-116	388-148-0915	AMD-P	04-03-116
388-148-0490	AMD	04-08-073	388-148-0705	AMD	04-08-073	388-148-0915	AMD-E	04-05-035
388-148-0500	REP-P	04-03-116	388-148-0710	AMD-P	04-03-116	388-148-0915	AMD	04-08-073
388-148-0500	REP	04-08-073	388-148-0710	AMD	04-08-073	388-148-0935	REP-P	04-03-116
388-148-0520	AMD-P	04-03-116	388-148-0715	AMD-P	04-03-116	388-148-0935	REP	04-08-073
388-148-0520	AMD-E	04-05-035	388-148-0715	AMD	04-08-073	388-148-0995	AMD-P	04-03-116
388-148-0520	AMD	04-08-073	388-148-0718	NEW-P	04-03-116	388-148-0995	AMD-E	04-05-035
388-148-0525	AMD-P	04-03-116	388-148-0718	NEW	04-08-073	388-148-0995	AMD	04-08-073
388-148-0525	AMD	04-08-073	388-148-0720	AMD-P	04-03-116	388-148-1020	REP-P	04-03-116
388-148-0535	AMD-P	04-03-116	388-148-0720	AMD-E	04-05-035	388-148-1020	REP	04-08-073
388-148-0535	AMD	04-08-073	388-148-0720	AMD	04-08-073	388-148-1025	AMD-P	04-03-116
388-148-0540	AMD-P	04-03-116	388-148-0722	NEW-P	04-03-116	388-148-1025	AMD	04-08-073
388-148-0540	AMD	04-08-073	388-148-0722	NEW-E	04-05-035	388-148-1030	AMD-P	04-03-116
388-148-0541	NEW-P	04-03-116	388-148-0722	NEW	04-08-073	388-148-1030	AMD	04-08-073
388-148-0541	NEW	04-08-073	388-148-0725	AMD-P	04-03-116	388-148-1035	AMD-P	04-03-116
388-148-0542	NEW-P	04-03-116	388-148-0725	AMD-E	04-05-035	388-148-1035	AMD	04-08-073
388-148-0542	NEW-E	04-05-035	388-148-0725	AMD	04-08-073	388-148-1045	AMD-P	04-03-116
388-148-0542	NEW	04-08-073	388-148-0730	AMD-P	04-03-116	388-148-1045	AMD	04-08-073
388-148-0555	AMD-P	04-03-116	388-148-0730	AMD	04-08-073	388-148-1050	AMD-P	04-03-116
388-148-0555	AMD	04-08-073	388-148-0735	REP-P	04-03-116	388-148-1050	AMD	04-08-073
388-148-0560	AMD-P	04-03-116	388-148-0735	REP	04-08-073	388-148-1060	AMD-P	04-03-116
388-148-0560	AMD-E	04-05-035	388-148-0750	AMD-P	04-03-116	388-148-1060	AMD-E	04-05-035
388-148-0560	AMD	04-08-073	388-148-0750	AMD	04-08-073	388-148-1060	AMD	04-08-073
388-148-0560	AMD-P	04-03-116	388-148-0765	AMD-P	04-03-116	388-148-1065	REP-P	04-03-116
388-148-0585	AMD-E	04-05-035	388-148-0765	AMD	04-08-073	388-148-1065	REP	04-08-073
388-148-0585	AMD	04-08-073	388-148-0775	AMD-P	04-03-116	388-148-1066	NEW-P	04-03-116
388-148-0600	AMD-P	04-03-116	388-148-0775	AMD	04-08-073	388-148-1066	NEW	04-08-073
388-148-0600	AMD	04-08-073	388-148-0785	AMD-P	04-03-116	388-148-1070	AMD-P	04-03-116
388-148-0605	AMD-P	04-03-116	388-148-0785	AMD-E	04-05-035	388-148-1070	AMD-E	04-05-035
388-148-0605	AMD	04-08-073	388-148-0785	AMD	04-08-073	388-148-1070	AMD	04-08-073
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388-148-0610	AMD	04-08-073	388-148-0795	AMD	04-08-073	388-148-1076	NEW-E	04-05-035
388-148-0615	REP-P	04-03-116	388-148-0800	AMD-P	04-03-116	388-148-1076	NEW	04-08-073
388-148-0615	REP	04-08-073	388-148-0800	AMD	04-08-073	388-148-1077	NEW-P	04-03-116
388-148-0620	AMD-P	04-03-116	388-148-0805	AMD-P	04-03-116	388-148-1077	NEW-E	04-05-035
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388-148-1079	NEW-E	04-05-035	388-155-110	REP-P	04-07-134	388-273-0035	AMD-E	04-11-080
388-148-1079	NEW	04-08-073	388-155-120	REP-P	04-07-134	388-273-0035	AMD	04-13-136
388-148-1085	AMD-P	04-03-116	388-155-130	REP-P	04-07-134	388-290-0001	AMD-P	04-02-047
388-148-1085	AMD	04-08-073	388-155-140	REP-P	04-07-134	388-290-0001	AMD	04-08-021
388-148-1115	AMD-P	04-03-116	388-155-150	REP-P	04-07-134	388-290-0001	AMD	04-08-134
388-148-1115	AMD-E	04-05-035	388-155-160	REP-P	04-07-134	388-290-0005	AMD-P	04-02-047
388-148-1115	AMD	04-08-073	388-155-165	REP-P	04-07-134	388-290-0005	AMD	04-08-021
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388-148-1205	NEW	04-08-073	388-155-220	REP-P	04-07-134	388-290-0012	NEW-P	04-02-047
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388-148-1210	NEW	04-08-073	388-155-240	REP-P	04-07-134	388-290-0012	NEW	04-08-134
388-148-1215	NEW-P	04-03-116	388-155-250	REP-P	04-07-134	388-290-0015	AMD-P	04-02-047
388-148-1215	NEW	04-08-073	388-155-270	REP-P	04-07-134	388-290-0015	AMD	04-08-021
388-148-1220	NEW-P	04-03-116	388-155-280	REP-P	04-07-134	388-290-0015	AMD	04-08-134
388-148-1220	NEW	04-08-073	388-155-290	REP-P	04-07-134	388-290-0020	AMD-P	04-02-047
388-148-1225	NEW-P	04-03-116	388-155-295	REP-P	04-07-134	388-290-0020	AMD	04-08-021
388-148-1225	NEW	04-08-073	388-155-310	REP-P	04-07-134	388-290-0020	AMD	04-08-134
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388-148-1235	NEW	04-08-073	388-155-350	REP-P	04-07-134	388-290-0025	AMD	04-08-134
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388-148-1245	NEW-P	04-03-116	388-155-380	REP-P	04-07-134	388-290-0030	AMD	04-08-021
388-148-1245	NEW	04-08-073	388-155-390	REP-P	04-07-134	388-290-0030	AMD	04-08-134
388-148-1250	NEW-P	04-03-116	388-155-400	REP-P	04-07-134	388-290-0030	PREP	04-13-046
388-148-1250	NEW	04-08-073	388-155-410	REP-P	04-07-134	388-290-0031	NEW-P	04-02-047
388-148-1255	NEW-P	04-03-116	388-155-420	REP-P	04-07-134	388-290-0031	NEW	04-08-021
388-148-1255	NEW	04-08-073	388-155-430	REP-P	04-07-134	388-290-0031	NEW	04-08-134
