

WSR 16-23-003
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 16-300—Filed November 2, 2016, 3:06 p.m., effective November 2, 2016, 3:06 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend freshwater recreational fishing rules for the Green River.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-310-19000Z; and amending WAC 220-310-190.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, and 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 river sections had been closed to coho retention after October 31, 2016, under a comanager agreement to protect coho salmon. The coho return is stronger than anticipated and can support continued recreational and tribal retention fisheries. Reopening the fishery will provide additional angling opportunity. There is insufficient time to adopt 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: November 2, 2016.

J. W. Unsworth
Director

NEW SECTION

WAC 220-310-19000Z Freshwater exceptions to statewide rules—Puget Sound Notwithstanding the provisions of WAC 220-310-190, effective immediately through December 31, 2016, it is permissible to fish in waters of the Green River (King Co.) from the 1st Ave. South Bridge upstream to water pipeline walk bridge (1/2 mile downstream of Tacoma Headworks Dam). Unless otherwise amended all permanent rules remain in effect.

(1) Salmon: Daily limit six salmon, of which only three may be adults, minimum size 12 inches and release Chinook. Release all steelhead.

(2) Trout: Daily limit two, minimum size 14 inches.

(3) Other game fish: Statewide minimum size/daily limit.

(4) It is permissible to fish from a floating device.

REPEALER

The following section of the Washington Administrative Code is repealed effective January 1, 2017:

WAC 220-310-19000Z Freshwater exceptions to statewide rules—Puget Sound.

WSR 16-23-007
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 16-302—Filed November 3, 2016, 3:08 p.m., effective November 3, 2016, 11:59 p.m.]

Effective Date of Rule: November 3, 2016, 11:59 p.m.

Purpose: Amend commercial fishing rules for Willapa Bay.

Citation of Existing Rules Affected by this Order: Amending WAC 220-40-027.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, and 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: Catch of Willapa Bay chum is higher than anticipated and a closure of the commercial fishery is necessary to help ensure that conservation objectives are met. There is insufficient time to adopt 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: November 3, 2016.

J. W. Unsworth
Director

NEW SECTION

WAC 220-40-02700F Willapa Bay salmon—Fall fishery. Notwithstanding the provisions of WAC 220-40-027, effective 11:59 p.m. November 3, 2016, until further notice, it is unlawful to fish for salmon for commercial purposes in waters of Willapa Bay.

**WSR 16-23-008
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 16-301—Filed November 3, 2016, 3:10 p.m., effective November 5, 2016]

Effective Date of Rule: November 5, 2016.

Purpose: The purpose of this rule making is to allow nontreaty recreational fishing opportunity in the Columbia River while protecting fish listed as threatened or endangered under the Endangered Species Act (ESA). This rule making implements federal court orders governing Washington's relationship with treaty Indian tribes, federal law governing Washington's relationship with Oregon, and Washington fish and wildlife commission policy guidance for Columbia River fisheries.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-310-20000X, 220-310-20000H and 220-310-20000J; and amending WAC 220-310-200.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.130, 77.12.045, and 77.12.047.

Other Authority: *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2008-2017 *United States v. Oregon* Management Agreement (Aug. 12, 2008) (Doc. No. 2546); *Northwest Gillnetters Ass'n v. Sandison*, 95 Wn.2d 638, 628 P.2d 800 (1981); Washington fish and wildlife commission policies concerning Columbia River fisheries; 40 Stat. 515 (Columbia River Compact).

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 wild Snake River fall Chinook run is complete and the mainstem recreational fishery for coho and steelhead can resume. The seasons are consistent with the *U.S. v. Oregon* 2008-2017 Interim Management Agreement and the fall Chinook allocation agreement developed through the North of Falcon process. The rule is consistent with compact action of November 3, 2016. There is insufficient time to adopt permanent rules.

Washington and Oregon jointly regulate Columbia River fisheries under the congressionally ratified Columbia River Compact. Four Indian tribes have treaty fishing rights in the Columbia River. The treaties preempt state regulations that fail to allow the tribes an opportunity to take a fair share of the available fish, and the states must manage other fisheries accordingly. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). A federal court order sets the current parameters for

sharing between treaty Indians and others. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2008-2017 *United States v. Oregon* Management Agreement (Aug. 12, 2008) (Doc. No. 2546).

Some Columbia River Basin salmon and steelhead stocks are listed as threatened or endangered under the federal ESA. On May 5, 2008, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allows for some incidental take of these species in treaty and nontreaty Columbia River fisheries governed by the 2008-2017 *U.S. v. Oregon* Management Agreement. The Washington and Oregon fish and wildlife commissions have developed policies to guide the implementation of such biological opinions in the states' regulation of nontreaty fisheries.

Columbia River nontreaty fisheries are monitored very closely to ensure compliance with federal court orders, the ESA, and commission guidelines. Because conditions change rapidly, the fisheries are managed almost exclusively by emergency rule. Representatives from the Washington (WDFW) and Oregon (ODFW) departments of fish and wildlife convene public hearings and take public testimony when considering proposals for new emergency rules. WDFW and ODFW then adopt regulations reflecting agreements reached.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 0, Repealed 3; Federal Rules or Standards: New 1, Amended 0, Repealed 3; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 3.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, Amended 0, Repealed 3.

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: November 3, 2016.

J. W. Unsworth
Director

NEW SECTION

WAC 220-310-20000J Freshwater exceptions to statewide rules—Columbia River. Notwithstanding the provisions of WAC 220-310-200, effective November 5 through December 31, 2016, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

Columbia River: From a true north/south line through Buoy 10 upstream to the Hwy. 395 Bridge at Pasco: Open for fishing for coho and steelhead.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-310-20000X Freshwater exceptions to statewide rules—Columbia River. (16-194)

The following section of the Washington Administrative Code is repealed effective November 5, 2016:

WAC 220-310-20000H Freshwater exceptions to statewide rules—Columbia River. (16-288)

The following section of the Washington Administrative Code is repealed effective January 1, 2017:

WAC 220-310-20000J Freshwater exceptions to statewide rules—Columbia River.