388-148-1260	NEW-P	04-03-116	388-155-440	REP-P	04-07-134	388-290-0032	NEW-P	04-02-047
388-148-1260	NEW	04-08-073	388-155-450	REP-P	04-07-134	388-290-0032	NEW	04-08-021
388-148-1265	NEW-P	04-03-116	388-155-460	REP-P	04-07-134	388-290-0032	NEW	04-08-134
388-148-1265	NEW	04-08-073	388-155-470	REP-P	04-07-134	388-290-0032	PREP	04-13-046
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388-148-1275	NEW-P	04-03-116	388-155-500	REP-P	04-07-134	388-290-0035	AMD	04-08-134
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388-148-1280	NEW-P	04-03-116	388-155-605	REP-P	04-07-134	388-290-0040	AMD	04-08-021
388-148-1280	NEW	04-08-073	388-155-610	REP-P	04-07-134	388-290-0040	AMD	04-08-134
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388-155-085	REP-P	04-07-134	388-273-0025	AMD-E	04-03-097	388-290-0055	AMD	04-08-134
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388-290-0075	AMD	04-08-134	388-290-0150	AMD	04-08-021	388-290-0265	AMD	04-08-134
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388-290-0080	REP	04-08-021	388-290-0155	AMD-P	04-02-047	388-290-0270	AMD	04-08-021
388-290-0080	REP	04-08-134	388-290-0155	AMD	04-08-021	388-290-0270	AMD	04-08-134
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388-290-0082	NEW	04-08-021	388-290-0155	PREP	04-13-046	388-290-0271	NEW-P	04-02-047
388-290-0082	NEW	04-08-134	388-290-0160	AMD-P	04-02-047	388-290-0271	NEW	04-08-021
388-290-0085	AMD-P	04-02-047	388-290-0160	AMD	04-08-021	388-290-0271	NEW	04-08-134
388-290-0085	AMD-E	04-05-079	388-290-0160	AMD	04-08-134	388-290-0273	NEW-P	04-02-047
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388-290-0085	AMD	04-08-134	388-290-0165	AMD	04-08-021	388-290-0273	NEW	04-08-134
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388-290-0120	AMD	04-08-134	388-290-0230	AMD-P	04-02-047	388-295-5030	AMD-P	04-05-084
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388-290-0130	AMD	04-08-134	388-290-0245	AMD	04-08-021	388-295-7040	AMD	04-09-093
388-290-0130	PREP	04-13-046	388-290-0245	AMD	04-08-134	388-295-7050	AMD-P	04-05-084
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388-296-0170	NEW-P	04-07-134	388-296-0830	NEW-P	04-07-134	388-310-1500	AMD-C	04-02-058
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388-296-0190	NEW-P	04-07-134	388-296-0850	NEW-P	04-07-134	388-310-1600	AMD-P	04-03-095
388-296-0200	NEW-P	04-07-134	388-296-0860	NEW-P	04-07-134	388-310-1600	AMD	04-07-025
388-296-0210	NEW-P	04-07-134	388-296-0870	NEW-P	04-07-134	388-310-1650	AMD-P	04-03-095
388-296-0220	NEW-P	04-07-134	388-296-0880	NEW-P	04-07-134	388-310-1650	AMD	04-07-025
388-296-0230	NEW-P	04-07-134	388-296-0890	NEW-P	04-07-134	388-310-2000	AMD-C	04-02-058
388-296-0240	NEW-P	04-07-134	388-296-0900	NEW-P	04-07-134	388-310-2000	AMD	04-05-010
388-296-0250	NEW-P	04-07-134	388-296-0910	NEW-P	04-07-134	388-400-0005	AMD-P	04-10-099
388-296-0260	NEW-P	04-07-134	388-296-0920	NEW-P	04-07-134	388-400-0005	PREP	04-12-096
388-296-0270	NEW-P	04-07-134	388-296-0930	NEW-P	04-07-134	388-400-0010	AMD-P	04-10-099
388-296-0280	NEW-P	04-07-134	388-296-0940	NEW-P	04-07-134	388-400-0025	AMD-P	04-10-099
388-296-0290	NEW-P	04-07-134	388-296-0950	NEW-P	04-07-134	388-400-0040	AMD-P	04-10-096
388-296-0300	NEW-P	04-07-134	388-296-0960	NEW-P	04-07-134	388-400-0040	AMD-P	04-10-099
388-296-0310	NEW-P	04-07-134	388-296-0970	NEW-P	04-07-134	388-408-0015	PREP	04-07-164
388-296-0320	NEW-P	04-07-134	388-296-0980	NEW-P	04-07-134	388-408-0034	AMD-P	04-02-050
388-296-0330	NEW-P	04-07-134	388-296-0990	NEW-P	04-07-134	388-408-0034	AMD	04-06-025
388-296-0340	NEW-P	04-07-134	388-296-1000	NEW-P	04-07-134	388-408-0035	AMD-P	04-02-050
388-296-0350	NEW-P	04-07-134	388-296-1010	NEW-P	04-07-134	388-408-0035	AMD	04-06-025
388-296-0360	NEW-P	04-07-134	388-296-1020	NEW-P	04-07-134	388-408-0035	AMD-P	04-10-096
388-296-0370	NEW-P	04-07-134	388-296-1030	NEW-P	04-07-134	388-410-0001	AMD-C	04-02-058
388-296-0380	NEW-P	04-07-134	388-296-1040	NEW-P	04-07-134	388-410-0001	AMD	04-05-010
388-296-0390	NEW-P	04-07-134	388-296-1050	NEW-P	04-07-134	388-412-0005	PREP	04-13-100
388-296-0400	NEW-P	04-07-134	388-296-1060	NEW-P	04-07-134	388-412-0015	AMD-P	04-13-098
388-296-0410	NEW-P	04-07-134	388-296-1070	NEW-P	04-07-134	388-414-0001	AMD-P	04-04-076
388-296-0420	NEW-P	04-07-134	388-296-1080	NEW-P	04-07-134	388-414-0001	AMD	04-07-139
388-296-0430	NEW-P	04-07-134	388-296-1090	NEW-P	04-07-134	388-414-0001	PREP	04-08-036
388-296-0440	NEW-P	04-07-134	388-296-1100	NEW-P	04-07-134	388-414-0001	AMD-E	04-10-061
388-296-0450	NEW-P	04-07-134	388-296-1110	NEW-P	04-07-134	388-414-0001	AMD-P	04-10-098
388-296-0460	NEW-P	04-07-134	388-296-1120	NEW-P	04-07-134	388-416-0015	AMD	04-03-019
388-296-0470	NEW-P	04-07-134	388-296-1130	NEW-P	04-07-134	388-416-0020	PREP	04-13-102
388-296-0480	NEW-P	04-07-134	388-296-1140	NEW-P	04-07-134	388-416-0030	REP-P	04-04-074
388-296-0490	NEW-P	04-07-134	388-296-1150	NEW-P	04-07-134	388-416-0030	REP	04-07-141