WSR 16-23-018
EMERGENCY RULES
HEALTH CARE AUTHORITY
(Washington Apple Health)

[Filed November 4, 2016, 10:25 a.m., effective November 4, 2016, 10:25 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The state's authority granted by the Centers for Medicare and Medicaid Services under Section 1902 (e)(14)(A) of the Social Security Act to continue its use of income rules described in the United States Court of Appeals Ninth Circuit decision in *Sneede v. Kizer*, 951 F.2d 362 (1991) has expired. The state must now comply with the requirements of 42 C.F.R. 435.603.

Citation of Existing Rules Affected by this Order: Amending WAC 182-509-0360.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Other Authority: 42 C.F.R. 435.603.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: This emergency rule is necessary to comply with federal regulations and to preserve coverage for individuals and families while the permanent rule process is being completed. Since the CR-103E filing under WSR 16-15-021, the agency has conducted agency-wide and stakeholder reviews of the draft rule, and has filed the proposed rules for a public hearing under WSR 16-22-053.

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

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

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

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

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

Date Adopted: November 4, 2016.

Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-01-021, filed 12/9/13, effective 1/9/14)

WAC 182-509-0360 MAGI income—How ((~~a child's~~)) the income of a child age eighteen or younger or a tax dependent is counted. ~~((For purposes of))~~ The medic-aid agency determines income counted when determining eligibility for modified adjusted gross income (MAGI)-based Washington apple health ~~((WAH)) (see))~~ under WAC 182-509-0300~~((+))~~.

~~(1) Income received by a child claimed as a tax dependent by someone else is not counted when determining the eligibility of the tax filers who claim the tax dependent.~~

~~(2) Income received by a child in a nonfiling medical assistance unit (as described in WAC 182-506-0010) is not counted when determining the eligibility of the child or the other household members in the nonfiling household.~~

~~(3) Income received by a child age eighteen or younger who is required to file his or her own tax return but who is also claimed as a tax dependent by another person is counted when determining eligibility for WAH for the child, but not the person that claims them.~~

~~(4) Income of a sibling is not counted when determining the eligibility of any other sibling in the household).~~

(1) When determining countable income for persons described in subsections (2) through (5) of this section, the income of a child age eighteen or younger or a tax dependent is counted only when it meets the threshold required for tax filing under 26 U.S.C. Sec. 1.

(2) Determining countable income of a tax filer. The countable income includes the income of each member in the tax filer's medical assistance unit (MAU) under WAC 182-506-0012(1).

(3) Determining countable income of a tax dependent. The countable income includes the income of each member in the tax dependent's MAU under WAC 182-506-0012(2).

(4) Determining countable income of a nonfiler. The countable income includes the income of each member in the tax dependent's MAU under WAC 182-506-0012(3).

(5) Determining countable income of a child who lives with a parent who is age eighteen or younger. If a parent is age eighteen or younger and:

(a) Is a tax dependent, the countable income of the child does not include the income of the parent, and includes only the income of the child.

(b) Is not a tax dependent, the countable income of the child includes the income of the parent and the child.

WSR 16-23-022
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 16-303—Filed November 4, 2016, 3:57 p.m., effective November 4, 2016, 3:57 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend commercial fishing rules for Puget Sound salmon.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-31100E and 220-47-41100Z; and amending WAC 220-47-311 and 220-47-411.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 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 needed because there is a small amount of the nontreaty chum share remaining in Hood Canal and a reduction in Hood Canal openings is needed to avoid exceeding the nontreaty share. There is insufficient time to adopt 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 2, 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: November 4, 2016.

J. W. Unsworth
 Director

NEW SECTION

WAC 220-47-31100E Purse seine—Open periods. Notwithstanding the provisions of WAC 220-47-311, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except as provided in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Areas 10, 11, 12 and 12B: Open 7AM to 12PM (noon) on November 8, 2016

Area 12C: Closed

NEW SECTION

WAC 220-47-41100Z Gillnet—Open periods. Notwithstanding the provisions of WAC 220-47-411, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except as provided in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Areas 12, 12B and 12C: Closed on November 7 and November 9, 2016

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. November 9, 2016:

WAC 220-47-31100E Purse seine—Open periods

WAC 220-47-41100Z Gillnet—Open periods

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

WSR 16-23-037
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 16-304—Filed November 8, 2016, 3:57 p.m., effective November 10, 2016]

Effective Date of Rule: November 10, 2016.

Purpose: Amends freshwater recreational fishing in the Columbia River.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-310-20000Z.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, and 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 needed to repeal WSR 16-18-050 because sampling at Priest Rapids Dam has ended for the year and the last Ringold steelhead sampled was marked with the hole-punch on October 19, 2016. The twenty-one day withdrawal period for this fish will end on November 9, 2016. Retention and human consumption of all Ringold steelhead, including those with a hole-punch in the tail, is now safe and can resume.

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: November 8, 2016.

J. W. Unsworth
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective November 10, 2016:

WAC 220-310-20000Z Freshwater exceptions to statewide rules—Columbia River. (16-229)

WSR 16-23-049
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 16-305—Filed November 10, 2016, 9:28 a.m., effective November 16, 2016]

Effective Date of Rule: November 16, 2016.

Purpose: Amend recreational fishing rules for the Nisqually River.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-310-19000X; and amending WAC 220-310-190.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, and 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 needed because based on preseason forecast Washington department of fish and wildlife (WDFW) and Nisqually Indian Tribe are concerned that the winter chum return to the Nisqually River has the potential to fall short of the escapement goal. Given this information and the need to achieve our shared conservation goals both WDFW and the Nisqually Tribe are closing their fisheries. There is insufficient time to adopt 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: November 10, 2016.

J. W. Unsworth
Director

NEW SECTION

WAC 220-310-19000A Freshwater exceptions to statewide rules—Puget Sound. Notwithstanding the provisions of WAC 220-310-190, effective November 16, 2016, until further notice, it is unlawful to fish in those waters of the Nisqually River from the mouth to military tank crossing bridge (located one mile upstream of mouth of Muck Creek).