388-296-0500	NEW-P	04-07-134	388-296-1160	NEW-P	04-07-134	388-416-0035	PREP	04-12-098
388-296-0510	NEW-P	04-07-134	388-296-1170	NEW-P	04-07-134	388-418-0005	AMD-W	04-02-052
388-296-0520	NEW-P	04-07-134	388-296-1180	NEW-P	04-07-134	388-418-0005	AMD-P	04-02-072
388-296-0530	NEW-P	04-07-134	388-296-1190	NEW-P	04-07-134	388-418-0005	AMD-E	04-02-073
388-296-0540	NEW-P	04-07-134	388-296-1200	NEW-P	04-07-134	388-418-0005	AMD	04-06-026
388-296-0550	NEW-P	04-07-134	388-296-1210	NEW-P	04-07-134	388-418-0025	AMD	04-03-019
388-296-0560	NEW-P	04-07-134	388-296-1220	NEW-P	04-07-134	388-424-0001	NEW-P	04-10-100
388-296-0570	NEW-P	04-07-134	388-296-1230	NEW-P	04-07-134	388-424-0005	REP-P	04-10-100
388-296-0580	NEW-P	04-07-134	388-296-1240	NEW-P	04-07-134	388-424-0006	NEW-P	04-10-100
388-296-0590	NEW-P	04-07-134	388-296-1250	NEW-P	04-07-134	388-424-0007	NEW-P	04-10-100
388-296-0600	NEW-P	04-07-134	388-296-1260	NEW-P	04-07-134	388-424-0008	NEW-P	04-10-100
388-296-0610	NEW-P	04-07-134	388-296-1270	NEW-P	04-07-134	388-424-0009	NEW-P	04-10-100
388-296-0620	NEW-P	04-07-134	388-296-1280	NEW-P	04-07-134	388-424-0010	AMD-P	04-10-100
388-296-0630	NEW-P	04-07-134	388-296-1290	NEW-P	04-07-134	388-424-0015	AMD-P	04-10-100
388-296-0640	NEW-P	04-07-134	388-296-1300	NEW-P	04-07-134	388-424-0016	NEW-P	04-10-100
388-296-0650	NEW-P	04-07-134	388-296-1320	NEW-P	04-07-134	388-424-0020	AMD-P	04-10-100
388-296-0700	NEW-P	04-07-134	388-296-1330	NEW-P	04-07-134	388-424-0025	AMD-P	04-10-100
388-296-0710	NEW-P	04-07-134	388-296-1340	NEW-P	04-07-134	388-426	PREP-W	04-03-052
388-296-0720	NEW-P	04-07-134	388-296-1350	NEW-P	04-07-134	388-426-0005	AMD	04-03-050
388-296-0730	NEW-P	04-07-134	388-296-1360	NEW-P	04-07-134	388-434-0005	AMD	04-03-019
388-296-0740	NEW-P	04-07-134	388-296-1370	NEW-P	04-07-134	388-434-0005	PREP	04-07-086
388-296-0750	NEW-P	04-07-134	388-296-1380	NEW-P	04-07-134	388-434-0010	PREP	04-11-083
388-296-0760	NEW-P	04-07-134	388-296-1390	NEW-P	04-07-134	388-436-0002	AMD-P	04-02-049
388-296-0770	NEW-P	04-07-134	388-296-1400	NEW-P	04-07-134	388-436-0002	AMD-E	04-03-098
388-296-0780	NEW-P	04-07-134	388-296-1410	NEW-P	04-07-134	388-436-0002	AMD	04-07-023
388-296-0790	NEW-P	04-07-134	388-296-1420	NEW-P	04-07-134	388-436-0015	AMD-C	04-02-057

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-436-0015	AMD	04-05-013	388-450-0190	AMD	04-07-138	388-492-0040	PREP	04-12-092
388-436-0040	AMD-C	04-02-058	388-450-0190	PREP	04-12-092	388-492-0040	AMD-E	04-13-001
388-436-0040	AMD	04-05-010	388-450-0195	PREP	04-12-092	388-492-0050	AMD-E	04-05-003
388-438-0100	REP-P	04-04-074	388-450-0215	AMD	04-06-052	388-492-0050	AMD-E	04-13-001
388-438-0100	REP-E	04-06-023	388-450-0500	PREP	04-07-085	388-492-0060	AMD-E	04-05-003
388-438-0100	REP	04-07-141	388-452-0005	AMD-P	04-06-040	388-492-0060	AMD-E	04-13-001
388-438-0110	AMD-P	04-10-099	388-452-0005	AMD	04-10-102	388-492-0070	AMD-E	04-05-003
388-440	PREP-W	04-03-052	388-454-0010	AMD-C	04-03-010F	388-492-0070	PREP	04-12-092
388-440-0001	AMD-C	04-02-058	388-454-0010	AMD	04-05-012	388-492-0070	AMD-E	04-13-001
388-440-0001	AMD	04-05-010	388-462-0020	AMD-P	04-10-099	388-492-0080	AMD-E	04-05-003
388-442-0010	PREP	04-10-091	388-466-0130	AMD-C	04-02-058	388-492-0080	AMD-E	04-13-001
388-444-0055	AMD-C	04-02-058	388-466-0130	AMD	04-05-010	388-492-0090	AMD-E	04-05-003
388-444-0055	AMD	04-05-010	388-470-0040	REP	04-09-003	388-492-0090	AMD-E	04-13-001
388-446-0005	AMD-P	04-03-094	388-472-0010	AMD-P	04-03-093	388-492-0100	AMD-E	04-05-003
388-446-0005	AMD	04-13-097	388-473-0010	PREP	04-12-097	388-492-0100	AMD-E	04-13-001
388-448-0001	AMD-P	04-02-048	388-475-0050	NEW	04-09-002	388-492-0110	AMD-E	04-05-003
388-448-0001	AMD	04-07-140	388-475-0100	NEW	04-09-002	388-492-0110	AMD-E	04-13-001
388-448-0010	AMD-P	04-02-048	388-475-0150	NEW	04-09-002	388-492-0120	AMD-E	04-05-003
388-448-0010	AMD	04-07-140	388-475-0200	NEW	04-09-002	388-492-0120	AMD-E	04-13-001
388-448-0020	AMD-P	04-02-048	388-475-0250	NEW	04-09-002	388-492-0130	AMD-E	04-05-003
388-448-0020	AMD	04-07-140	388-475-0300	NEW	04-09-002	388-492-0130	AMD-E	04-13-001
388-448-0030	AMD-P	04-02-048	388-475-0350	NEW	04-09-003	388-500-0005	AMD-W	04-11-060
388-448-0030	AMD	04-07-140	388-475-0400	NEW	04-09-003	388-501-0165	AMD-W	04-11-059
388-448-0120	AMD-P	04-02-048	388-475-0450	NEW	04-09-003	388-502-0160	PREP	04-07-088
388-448-0120	AMD	04-07-140	388-475-0500	NEW	04-09-003	388-503-0505	AMD-P	04-04-074
388-448-0160	AMD-P	04-02-048	388-475-0550	NEW	04-09-004	388-503-0505	AMD-E	04-06-023
388-448-0160	AMD-E	04-02-051	388-475-0600	NEW	04-09-004	388-503-0505	AMD	04-07-141
388-448-0160	AMD-E	04-03-010E	388-475-0650	NEW	04-09-004	388-505-0110	PREP	04-04-095
388-448-0160	AMD	04-07-140	388-475-0700	NEW	04-09-004	388-505-0110	AMD-P	04-09-090
388-448-0170	REP-P	04-02-048	388-475-0750	NEW	04-09-004	388-505-0210	AMD-P	04-10-099
388-448-0170	REP-E	04-02-051	388-475-0800	NEW	04-09-005	388-505-0211	NEW	04-08-125