REPEALER

The following section of the Washington Administrative Code is repealed effective November 16, 2016:

WAC 220-310-19000X Freshwater exceptions to statewide rules—Puget Sound. (16-294)

WSR 16-23-059
EMERGENCY RULES
EMPLOYMENT SECURITY DEPARTMENT

[Filed November 10, 2016, 12:31 p.m., effective November 10, 2016, 12:31 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The department recently amended a number of rules prior to implementation of its new benefit payment system. As amended, the rules cited below provide claimants and employers with five days to respond to requests for information, plus reasonable mailing time, if any. When the rules were recently amended, the word "working" was inadvertently omitted. This filing will replace "days" with "working days."

Citation of Existing Rules Affected by this Order: Amending WAC 192-120-030, 192-120-035, 192-130-050, 192-130-080, 192-220-010, and 192-220-080.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.010 [50.12.040].

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: In November 1988, the department signed a settlement agreement in Thurston County superior court in which it agreed to provide claimants reasonable mailing time plus five working days to provide information requested by the department. The court held that the

department's practice of pending payment whenever an eligibility issue was raised violated the property rights established under the Washington state constitution.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 6, Repealed 0.

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

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

Date Adopted: November 9, 2016.

Lisa Marsh
Deputy Commissioner

AMENDATORY SECTION (Amending WSR 16-21-013, filed 10/7/16, effective 11/14/16)

WAC 192-120-030 Will I be told if my eligibility for benefits is questioned? Whenever we have a question regarding whether you (the claimant) are eligible for benefits, we will give you adequate notice before making a decision. "Adequate notice" means we will tell you:

- (1) Why we question your eligibility for benefits;
- (2) That you have the right to a fact-finding interview about your eligibility for benefits and that the interview will be conducted by telephone except:
 - (a) When you specifically ask to be interviewed in person; or
 - (b) In unusual circumstances where we decide an in-person interview is necessary.
- (3) That you can have someone, including an attorney, assist you at the interview;
- (4) That you can have witnesses on your behalf, provide evidence, and cross-examine other witnesses or parties;
- (5) That, prior to the interview, you may ask for copies of any records or documents we have that we will consider in making a decision about your eligibility for benefits;
- (6) The date by which you must reply to the notice (which will be no earlier than five working days plus reasonable mailing time, if any); and
- (7) That if you do not respond to the notice by the date shown, your benefits may be denied and you may have to repay any benefits already paid to you.

AMENDATORY SECTION (Amending WSR 16-21-013, filed 10/7/16, effective 11/14/16)

WAC 192-120-035 How will adequate notice be provided? When you file your weekly claim for benefits by telephone, you will receive a verbal notice if there is a question about your eligibility for benefits. When you file your weekly

claim for benefits by using the department's online services, a statement will be displayed online that there is a question about your eligibility for benefits. You will be provided a minimum of five working days, plus reasonable mailing time, if any, to respond to the notice or statement.

AMENDATORY SECTION (Amending WSR 16-21-013, filed 10/7/16, effective 11/14/16)

WAC 192-130-050 Notice of filing of application—RCW 50.20.150. Whenever an individual files an initial application for unemployment benefits, or reopens a claim after subsequent employment, a notice will be sent to the applicant's most recent employer as stated by the applicant. Any employer who receives such a notice and has information which might make the applicant ineligible for benefits must report this information to the department as indicated on the notice. The information must be reported within five working days, plus reasonable mailing time, if any, beginning on the date the notice was sent. If the employer does not reply within this time frame, the department may allow benefits to the individual, if he or she is otherwise eligible.

AMENDATORY SECTION (Amending WSR 16-21-013, filed 10/7/16, effective 11/14/16)

WAC 192-130-080 Procedure—Separation issues. (1) The department will not make a decision on a separation issue (RCW 50.20.050 or 50.20.066) until both the employer and the claimant have had an opportunity to present information and rebuttal, if necessary and appropriate, about the separation.

(2) If an employer does not respond to the notice within five working days, plus reasonable mailing time, if any, as required by WAC 192-130-060, the department may make a decision at that time based on available information.

(3) If the employer sends separation information to the department after the end of the response period, but before the decision has been made, the department will consider that information before making a decision.

(4) If the employer sends separation information to the department within thirty days after a decision has been sent, the department will consider that information for the purposes of a redetermination under RCW 50.20.160 or as an appeal of the decision.

(5) Any information received within thirty days of the date the notice required by WAC 192-130-060 was sent will be considered a request for relief of benefit charges under RCW 50.29.021.

AMENDATORY SECTION (Amending WSR 16-21-013, filed 10/7/16, effective 11/14/16)

WAC 192-220-010 Will I be notified about a potential overpayment? (1) If a potential overpayment exists, the department will provide you with a written overpayment advice of rights explaining the following:

- (a) The reasons you may have been overpaid;
- (b) The amount of the possible overpayment as of the date the notice is sent;

(c) The fact that the department will collect overpayments as provided in WAC 192-230-100;

(d) The fact that final overpayments are legally enforceable debts which must be repaid whether or not you are claiming unemployment benefits;

(e) The fact that these debts can be the basis for warrants which can result in liens, notices to withhold and deliver personal properties, possible sale of real and personal properties, and garnishment of salaries;

(f) An explanation that if you are not at fault, you may request a waiver of the overpayment; and

(g) A statement that you have five working days plus reasonable mailing time, if any, to submit information about the possible overpayment and whether you are at fault. If you do not provide the information within this time frame, the department will make a decision based on available information about the overpayment and your eligibility for waiver.

(2) Any amounts deducted from your benefit payments for federal income taxes or child support are considered paid to you and will be included in the overpayment.

AMENDATORY SECTION (Amending WSR 16-21-013, filed 10/7/16, effective 11/14/16)

WAC 192-220-080 How do I obtain a waiver? (1)

When a decision is issued that creates an overpayment, the department will send you an application for waiver if you are potentially eligible.

(2) The waiver application asks for information concerning your financial condition and other circumstances which will help the department determine if the overpayment should be waived.

(3) The financial information requested includes documentation for the previous month, current month, and following month of your:

(a) Income and, to the extent available, the income of other household members who contribute financially to the household;

(b) Expenses; and

(c) Readily available liquid assets including, but not limited to, checking and savings account balances, stocks, bonds, and cash on hand.

(4) The completed application and supporting documents must be returned to the department by the response deadline indicated in the notice, which will be no less than five working days plus reasonable mailing time, if any. If you do not provide the information by the deadline, the department will make a decision about your eligibility for waiver based on available information.

(5) A waiver cannot exceed the total amount of benefits available on your claim. The department will not waive the overpayment in such a way as to allow you to receive either a greater weekly benefit amount or a greater total benefit amount than you were originally eligible to receive. Any benefits waived are considered paid to you.

Example: You misplace a benefit check and request a replacement from the department. You subsequently cash both the original check and the replacement. Waiver will not be approved under these circumstances because you have been paid twice for the same week.

(6) If a waiver is approved based on information that is later found to be false or misleading, the amount waived will be restored to your overpayment balance.

**WSR 16-23-061
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 16-306—Filed November 10, 2016, 5:26 p.m., effective November 10, 2016, 5:26 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend commercial fishing rules for Puget Sound salmon.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-31100F and 220-47-41100A; and amending WAC 220-47-311 and 220-47-411.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 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 needed to close the commercial salmon fishing in Hood Canal because the nontreaty chum share has been harvested in Puget Sound Salmon Management and Catch Reporting Areas 10, 11, 12, 12B and 12C. There is insufficient time to adopt 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 2, 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: November 10, 2016.

J. W. Unsworth
Director

NEW SECTION

WAC 220-47-31100F Purse seine—Open periods.

Notwithstanding the provisions of WAC 220-47-311, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting

Areas except as provided in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Area 10, 11, 12, 12B and 12C: Closed

NEW SECTION

WAC 220-47-41100A Gillnet—Open periods. Notwithstanding the provisions of WAC 220-47-411, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except as provided in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Area 10, 11, 12, 12B and 12C: Closed

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 P.M. November 14, 2016:

WAC 220-47-31100F Purse seine—Open periods

WAC 220-47-41100A Gillnet—Open periods

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

**WSR 16-23-067
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 16-307—Filed November 14, 2016, 5:12 p.m., effective November 14, 2016, 5:12 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend commercial fishing rules for Puget Sound salmon.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-31100G [220-47-31100B] and 220-47-41100B [220-47-41100G]; and amending WAC 220-47-311 and 220-47-411.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 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 needed to close the commercial salmon fishing in Hood Canal because the nontreaty chum share has been harvested in Puget Sound Salmon Management and Catch Reporting Areas 10, 11, 12, 12B and 12C. There is insufficient time to adopt 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 2, Amended 0, Repealed 2.

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: November 14, 2016.

J. W. Unsworth
Director

NEW SECTION

WAC 220-47-31100B Purse seine—Open periods. Notwithstanding the provisions of WAC 220-47-311, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except as provided in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Areas 10, 11, 12, 12B and 12C: Closed

NEW SECTION

WAC 220-47-41100G Gillnet—Open periods. Notwithstanding the provisions of WAC 220-47-411, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except as provided in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Areas 10, 11, 12, 12B and 12C: Closed

REPEALER

The following section of the Washington Administrative Code is repealed effective November 25, 2016:

WAC 220-47-31100B Purse seine—Open periods

WAC 220-47-41100G Gillnet—Open periods

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

**WSR 16-23-072
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 16-309—Filed November 15, 2016, 2:09 p.m., effective November 15, 2016, 2:09 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational harvest rules for razor clams.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000T; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, and 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: Survey results show that adequate clams are available for harvest in Razor Clam Areas 3, 4, and 5 for recreational harvest. Washington department of health has certified clams from this beach to be safe for human consumption. There is insufficient time to adopt 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: November 15, 2016.

J. W. Unsworth
Director

NEW SECTION

WAC 220-56-36000T Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-360, it is unlawful to take, dig for or possess razor clams taken for personal use from any beaches in any razor clam area except as provided for in this section:

(1) Effective 12:01 p.m. November 17, 2016 through 11:59 p.m. November 19, 2016, razor clam digging is permissible in Razor Clam Area 3. Digging is permissible from 12:01 p.m. to 11:59 p.m. each day only.

(2) Effective 12:01 p.m. November 17, 2016 through 11:59 p.m. November 19, 2016, razor clam digging is permissible in Razor Clam Area 4. Digging is permissible from 12:01 p.m. to 11:59 p.m. each day only.

(3) Effective 12:01 p.m. November 17, 2016 through 11:59 p.m. November 19, 2016, razor clam digging is permissible in Razor Clam Area 5. Digging is permissible from 12:01 p.m. to 11:59 p.m. each day only.

(4) It is unlawful to dig for razor clams at any time in the Twin Harbors and Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. November 20, 2016:

WAC 220-56-36000T Razor clams—Areas and seasons.

WSR 16-23-081 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 16-308—Filed November 15, 2016, 4:59 p.m., effective November 16, 2016, 12:01 a.m.]

Effective Date of Rule: November 16, 2016, 12:01 a.m.

Purpose: Amend commercial fishing rules for Willapa Bay.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-40-02700F and 220-40-02700G; and amending WAC 220-40-027.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, and 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 needed to reopen the November commercial fishery. Data collected during spawning ground surveys indicate that the chum return is larger than the preseason forecast, which ensures that conservation and management objectives are achieved. There is insufficient time to adopt permanent rules.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

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

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

Date Adopted: November 15, 2016.