388-448-0170	REP-E	04-03-010E	388-475-0820	NEW	04-09-005	388-505-0211	AMD-P	04-13-140
388-448-0170	REP	04-07-140	388-475-0840	NEW	04-09-005	388-511-1130	REP	04-09-004
388-448-0180	AMD-P	04-02-048	388-475-0860	NEW	04-09-005	388-513-1301	AMD-E	04-08-019
388-448-0180	AMD	04-07-140	388-475-0880	NEW	04-09-005	388-513-1301	AMD-P	04-12-101
388-448-0190	REP-P	04-02-048	388-475-0900	NEW	04-09-005	388-513-1315	AMD-E	04-08-019
388-448-0190	REP-E	04-02-051	388-475-1050	AMD-X	04-09-091	388-513-1315	AMD-P	04-12-101
388-448-0190	REP-E	04-03-010E	388-475-1250	AMD-X	04-09-091	388-513-1350	AMD-C	04-02-056
388-448-0190	REP	04-07-140	388-478-0005	AMD-C	04-02-058	388-513-1350	AMD	04-04-072
388-448-0200	AMD-P	04-02-048	388-478-0005	AMD	04-05-010	388-513-1380	AMD-C	04-02-056
388-448-0200	AMD	04-07-140	388-478-0055	AMD-S	04-03-096	388-513-1380	AMD	04-04-072
388-448-0210	AMD-P	04-02-048	388-478-0055	AMD	04-07-024	388-515-1510	AMD-E	04-08-019
388-448-0210	AMD	04-07-140	388-478-0060	PREP	04-12-092	388-515-1510	AMD-P	04-12-101
388-450-0005	AMD-C	04-02-058	388-478-0075	AMD-E	04-07-143	388-515-1550	NEW-E	04-10-062
388-450-0005	AMD-W	04-04-034	388-478-0075	PREP	04-07-165	388-515-1550	NEW-P	04-10-101
388-450-0005	PREP	04-10-094	388-478-0075	AMD-E	04-09-001	388-517-0300	PREP	04-10-090
388-450-0005	PREP-W	04-13-099	388-478-0075	AMD-P	04-12-042	388-519-0100	PREP	04-13-102
388-450-0015	PREP	04-13-107	388-478-0080	AMD-E	04-11-013	388-519-0110	PREP	04-13-102
388-450-0020	REP	04-09-005	388-478-0080	AMD-P	04-13-134	388-526	PREP	04-04-096
388-450-0050	AMD-P	04-11-084	388-478-0085	AMD-E	04-07-167	388-527-2700	AMD-P	04-05-082
388-450-0100	PREP	04-05-034	388-478-0085	AMD-P	04-13-135	388-527-2700	AMD	04-10-060
388-450-0100	AMD-P	04-10-099	388-484-0005	AMD-C	04-02-058	388-527-2730	AMD-P	04-05-082
388-450-0106	AMD-P	04-10-099	388-484-0005	AMD	04-05-010	388-527-2730	AMD	04-10-060
388-450-0116	AMD-P	04-10-099	388-492	PREP-W	04-04-094	388-527-2733	AMD-P	04-05-082
388-450-0140	AMD-P	04-10-096	388-492	PREP	04-04-097	388-527-2733	AMD	04-10-060
388-450-0150	REP	04-09-005	388-492-0010	REP-E	04-05-003	388-527-2740	AMD-P	04-05-082
388-450-0156	AMD-P	04-10-099	388-492-0010	REP-E	04-13-001	388-527-2740	AMD	04-10-060
388-450-0165	AMD-C	04-02-058	388-492-0020	AMD-E	04-05-003	388-527-2742	AMD-P	04-05-082
388-450-0165	AMD	04-05-010	388-492-0020	AMD-E	04-13-001	388-527-2742	AMD	04-10-060
388-450-0170	AMD	04-03-051	388-492-0030	AMD-E	04-05-003	388-527-2750	AMD-P	04-05-082
388-450-0185	PREP	04-12-092	388-492-0030	AMD-E	04-13-001	388-527-2750	AMD	04-10-060
388-450-0190	AMD-P	04-04-075	388-492-0040	AMD-E	04-05-003	388-527-2754	AMD-P	04-05-082

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388-527-2754	AMD	04-10-060	388-533-0385	NEW	04-13-049	388-546-1500	NEW-P	04-12-103
388-527-2790	AMD-P	04-05-082	388-533-0386	NEW-P	04-05-083	388-546-2500	NEW-P	04-12-103
388-527-2790	AMD	04-10-060	388-533-0386	NEW	04-13-049	388-546-3000	NEW-P	04-12-103
388-527-2792	NEW-P	04-05-082	388-533-0390	NEW-P	04-05-083	388-546-4000	NEW-P	04-12-103
388-527-2792	NEW	04-10-060	388-533-0390	NEW	04-13-049	388-547	PREP-W	04-04-031
388-527-2795	AMD-P	04-05-082	388-533-701	NEW-P	04-07-136	388-550	PREP	04-03-092
388-527-2795	AMD	04-10-060	388-533-701	NEW	04-11-008	388-550	PREP	04-12-093
388-529	PREP	04-06-054	388-533-710	NEW-P	04-07-136	388-550	PREP	04-13-103
388-530-1050	PREP	04-09-035	388-533-710	NEW	04-11-008	388-550-1050	PREP	04-13-103
388-530-1125	PREP	04-09-035	388-533-720	NEW-P	04-07-136	388-550-1700	PREP	04-13-103
388-530-1200	PREP	04-09-035	388-533-720	NEW	04-11-008	388-550-1750	PREP	04-13-103
388-530-1250	PREP	04-09-035	388-533-730	NEW-P	04-07-136	388-550-2800	PREP	04-03-091
388-530-1260	PREP	04-09-035	388-533-730	NEW	04-11-008	388-550-2900	PREP	04-03-091
388-530-1850	PREP	04-03-089	388-535	PREP	04-07-115	388-550-2900	PREP	04-13-103
388-530-1850	AMD-P	04-07-137	388-535-1050	AMD-X	04-07-142	388-550-3100	PREP	04-05-085A
388-530-1850	AMD	04-11-009	388-535-1065	AMD-X	04-07-142	388-550-3100	AMD-P	04-08-123
388-531	PREP	04-12-093	388-535A-0050	AMD-E	04-04-073	388-550-3100	AMD	04-13-048
388-531-0050	PREP	04-13-103	388-535A-0050	AMD-E	04-12-041	388-550-3800	PREP	04-13-105
388-532	PREP	04-12-094	388-535A-0060	AMD-E	04-04-073	388-550-4900	PREP	04-03-090
388-532-001	NEW	04-05-011	388-535A-0060	AMD-E	04-12-041	388-550-4900	AMD-P	04-08-124
388-532-050	AMD	04-05-011	388-538	PREP	04-13-101	388-550-4900	AMD	04-12-044
388-532-100	AMD	04-05-011	388-538-063	PREP	04-04-095	388-550-5000	PREP	04-03-090
388-532-110	NEW	04-05-011	388-538-063	NEW-P	04-09-090	388-550-5100	PREP	04-03-090
388-532-120	NEW	04-05-011	388-538-112	AMD-P	04-07-135	388-550-5100	AMD-P	04-08-124
388-532-130	NEW	04-05-011	388-538-112	AMD	04-13-002	388-550-5100	AMD	04-12-044
388-532-140	NEW	04-05-011	388-542	PREP	04-10-093	388-550-5200	PREP	04-03-090
388-532-500	NEW	04-05-011	388-542	AMD-P	04-13-140	388-550-5200	AMD-P	04-08-124
388-532-510	NEW	04-05-011	388-542-0010	NEW-P	04-13-140	388-550-5200	AMD	04-12-044