Kelly J. Cunningham
for J. W. Unsworth
Director

NEW SECTION

WAC 220-40-02700G Willapa Bay salmon—Fall fishery. Notwithstanding the provisions of WAC 220-40-027, effective 12:01 a.m. November 16, 2016 through 11:59 p.m. November 18, 2016 and 12:01 a.m. November 21, 2016 through 11:59 p.m. November 25, 2016, it is lawful to fish for salmon for commercial purposes in waters of Willapa Bay Salmon Management Reporting Areas 2M, 2N, 2R, 2T, and 2U, provided that unless otherwise amended, all permanent rules remain in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:00 a.m. November 16, 2016:

WAC 220-40-02700F Willapa Bay salmon—Fall fishery.
(16-302)

The following section of the Washington Administrative Code is repealed effective 12:00 a.m. November 26, 2016:

WAC 220-40-02700G Willapa Bay salmon—Fall fishery.

WSR 16-23-082**EMERGENCY RULES
DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Developmental Disabilities Administration)

[Filed November 16, 2016, 8:42 a.m., effective November 16, 2016, 8:42 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The department is amending WAC 388-845-1610 Where can respite care be provided? and 388-845-1615 Who are qualified providers of respite care?, to remove references to overnight planned respite services. Overnight planned respite services are found in chapter 388-829R WAC, Overnight planned respite services and are provided in addition to respite services a client may receive under a waiver. This amendment corrects changes to these sections made under WSR 16-17-003 filed on August 4, 2016.

Citation of Existing Rules Affected by this Order: Amending WAC 388-845-1610 and 388-845-1615.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.12.120.

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 department is amending WAC 388-845-1610 and 388-845-1615 to correct earlier amendments filed as WSR 16-17-003 on August 4, 2016. These updates are needed to remove references to overnight planned respite services because they are not part of a home and community based services waiver. Overnight planned respite services are covered in chapter 388-829R WAC and are in addition to respite services a client may receive under a waiver.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: November 8, 2016.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-17-003, filed 8/4/16, effective 9/4/16)

WAC 388-845-1610 Where can respite care be provided? (1) Respite care can be provided in the following location:

- (a) Individual's home or place of residence;
 - (b) Relative's home;
 - (c) Licensed children's foster home;
 - (d) Licensed, contracted and DDA certified group home;
 - (e) Licensed assisted living facility contracted as an adult residential center;
 - (f) Adult residential rehabilitation center;
 - (g) Licensed and contracted adult family home;
 - (h) Children's licensed group home, licensed staffed residential home, or licensed child care center; and
 - (i) Other community settings such as camp, senior center, or adult day care center(~~and~~
 - (j) ~~Certified overnight planned respite services home~~)).
- (2) Additionally, your respite care provider may take you into the community while providing respite services.

AMENDATORY SECTION (Amending WSR 16-17-003, filed 8/4/16, effective 9/4/16)

WAC 388-845-1615 Who are qualified providers of respite care? Providers of respite care can be any of the following individuals or agencies contracted with DDA for respite care:

- (1) Individuals meeting the provider qualifications under chapter 388-825 WAC;
- (2) Homecare/home health agencies, licensed under chapter 246-335 WAC, Part 1;
- (3) Licensed and contracted group homes, foster homes, child placing agencies, staffed residential homes and foster group care homes;
- (4) Licensed and contracted adult family homes;
- (5) Licensed and contracted adult residential care facilities;

(6) Licensed and contracted adult residential treatment facilities under chapter 246-337 WAC;

(7) Licensed child care centers under chapter 170-295 WAC;

(8) Licensed child day care centers under chapter 170-295 WAC;

(9) Adult day care providers under chapter 388-71 WAC contracted with DDA;

(10) Certified provider under chapter 388-101 WAC when respite is provided within the DDA contract for certified residential services; or

~~((Certified overnight planned respite services providers under chapter 388-829R WAC; or~~

~~(12)))~~ Other DDA contracted providers such as community center, senior center, parks and recreation, summer programs.

WSR 16-23-090

EMERGENCY RULES

UNIVERSITY OF WASHINGTON

[Filed November 16, 2016, 11:49 a.m., effective November 16, 2016, 11:49 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: To update WAC 478-160-163 Waivers of tuition and fees, with waivers recently enacted through state legislation, and to make corrections that reflect current statute citations and University of Washington information sources.

Citation of Existing Rules Affected by this Order: Amending WAC 478-160-163.

Statutory Authority for Adoption: Chapter 28B.15 RCW and RCW 28B.20.130.

Other Authority: RCW 28B.15.380 and 28B.15.558; and *Board of Regents Governance*, Standing Orders, Chapter 8, Section 2.

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 waivers being included in this amendment were mandated by recent state law, are currently in effect and available to eligible students. The amendment of WAC 478-160-163 is intended to keep the University of Washington's waivers of tuition and fees accurate and up-to-date [up-to-date] for current and incoming students.

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

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

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

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

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

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 15, 2016.

Rebecca Goodwin Dearnorff
Director of Rules Coordination

AMENDATORY SECTION (Amending WSR 12-07-016, filed 3/12/12, effective 4/12/12)

WAC 478-160-163 Waivers of tuition and fees. (1)

The board of regents is authorized to grant tuition and fee waivers to students pursuant to RCW 28B.15.910 and the laws identified therein. A number of these statutes authorize, but do not require, the board of regents to grant waivers for different categories of students and provides for waivers of different fees. For the waivers that are authorized but not required by state law, the board of regents must affirmatively act to implement the legislature's grant of authority under each individual law. A list of waivers that the board has implemented can be found ~~((in the *University of Washington General Catalog*, which is published biennially. The most recent list may be found in the online version of the *General Catalog*))~~ online at www.washington.edu/students/reg/tuition_exempt_reductions.html.

(2) Even when it has decided to implement a permissive waiver listed in RCW 28B.15.910, the university, for specific reasons and a general need for flexibility in the management of its resources, may choose not to award waivers to all students who may be eligible under the terms of the laws. Where the university has chosen to impose specific limitations on a permissive waiver listed in RCW 28B.15.910, those limitations are delineated in subsection (5) of this section. If the university has not imposed specific limitations on a permissive waiver listed in RCW 28B.15.910, the waiver is not mentioned in subsection (5) of this section. The university's description of the factors it may consider to adjust a waiver program to meet emergent or changing needs is found in subsection (8) of this section. All permissive waivers are subject to subsection (8) of this section.

(3) The board of regents also has the authority under RCW 28B.15.915 to grant waivers of all or a portion of operating fees as defined in RCW 28B.15.031. Waiver programs adopted under RCW 28B.15.915 are ~~((described in the *General Catalog*. The most recent list may be))~~ found ~~((in the))~~ online ~~((version of the *General Catalog*))~~ at www.washington.edu/students/reg/tuition_exempt_reductions.html. Waivers granted under RCW 28B.15.915 are subject to subsection (8) of this section.

(4) Waivers will not be awarded to students participating in self-sustaining courses or programs because they do not pay "tuition," "operating fees," "services and activities fees," or "technology fees" as defined in RCW 28B.15.020, 28B.15.031, 28B.15.041, or 28B.15.051, respectively.

(5) Specific limitations on waivers are as follows:

(a) Waivers authorized by RCW 28B.15.621(2)~~((a))~~ for eligible veterans and National Guard members, shall be awarded only to:

(i) Undergraduate students pursuing their first bachelor's degree to a maximum of 225 college-level credits, including

credits transferred from other institutions of higher education; and

(ii) Full-time graduate or professional degree students, provided however, that the waiver may be applied only toward a single degree program at the University of Washington, and, provided further, that graduate and professional degree students who received a waiver authorized by RCW 28B.15.621(2)(~~(a)~~) as undergraduates at the University of Washington shall not be eligible for this waiver.

To qualify an individual as an "eligible veteran or National Guard member," the person seeking the waiver must present proof of domicile in Washington state and a DD form 214 (Report of Separation) indicating their service as an active or reserve member of the United States military or naval forces, or a National Guard member called to active duty, who served in active federal service, under either Title 10 or Title 32 of the United States Code, in a war or conflict fought on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters, and if discharged from services, has received an honorable discharge.

(b) Waivers of nonresident tuition authorized by RCW 28B.15.014 for university faculty and classified or professional staff shall be restricted to four consecutive quarters from their date of employment with the University of Washington. The recipient of the waiver must be employed by the first day of the quarter for which the waiver is awarded. Waivers awarded to immigrant refugees, or the spouses or dependent children of such refugees, shall be restricted to persons who reside in Washington state and to four consecutive quarters from their arrival in Washington state.

(c) All waivers authorized by RCW 28B.15.558 shall be subject to such additional limitations as determined by the provost, pursuant to the terms of subsection (8) of this section. In addition, waivers authorized by RCW 28B.15.558 shall be awarded only to the classes of employees described in (i) of this subsection before considering waivers for the employees described in (ii) (~~and (iii)~~) through (iv) of this subsection:

(i) University of Washington employees who are employed half-time or more, hold qualifying appointments as of the first day of the quarter for which the waivers are requested, are paid monthly, and, for classified staff new to the university, have completed their probationary periods prior to the first day of the quarter; or

(ii) State of Washington permanent employees who are employed half-time or more, are not University of Washington permanent classified employees, are permanent classified or exempt technical college paraprofessional employees, or are permanent faculty members, counselors, librarians or exempt employees at other state of Washington public higher education institutions; or

(iii) Teachers and other certificated instructional staff employed at public common and vocational schools, holding or seeking a valid endorsement and assignment in a state-identified shortage area; or

(iv) Classified staff employed at K-12 public schools using a wavier for course work relevant to their work assignment as verified by their employing school district.

(6) Waivers mandated by RCW 28B.15.621(4), as amended by section 1, chapter 450, Laws of 2007, for children and spouses or surviving spouses of eligible veterans and National Guard members who became totally disabled, or lost their lives, while engaged in active federal military or naval service, or who are prisoners of war or missing in action, shall be awarded in accordance with, and subject to the limitations set forth in state law.

(7) Waivers mandated by RCW 28B.15.380, as amended by section 4, chapter 261, Laws of 2010, for children and surviving spouses of any law enforcement officer (as defined in chapter 41.26 RCW), firefighter (as defined in chapter 41.24 or 41.26 RCW), highway worker, or Washington state patrol officer, who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full-time volunteer fire department in this state, or was a highway worker while employed by a transportation agency, shall be awarded in accordance with, and subject to the limitations set forth in, state law.

(8) The university may modify its restrictions or requirements pursuant to changes in state or federal law, changes in programmatic requirements, or in response to financial or other considerations, which may include, but are not limited to, the need to adopt fiscally responsible budgets, the management of the overall levels and mix of enrollments, management initiatives to modify enrollment demand for specific programs and management decisions to eliminate or modify academic programs. The university may choose not to exercise the full funding authority granted under RCW 28B.15.910 and may limit the total funding available under RCW 28B.15.915.

WSR 16-23-129
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed November 21, 2016, 1:08 p.m., effective November 21, 2016, 1:08 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This emergency rule provides for the issuance of temporary permits in lieu of certificates of competency for electricians coming from another state as authorized by RCW 19.28.231, and allows for Canadian Red Seal endorsed journeyman construction electricians to qualify for the Washington journey level electrician competency examination once they have possessed a Red Seal endorsement for one year.

Citation of Existing Rules Affected by this Order: Amending WAC 296-46B-945.

Statutory Authority for Adoption: RCW 19.28.251.

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 an increase in construction projects in the state and a shortage of journey level

electricians to meet the demand. According to the Bureau of Labor Statistics, the national job outlook for electricians is projected to grow fourteen percent from 2014 to 2024, which is much faster than the average for all occupations. The impacts of the shortage of qualified electricians include: Companies turning down work they would otherwise be able to perform because they do not have a sufficient number of workers; delays in starting new construction projects; current construction projects taking longer to complete resulting in cost overruns; public safety risks associated with the possibility that electrical trainees could work without adequate supervision and that unlicensed electrical work could be conducted.