388-532-520	NEW	04-05-011	388-542-0020	NEW-P	04-13-140	388-550-5210	NEW-P	04-08-124
388-532-530	NEW	04-05-011	388-542-0050	AMD-P	04-13-140	388-550-5210	NEW	04-12-044
388-532-540	NEW	04-05-011	388-542-0100	AMD	04-08-018	388-550-5220	NEW-P	04-08-124
388-532-550	NEW	04-05-011	388-542-0100	REP-P	04-13-140	388-550-5220	NEW	04-12-044
388-532-720	AMD-P	04-10-099	388-542-0125	AMD	04-08-018	388-550-5900	PREP	04-13-103
388-533-0300	AMD-P	04-05-083	388-542-0125	REP-P	04-13-140	388-550-6000	PREP	04-13-104
388-533-0300	AMD	04-13-049	388-542-0150	REP-P	04-13-140	388-551	PREP	04-02-061
388-533-0310	NEW-P	04-05-083	388-542-0200	REP-P	04-13-140	388-551	PREP-W	04-07-111
388-533-0310	NEW	04-13-049	388-542-0220	REP-P	04-13-140	388-551	PREP	04-07-114
388-533-0315	NEW-P	04-05-083	388-542-0250	AMD-E	04-13-137	388-553-100	NEW-C	04-02-055
388-533-0315	NEW	04-13-049	388-542-0250	REP-P	04-13-140	388-553-100	NEW	04-11-007
388-533-0320	NEW-P	04-05-083	388-542-0275	REP-P	04-13-140	388-553-200	NEW-C	04-02-055
388-533-0320	NEW	04-13-049	388-542-0300	AMD-P	04-13-140	388-553-200	NEW	04-11-007
388-533-0325	NEW-P	04-05-083	388-542-0500	AMD	04-08-018	388-553-300	NEW-C	04-02-055
388-533-0325	NEW	04-13-049	388-542-0500	REP-P	04-13-140	388-553-300	NEW	04-11-007
388-533-0330	NEW-P	04-05-083	388-544	PREP-W	04-04-031	388-553-400	NEW-C	04-02-055
388-533-0330	NEW	04-13-049	388-544	PREP	04-07-087	388-553-400	NEW	04-11-007
388-533-0340	NEW-P	04-05-083	388-545	PREP-W	04-04-031	388-553-500	NEW-C	04-02-055
388-533-0340	NEW	04-13-049	388-546	PREP	04-02-060	388-553-500	NEW	04-11-007
388-533-0345	NEW-P	04-05-083	388-546-0001	AMD-P	04-12-103	388-720-0020	AMD-C	04-02-059
388-533-0345	NEW	04-13-049	388-546-0100	AMD-P	04-12-103	388-720-0020	AMD	04-05-080
388-533-0350	REP-P	04-05-083	388-546-0150	AMD-P	04-12-103	388-800-0048	AMD-P	04-10-099
388-533-0350	REP	04-13-049	388-546-0200	AMD-P	04-12-103	388-820	PREP	04-13-106
388-533-0360	NEW-P	04-05-083	388-546-0250	AMD-P	04-12-103	388-820-020	AMD	04-04-043
388-533-0360	NEW	04-13-049	388-546-0300	AMD-P	04-12-103	388-820-030	AMD	04-04-043
388-533-0365	NEW-P	04-05-083	388-546-0400	AMD-P	04-12-103	388-820-050	AMD	04-04-043
388-533-0365	NEW	04-13-049	388-546-0425	NEW-P	04-12-103	388-820-056	NEW	04-04-043
388-533-0370	NEW-P	04-05-083	388-546-0450	AMD-P	04-12-103	388-820-060	AMD	04-04-043
388-533-0370	NEW	04-13-049	388-546-0500	AMD-P	04-12-103	388-820-070	AMD	04-04-043
388-533-0375	NEW-P	04-05-083	388-546-0600	AMD-P	04-12-103	388-820-076	NEW	04-04-043
388-533-0375	NEW	04-13-049	388-546-0700	AMD-P	04-12-103	388-820-086	NEW	04-04-043
388-533-0380	NEW-P	04-05-083	388-546-0800	AMD-P	04-12-103	388-820-090	AMD	04-04-043
388-533-0380	NEW	04-13-049	388-546-0900	NEW-P	04-12-103	388-820-100	AMD	04-04-043
388-533-0385	NEW-P	04-05-083	388-546-1000	AMD-P	04-12-103	388-820-120	AMD	04-04-043

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388-820-260	AMD	04-04-043	388-825-280	REP-E	04-08-020	388-845-0065	NEW-E	04-08-020
388-820-290	AMD	04-04-043	388-825-282	REP-E	04-08-020	388-845-0070	NEW-E	04-08-020
388-820-300	AMD	04-04-043	388-825-284	REP-E	04-08-020	388-845-0075	NEW-E	04-08-020
388-820-310	AMD	04-04-043	388-825-300	NEW-E	04-08-020	388-845-0080	NEW-E	04-08-020
388-820-320	AMD	04-04-043	388-825-305	NEW-E	04-08-020	388-845-0085	NEW-E	04-08-020
388-820-330	AMD	04-04-043	388-825-310	NEW-E	04-08-020	388-845-0090	NEW-E	04-08-020
388-820-340	AMD	04-04-043	388-825-315	NEW-E	04-08-020	388-845-0095	NEW-E	04-08-020
388-820-350	AMD	04-04-043	388-825-320	NEW-E	04-08-020	388-845-0100	NEW-E	04-08-020
388-820-400	AMD	04-04-043	388-825-325	NEW-E	04-08-020	388-845-0105	NEW-E	04-08-020
388-820-405	NEW	04-04-043	388-825-330	NEW-E	04-08-020	388-845-0110	NEW-E	04-08-020
388-820-410	AMD	04-04-043	388-825-335	NEW-E	04-08-020	388-845-0115	NEW-E	04-08-020
388-820-550	AMD	04-04-043	388-825-340	NEW-E	04-08-020	388-845-0120	NEW-E	04-08-020
388-820-555	NEW	04-04-043	388-825-345	NEW-E	04-08-020	388-845-0200	NEW-E	04-08-020
388-820-560	AMD	04-04-043	388-825-355	NEW-E	04-08-020	388-845-0205	NEW-E	04-08-020
388-820-600	AMD	04-04-043	388-825-360	NEW-E	04-08-020	388-845-0210	NEW-E	04-08-020
388-820-650	AMD	04-04-043	388-825-365	NEW-E	04-08-020	388-845-0215	NEW-E	04-08-020
388-820-690	AMD	04-04-043	388-825-370	NEW-E	04-08-020	388-845-0220	NEW-E	04-08-020
388-825	PREP	04-08-071	388-825-375	NEW-E	04-08-020	388-845-0300	NEW-E	04-08-020
388-825-070	AMD-P	04-08-072	388-825-380	NEW-E	04-08-020	388-845-0305	NEW-E	04-08-020
388-825-070	AMD	04-11-087	388-825-385	NEW-E	04-08-020	388-845-0310	NEW-E	04-08-020
388-825-090	AMD-P	04-08-072	388-825-390	NEW-E	04-08-020	388-845-0400	NEW-E	04-08-020
388-825-090	AMD	04-11-087	388-825-395	NEW-E	04-08-020	388-845-0405	NEW-E	04-08-020
388-825-100	AMD-P	04-12-100	388-825-400	NEW-E	04-08-020	388-845-0410	NEW-E	04-08-020
388-825-101	NEW-P	04-12-100	388-827	PREP	04-08-070	388-845-0500	NEW-E	04-08-020
388-825-102	NEW-P	04-12-100	388-827-0110	AMD-P	04-12-102	388-845-0505	NEW-E	04-08-020