To help address these issues, the emergency rule provides for the issuance of temporary permits in lieu of certificates of competency for electricians coming from another state as authorized by RCW 19.28.231. Under the emergency rule, electricians who have completed an equivalent state regulated four-year journey level electrical apprenticeship program or possess an equivalent journey level electrician certificate obtained by examination in another state and can meet the requirements under RCW 19.28.181 are eligible for a temporary permit. The temporary electrician permit is only valid for ninety days and is not renewable. A temporary electrician can only work under the permit on jobsites where a general electrical contractor licensed in Washington state has requested and received permission to employ temporary electricians from the department's chief electrical inspector. General electrical contractors are required to regularly report the status of temporary electricians.

In addition, the emergency rule allows for Canadian Red Seal endorsed journeyperson construction electricians to qualify for the Washington journey level electrician competency examination if they have possessed a Red Seal endorsement for one year. In order to obtain the Canadian Red Seal endorsement, individuals must have at least four years of electrical construction training and have successfully completed a Red Seal examination. Obtaining and possessing the Red Seal endorsement for one year meets or exceeds the electrical competency examination eligibility requirements in RCW 19.28.191.

The department consulted with the electrical board, which supports the adoption of emergency rules to address the issues identified above. The department is initiating the permanent rule-making process and will work with stakeholders to develop the permanent rule.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 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: November 21, 2016.

Joel Sacks
Director

NEW SECTION

WAC 296-46B-938 Temporary electrician permits.

General.

(1) In lieu of certificate of competency requirements in WAC 296-46B-940(3), the department may issue temporary electrician permits to work in the electrical construction trade.

(2) The department will deny application of a temporary electrician permit if an individual owes money as a result of an outstanding final judgment(s) to the department.

(3) Temporary permits are not allowed for master electricians or specialty electricians.

Temporary electrician permits when coming from out-of-state.

(4) An individual coming from out-of-state must make application and receive approval for a temporary electrician permit to work in the electrical construction trade in the state, or otherwise obtain an electrician certificate of competency.

(a) If an individual can present appropriate evidence of experience in another state similar to RCW 19.28.181 and has completed an equivalent state regulated four-year journey level electrical apprenticeship program or possesses an equivalent journey level electrician certificate obtained by examination in that state, the department will issue an individual a nonrenewable temporary electrician permit valid for ninety days from the original date of issue.

(b) To qualify for a temporary electrician permit, an individual must:

(i) Submit a combined application for a temporary electrician permit and journey level electrician examination using a form prescribed by the department and pay an application fee of one hundred twenty-four dollars (includes original certificate, permit and application processing fee) (sixty-two dollars is nonrefundable after application is submitted); and

(ii) Provide proof of following:

(A) Completion of an equivalent state regulated four-year journey level electrical apprenticeship program in the form of a notarized letter from the apprenticeship training director or state apprenticeship authority stating that they have completed such a program; or

(B) Issuance of an equivalent journey level electrician certificate obtained by examination in another state in the form of a notarized letter from a state licensing authority verifying certification and indicating the number of hours of supervised work experience in the electrical construction trade under direct supervision of a licensed electrician in that state verified in order to qualify for the certification.

(iii) For individuals with an equivalent journey level electrician certificate issued with the verification of less than eight thousand hours of supervised work experience in the electrical construction trade under direct supervision of a

licensed electrician, provide appropriate evidence showing work experience equivalent to the eight thousand hours required by RCW 19.28.191.

(iv) For individuals with an equivalent journey level electrician certificate, provide appropriate evidence of the completion of at least ninety-six hours of in-class training on the National Electrical Code, basic electrical theory or the use of the Washington electrical laws and rules.

(c) The applicant must have never possessed a Washington journey level master electrician or journey level electrician certificate of competency or temporary electrician permit.

(d) The applicant must have never failed a Washington journey level electrician certification examination.

(5) A temporary electrician permit is valid only when employed by the contractor named on the temporary electrician permit on a job site where the contractor has received permission to employ temporary electricians from the chief electrical inspector.

(6) If a temporary electrician permit becomes invalid, it will not be extended or renewed.

(7) Temporary electricians are not eligible to supervise electrical trainees.

(8) To work in the electrical construction trade, temporary electricians must possess, wear, and visibly display on the front of the upper body, a valid temporary electrician permit issued by the department.

The permit may be worn inside the outer layer of clothing when outer protective clothing (e.g., rain gear when outside in the rain, arc flash, welding gear, etc.) is required. The permit must be worn inside the protective clothing so that when the protective clothing is removed, the certificate is visible. A cold weather jacket or similar apparel is not protective clothing.

The permit may be worn inside the outer layer of clothing when working in an attic or crawl space or when operating equipment (e.g., drill motor, conduit threading machine, etc.) where wearing the certificate may pose an unsafe condition for the individual.

The permit must be immediately available for examination at all times.

Any person working as a temporary electrician must also possess a government issued photo identification and immediately present that identification when requested by the inspector.

Employing temporary electricians.

(9) Only **(01)** general electrical contractors are eligible to employ temporary electricians.

(10) Before employing temporary electricians on a job site, an electrical contractor must submit a request in the form of an application prescribed by the department and receive approval from the chief electrical inspector.

(11) A copy of the approval letter to employ temporary electricians must be posted conspicuously at the approved job site and be available to the department and any other authority having jurisdiction.

(12) Approval to employ temporary electricians is limited to the job site address named on the approval letter.

(13) Every fourteen days, beginning on the date of approval to employ temporary electricians on a job site, electrical contractors must report the status of all temporary electricians in their employ on that job site to the chief electrical inspector at: ElectricalProgram@lni.wa.gov. The report must contain:

- (a) The submitter's business name;
- (b) The submitter's electrical contractor's license number;
- (c) The job site name and address; and
- (d) Each temporary electrician's name, permit number, date of hire, and permit expiration date.

A current copy of this report must be posted conspicuously at the job site and available to the department and any other authority having jurisdiction.