388-825-103	NEW-P	04-12-100	388-827-0115	AMD-P	04-12-102	388-845-0510	NEW-E	04-08-020
388-825-104	NEW-P	04-12-100	388-827-0175	AMD-P	04-12-102	388-845-0600	NEW-E	04-08-020
388-825-105	NEW-P	04-12-100	388-827-0185	AMD-P	04-12-102	388-845-0605	NEW-E	04-08-020
388-825-120	AMD-E	04-08-020	388-827-0410	AMD-P	04-12-102	388-845-0610	NEW-E	04-08-020
388-825-125	NEW-E	04-08-020	388-835-0085	AMD-E	04-10-016	388-845-0700	NEW-E	04-08-020
388-825-130	NEW-E	04-08-020	388-835-0085	AMD-P	04-12-099	388-845-0705	NEW-E	04-08-020
388-825-135	NEW-E	04-08-020	388-835-0090	AMD-E	04-10-016	388-845-0710	NEW-E	04-08-020
388-825-140	NEW-E	04-08-020	388-835-0090	AMD-P	04-12-099	388-845-0800	NEW-E	04-08-020
388-825-145	NEW-E	04-08-020	388-835-0100	AMD-E	04-10-016	388-845-0805	NEW-E	04-08-020
388-825-150	NEW-E	04-08-020	388-835-0100	AMD-P	04-12-099	388-845-0810	NEW-E	04-08-020
388-825-155	NEW-E	04-08-020	388-835-0115	AMD-E	04-10-016	388-845-0820	NEW-E	04-08-020
388-825-160	NEW-E	04-08-020	388-835-0115	AMD-P	04-12-099	388-845-0900	NEW-E	04-08-020
388-825-165	NEW-E	04-08-020	388-835-0135	REP-E	04-10-016	388-845-0905	NEW-E	04-08-020
388-825-170	REP-E	04-08-020	388-835-0135	REP-P	04-12-099	388-845-0910	NEW-E	04-08-020
388-825-180	REP-E	04-08-020	388-835-0140	AMD-E	04-10-016	388-845-1000	NEW-E	04-08-020
388-825-190	REP-E	04-08-020	388-835-0140	AMD-P	04-12-099	388-845-1010	NEW-E	04-08-020
388-825-210	PREP	04-12-091	388-837-9005	NEW-E	04-10-016	388-845-1015	NEW-E	04-08-020
388-825-228	PREP	04-12-091	388-837-9005	NEW-P	04-12-099	388-845-1100	NEW-E	04-08-020
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388-825-234	PREP	04-12-091	388-837-9020	NEW-E	04-10-016	388-845-1200	NEW-E	04-08-020
388-825-236	PREP	04-12-091	388-837-9020	NEW-P	04-12-099	388-845-1205	NEW-E	04-08-020
388-825-238	PREP	04-12-091	388-837-9030	NEW-E	04-10-016	388-845-1210	NEW-E	04-08-020
388-825-242	PREP	04-12-091	388-837-9030	NEW-P	04-12-099	388-845-1300	NEW-E	04-08-020
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388-825-252	PREP	04-12-091	388-837-9040	NEW-P	04-12-099	388-845-1310	NEW-E	04-08-020
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388-825-262	REP-E	04-08-020	388-845-0025	NEW-E	04-08-020	388-845-1500	NEW-E	04-08-020
388-825-264	REP-E	04-08-020	388-845-0030	NEW-E	04-08-020	388-845-1505	NEW-E	04-08-020
388-825-266	REP-E	04-08-020	388-845-0035	NEW-E	04-08-020	388-845-1510	NEW-E	04-08-020
388-825-268	REP-E	04-08-020	388-845-0040	NEW-E	04-08-020	388-845-1515	NEW-E	04-08-020
388-825-270	REP-E	04-08-020	388-845-0045	NEW-E	04-08-020	388-845-1600	NEW-E	04-08-020
388-825-272	REP-E	04-08-020	388-845-0050	NEW-E	04-08-020	388-845-1605	NEW-E	04-08-020
388-825-276	REP-E	04-08-020	388-845-0055	NEW-E	04-08-020	388-845-1610	NEW-E	04-08-020

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388-845-1620	NEW-E	04-08-020	388-865-0561	NEW	04-07-014	392-143-030	AMD-P	04-05-055
388-845-1700	NEW-E	04-08-020	388-865-0565	REP	04-07-014	392-143-030	AMD	04-08-117
388-845-1705	NEW-E	04-08-020	388-865-0566	NEW	04-07-014	392-143-031	AMD-P	04-05-055
388-845-1710	NEW-E	04-08-020	388-865-0570	NEW	04-07-014	392-143-031	AMD	04-08-117
388-845-1800	NEW-E	04-08-020	388-865-0575	NEW	04-07-014	392-143-032	AMD-P	04-05-055
388-845-1805	NEW-E	04-08-020	388-865-0580	NEW	04-07-014	392-143-032	AMD	04-08-117
388-845-1810	NEW-E	04-08-020	388-865-0585	NEW	04-07-014	392-143-050	AMD-P	04-05-055
388-845-1900	NEW-E	04-08-020	388-885	PREP	04-10-092	392-143-050	AMD	04-08-117
388-845-1905	NEW-E	04-08-020	390	PREP	04-05-070	392-143-061	REP-P	04-05-055
388-845-1910	NEW-E	04-08-020	390- 05-295	NEW-P	04-08-086	392-143-061	REP	04-08-117
388-845-2000	NEW-E	04-08-020	390- 05-295	NEW	04-12-052	392-143-065	REP-P	04-05-055
388-845-2005	NEW-E	04-08-020	390- 12-010	AMD-P	04-08-086	392-143-065	REP	04-08-117
388-845-2010	NEW-E	04-08-020	390- 12-010	AMD	04-12-053	392-143-070	AMD-P	04-05-055
388-845-2100	NEW-E	04-08-020	390- 16-207	AMD-P	04-08-086	392-143-070	AMD	04-08-117
388-845-2105	NEW-E	04-08-020	390- 16-207	AMD	04-12-054	392-143-080	AMD-P	04-05-055
388-845-2110	NEW-E	04-08-020	390- 16-238	AMD-P	04-08-086	392-143-080	AMD	04-08-117
388-845-2200	NEW-E	04-08-020	390- 16-238	AMD	04-12-055	399- 30-060	AMD-X	04-05-024
388-845-2205	NEW-E	04-08-020	390- 17-030	AMD-P	04-08-086	399- 30-060	AMD	04-09-085
388-845-2210	NEW-E	04-08-020	390- 17-030	AMD	04-12-056	415- 02-030	AMD	04-04-037
388-845-3000	NEW-E	04-08-020	390- 18-030	AMD-P	04-08-086	415- 02-200	NEW	04-04-038
388-845-3005	NEW-E	04-08-020	390- 18-030	AMD	04-12-057	415- 02-520	AMD-P	04-05-039
388-845-3010	NEW-E	04-08-020	390- 37-030	AMD-P	04-08-086	415- 02-520	AMD	04-09-043
388-845-3015	NEW-E	04-08-020	390- 37-030	AMD	04-12-058	415- 02-720	NEW	04-04-040
388-845-3020	NEW-E	04-08-020	390- 37-041	AMD-E	04-07-049	415- 04-040	AMD-P	04-05-017
388-845-3025	NEW-E	04-08-020	390- 37-041	AMD-P	04-08-086	415- 04-040	AMD	04-09-042
388-845-3030	NEW-E	04-08-020	390- 37-041	AMD	04-12-059	415-104	PREP	04-09-040
388-845-3035	NEW-E	04-08-020	392-121-124	AMD-P	04-08-127	415-104-475	NEW	04-04-039
388-845-4000	NEW-E	04-08-020	392-136-020	PREP	04-06-048	415-104-480	NEW-E	04-12-035
388-845-4005	NEW-E	04-08-020	392-140-600	AMD-P	04-04-005	415-108-710	AMD	04-04-037
388-845-4010	NEW-E	04-08-020	392-140-600	AMD	04-08-118	415-108-990	NEW-P	04-13-036
388-845-4015	NEW-E	04-08-020	392-140-605	AMD-P	04-04-005	415-110-010	AMD	04-04-041
388-865	PREP	04-08-122	392-140-605	AMD	04-08-118	415-110-680	AMD	04-04-041
388-865-0335	PREP	04-05-085	392-140-608	AMD-P	04-04-005	415-110-685	NEW	04-04-041
388-865-0340	PREP	04-05-085	392-140-608	AMD	04-08-118	415-110-710	AMD	04-04-037
388-865-0465	AMD-P	04-05-081	392-140-609	AMD-P	04-04-005	415-110-728	AMD	04-04-041
388-865-0465	AMD	04-12-043	392-140-609	AMD	04-08-118	415-110-817	NEW-P	04-13-036
388-865-0500	AMD	04-07-014	392-140-626	AMD-P	04-04-005	415-110-910	AMD	04-04-041
388-865-0501	REP	04-07-014	392-140-626	AMD	04-08-118	415-112-150	NEW-P	04-13-036
388-865-0502	REP	04-07-014	392-140-630	AMD-P	04-04-005	415-112-430	AMD-P	04-05-063
388-865-0504	REP	04-07-014	392-140-630	AMD	04-08-118	415-112-430	AMD	04-12-020
388-865-0505	REP	04-07-014	392-140-640	AMD-P	04-04-005	415-501	PREP	04-12-019
388-865-0510	REP	04-07-014	392-140-640	AMD	04-08-118	434- 12-005	NEW	04-04-018
388-865-0511	NEW	04-07-014	392-140-643	AMD-P	04-04-005	434- 12-010	REP	04-05-041
388-865-0515	REP	04-07-014	392-140-643	AMD	04-08-118	434- 12-015	NEW	04-05-041
388-865-0516	NEW	04-07-014	392-140-646	AMD-P	04-04-005	434- 12-020	REP	04-05-041
388-865-0520	NEW	04-07-014	392-140-646	AMD	04-08-118	434- 12-025	NEW	04-04-018
388-865-0525	REP	04-07-014	392-140-653	AMD-P	04-04-005	434- 12-030	REP	04-05-041
388-865-0526	NEW	04-07-014	392-140-653	AMD	04-08-118	434- 12-040	REP	04-05-041
388-865-0530	REP	04-07-014	392-142-115	REP-P	04-05-054	434- 12-050	REP	04-05-041
388-865-0531	NEW	04-07-014	392-142-115	REP	04-08-116	434- 12-060	REP	04-05-041
388-865-0535	REP	04-07-014	392-142-130	REP-P	04-05-054	434- 12-070	REP	04-05-041
388-865-0536	NEW	04-07-014	392-142-130	REP	04-08-116	434- 12-080	REP	04-05-041
388-865-0540	REP	04-07-014	392-142-135	REP-P	04-05-054	434- 12-090	REP	04-05-041
388-865-0541	NEW	04-07-014	392-142-135	REP	04-08-116	434- 12-100	REP	04-05-041
388-865-0545	REP-W	04-08-028	392-142-165	AMD-P	04-05-054	434- 12-110	REP	04-05-041
388-865-0546	REP-W	04-08-028	392-142-165	AMD	04-08-116	434- 12-120	REP	04-05-041
388-865-0547	NEW	04-07-014	392-142-205	AMD-P	04-05-054	434- 12-130	REP	04-05-041
388-865-0550	REP	04-07-014	392-142-205	AMD	04-08-116	434- 12-140	REP	04-05-041
388-865-0551	NEW	04-07-014	392-143-010	AMD-P	04-05-055	434- 12-150	REP	04-05-041
388-865-0555	REP	04-07-014	392-143-010	AMD	04-08-117	434- 12-160	REP	04-05-041
388-865-0557	REP	04-07-014	392-143-015	AMD-P	04-05-055	434- 12-170	REP	04-05-041

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434-12-200	REP	04-05-041	434-230-220	AMD-X	04-10-084	434-324-085	AMD-X	04-10-084
434-12-210	REP	04-05-041	434-238-030	AMD-X	04-10-084	434-324-095	AMD-X	04-10-084
434-12-220	REP	04-05-041	434-238-060	AMD-X	04-10-084	434-324-110	AMD-X	04-10-084
434-12-230	REP	04-05-041	434-238-100	AMD-X	04-10-084	434-324-115	AMD-X	04-10-084
434-110-070	REP	04-04-018	434-238-110	AMD-X	04-10-084	434-324-120	AMD-X	04-10-084
434-110-080	REP	04-04-018	434-238-170	AMD-X	04-10-084	434-324-130	AMD-X	04-10-084
434-110-090	REP	04-04-018	434-240-005	AMD-X	04-10-084	434-324-140	AMD-X	04-10-084
434-110-100	AMD	04-04-018	434-240-010	AMD-X	04-10-084	434-326-015	AMD-X	04-10-084
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434-112-020	NEW	04-04-018	434-240-320	AMD-X	04-10-084	434-333-090	AMD-X	04-10-084
434-112-025	NEW	04-04-018	434-253-290	AMD-X	04-10-084	434-333-110	AMD-X	04-10-084
434-112-030	NEW	04-04-018	434-257-010	AMD-X	04-10-084	434-369-005	AMD-X	04-10-084
434-112-040	NEW	04-04-018	434-257-030	AMD-X	04-10-084	434-369-010	AMD-X	04-10-084
434-112-045	NEW	04-04-018	434-257-040	AMD-X	04-10-084	434-369-020	AMD-X	04-10-084
434-112-050	NEW	04-04-018	434-257-150	AMD-X	04-10-084	434-369-050	AMD-X	04-10-084
434-112-065	NEW	04-04-018	434-260-010	AMD-X	04-10-084	434-369-060	AMD-X	04-10-084
434-112-070	NEW	04-04-018	434-260-020	AMD-X	04-10-084	434-379-010	AMD-X	04-10-084
434-112-075	NEW	04-04-018	434-260-040	AMD-X	04-10-084	434-381-120	AMD-X	04-10-084
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434-112-085	NEW	04-04-018	434-260-140	AMD-X	04-10-084	446-20-600	PREP	04-13-133
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434-120-045	NEW	04-04-018	434-262-015	AMD-X	04-10-084	458-20-168	PREP	04-13-092
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434-120-170	AMD	04-04-018	434-263-010	NEW-P	04-13-016	458-20-252	PREP	04-02-070
434-120-212	AMD	04-04-018	434-263-020	NEW-E	04-12-004	458-20-255	PREP	04-13-037
434-120-215	AMD	04-04-018	434-263-020	NEW-P	04-13-016	458-20-263	PREP	04-10-004
434-120-240	AMD	04-04-018	434-263-030	NEW-E	04-12-004	458-20-265	PREP	04-02-070
434-120-250	AMD	04-04-018	434-263-030	NEW-P	04-13-016	458-40-610	PREP	04-11-034
434-120-260	AMD	04-04-018	434-263-040	NEW-E	04-12-004	458-40-640	PREP	04-06-065
434-120-305	AMD	04-04-018	434-263-040	NEW-P	04-13-016	458-40-640	AMD-P	04-10-109
434-120-307	NEW	04-04-018	434-263-050	NEW-E	04-12-004	458-40-660	PREP	04-06-064
434-120-310	AMD	04-04-018	434-263-050	NEW-P	04-13-016	458-40-660	AMD-P	04-10-110
434-120-320	REP	04-04-018	434-263-060	NEW-E	04-12-004	458-40-680	PREP	04-11-034
434-120-330	AMD	04-04-018	434-263-060	NEW-P	04-13-016	460-42A-081	AMD	04-07-035
434-120-345	NEW	04-04-018	434-263-070	NEW-E	04-12-004	463-06	AMD-P	04-13-154
434-120-355	NEW	04-04-018	434-263-070	NEW-P	04-13-016	463-06-010	AMD-P	04-13-154
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434-130-020	REP	04-04-018	434-263-080	NEW-P	04-13-016	463-06-030	AMD-P	04-13-154
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463- 22-020	AMD-P	04-13-154	463- 36-010	DECOD-P	04-13-154	463- 38-065	DECOD-P	04-13-154
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463- 42-012	AMD-P	04-13-154	463- 42-322	DECOD-P	04-13-154	463- 54-020	AMD-P	04-13-154
463- 42-012	DECOD-P	04-13-154	463- 42-332	AMD-P	04-13-154	463- 54-020	DECOD-P	04-13-154
463- 42-015	DECOD-P	04-13-154	463- 42-332	DECOD-P	04-13-154	463- 54-030	DECOD-P	04-13-154
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463- 42-085	DECOD-P	04-13-154	463- 42-382	REP-P	04-13-154	463- 58-010	AMD-P	04-13-154
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463- 42-165	AMD-P	04-13-154	463- 42-645	REP-P	04-13-154	463- 60-055	RECOD-P	04-13-154
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463- 42-297	NEW-P	04-13-154	463- 50-020	REP-P	04-13-154	463- 60-342	RECOD-P	04-13-154
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463- 60-382	RECOD-P	04-13-154	463- 74-030	RECOD-P	04-13-154	468-310-050	AMD-P	04-07-092
463- 60-385	RECOD-P	04-13-154	463- 74-040	RECOD-P	04-13-154	468-310-050	AMD	04-11-004
463- 60-435	RECOD-P	04-13-154	463- 76-010	RECOD-P	04-13-154	478-116	AMD-C	04-11-055
463- 60-525	RECOD-P	04-13-154	463- 76-020	RECOD-P	04-13-154	478-116-051	AMD-P	04-07-127
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463- 64-050	NEW-P	04-13-154	463- 76-065	RECOD-P	04-13-154	478-116-145	AMD	04-13-086
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463- 68-030	NEW-P	04-13-154	463- 78-135	RECOD-P	04-13-154	478-116-186	AMD	04-13-086
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463- 68-080	NEW-P	04-13-154	468- 38-265	AMD-E	04-13-011	478-116-211	AMD-P	04-07-127
463- 70-010	RECOD-P	04-13-154	468- 38-265	AMD-P	04-13-012	478-116-211	AMD	04-13-086
463- 70-020	RECOD-P	04-13-154	468- 60-010	NEW-P	04-03-112	478-116-227	AMD-P	04-07-127
463- 70-030	RECOD-P	04-13-154	468- 60-010	NEW	04-06-087	478-116-227	AMD	04-13-086
463- 70-040	RECOD-P	04-13-154	468- 70-020	AMD-E	04-09-024	478-116-251	AMD-P	04-07-127
463- 70-050	RECOD-P	04-13-154	468- 70-020	AMD-P	04-13-045	478-116-251	AMD	04-13-086
463- 70-060	RECOD-P	04-13-154	468- 70-070	AMD-E	04-09-024	478-116-253	AMD-P	04-07-127
463- 70-070	RECOD-P	04-13-154	468- 70-070	AMD-P	04-13-045	478-116-253	AMD	04-13-086
463- 70-080	RECOD-P	04-13-154	468- 70-085	REP-E	04-09-014	478-116-255	AMD-P	04-07-127
463- 72-010	NEW-P	04-13-154	468- 70-085	REP-P	04-13-045	478-116-255	AMD	04-13-086
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463- 72-070	NEW-P	04-13-154	468-310-020	PREP	04-03-011	478-116-311	AMD	04-13-086
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478-168-180	AMD-P	04-09-076	495A-121-041	AMD-P	04-07-150			
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478-168-200	REP	04-13-087	495D-120-020	REP-P	04-11-103			
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478-168-270	AMD	04-13-087	495D-120-040	REP-P	04-11-103			
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478-168-298	REP-P	04-09-076	495D-120-080	REP-P	04-11-103			
478-168-298	REP	04-13-087	495D-120-085	REP-P	04-11-103			
478-168-300	REP-P	04-09-076	495D-120-090	REP-P	04-11-103			
478-168-300	REP	04-13-087	495D-120-100	REP-P	04-11-103			
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478-168-325	AMD-P	04-09-076	495D-120-170	REP-P	04-11-103			
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478-168-345	REP	04-13-087	495D-121-020	NEW-P	04-11-103			
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478-168-350	REP	04-13-087	495D-121-040	NEW-P	04-11-103			
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478-168-360	REP	04-13-087	495D-121-060	NEW-P	04-11-103			
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478-168-380	AMD	04-13-087	495D-121-080	NEW-P	04-11-103			
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478-168-390	AMD	04-13-087	495D-121-100	NEW-P	04-11-103			
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479- 12-430	AMD-E	04-12-065	495D-121-140	NEW-P	04-11-103			
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