AMENDATORY SECTION (Amending WSR 14-11-075, filed 5/20/14, effective 7/1/14)

WAC 296-46B-945 Qualifying for master, journey level, specialty electrician examinations. (1) General.

- (a) All applicants must be at least sixteen years of age.
- (b) All applicants, from in or out of state, must demonstrate the completion of basic trainee classes described in WAC 296-46B-970 (4)(c)(ii)(D).
 - (i) Twenty-four hours where two thousand or more; but less than four thousand hours of work experience is required.
 - (ii) Forty-eight hours where four thousand or more; but less than six thousand hours of work experience is required.
 - (iii) Seventy-two hours where six thousand or more; but less than eight thousand hours of work experience is required.
 - (iv) Ninety-six hours where eight thousand or more of work experience is required.

Qualifying for the master electrician examination.

(2) An individual may take the master electrician's certificate of competency examination if the individual meets the requirements described in RCW 19.28.191 (1)(d) or (e).

Qualifying for the master electrician examination from out-of-state.

(3) No credit may be applied from out-of-state toward qualifying for a master electrician certificate of competency examination.

Qualifying for the journey level electrician competency examination.

(4) An individual may take the journey level electrician's certificate of competency examination if the individual held a current electrical training certificate and has worked for an employer who employs at least one certified master electrician, journey level, or specialty electrician on staff and the individual:

- (a) Has been employed, in the electrical construction trade, under the direct supervision of a master electrician, journey level electrician or specialty electrician working in the appropriate specialty in the proper ratio, per RCW 19.28.161, for four years (eight thousand hours). Of the eight thousand hours:

(i) At least two years (four thousand hours) must be in new industrial and/or new commercial electrical installation (excluding all work described for specialty electricians or technicians) under the direct supervision of a master journey level electrician or journey level electrician while working for a general electrical contractor; and

(ii) Not more than a total of two years (four thousand hours) may be for work described as an electrical specialty in WAC 296-46B-920(2).

(b) Has completed a four-year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council while working under the direct supervision of a master journey level or journey level electrician in the proper ratio, per RCW 19.28.161; or

(c) Has completed a two-year electrical construction training program as described in RCW 19.28.191 for journey level electricians, and two years (four thousand hours) of work experience in new industrial and/or new commercial electrical installations (excluding work described for specialty electricians or electrical technicians) under the direct supervision of a journey level electrician while working for a general electrical contractor in the proper ratio, per RCW 19.28.161. See WAC 296-46B-971 for additional training school information.

Electrical construction training hours gained in specialties requiring less than two years (i.e., four thousand hours) will not be credited towards qualification for journey level electrician.

The trainee and their employer and/or apprenticeship training director must attest to the accuracy of all information contained on affidavits of experience and apprenticeship graduation certificates used to verify eligibility for the examination.

Qualifying for a specialty electrician certificate of competency or examination.

(5) After review and approval by the department, an individual may qualify for a specialty electrician's examination and certificate of competency if the individual held a current electrical training certificate, and has worked for an employer who employs at least one certified master journey level electrician, journey level electrician, appropriate master specialty electrician, or appropriate specialty electrician on staff and the individual:

(a) Has been employed, in the electrical construction trade, under the direct supervision of an appropriate electrician in the appropriate specialty as follows:

Table 945-1 Experience Hours

Specialty	Minimum Hours of Work Experience Required to be Eligible for Examination ⁽⁴⁾⁽⁵⁾	Minimum Hours of Work Experience Required for Certification
Residential certificate (02)	4,000 ⁽³⁾	4,000
Pump and irrigation certificate (03)	4,000 ⁽³⁾	4,000
Domestic pump certificate (03A)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Signs certificate (04)	4,000 ⁽³⁾	4,000
Limited energy system certificate (06)	4,000 ⁽³⁾	4,000
HVAC/refrigeration system certificate (06A)	4,000 ⁽³⁾	4,000 ⁽⁷⁾
HVAC/refrigeration - Restricted (06B)	1,000 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Nonresidential maintenance certificate (07)	4,000 ⁽³⁾	4,000
Nonresidential lighting maintenance and lighting retrofit certificate (07A)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Residential maintenance certificate (07B)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Restricted nonresidential maintenance certificate (07C)	1,000 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Appliance repair certificate (07D)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Equipment repair certificate (07E)	1,000 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Door, gate, and similar systems certificate (10)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾

Notes: (1) Until the examination is successfully completed, the trainee must work under one hundred percent supervision. Once the appropriate examination is successfully completed, the modified supervision trainee may work under zero percent supervision.

(2) The trainee may have only one zero percent supervision certificate in a specialty (valid for no more than two years). If the trainee has not gained the required work experience by the time the zero percent supervision certificate has expired, the trainee must get a seventy-five percent supervision certificate and work under supervision until all required work experience hours are gained and credited towards the minimum work experience requirement.

(3) This specialty is not eligible for unsupervised trainee status as allowed in chapter 19.28 RCW.

(4) The trainee and their employer and/or apprenticeship training director must attest to the accuracy of all information contained on affidavits of experience used to verify eligibility for the examination.

(5) Neither previous work experience credit nor training school credit is allowed as a substitute for the initial hours of minimum work experience required to be eligible for examination unless the trainee's work experience hours under direct supervision are provided as required in RCW 19.28.191 (1)(g)(ii).

(6) Electrical construction training hours gained in specialties requiring two thousand hours or less for certification will not be credited towards qualification for journey level electrician or any of the four thousand hour specialties, except as allowed by (7), below.

(7) The two thousand minimum hours of work experience required for certification as an HVAC/refrigeration-restricted (06B) specialty electrician may be credited as two thousand hours towards the four thousand minimum hours of work experience required for certification as an HVAC/refrigeration (06A) specialty electrician. Hours of work experience credited from the HVAC/refrigeration-restricted (06B) specialty cannot be credited towards qualification for taking the general electrician (01) examination or minimum work experience requirements.

(8) Experience hours may be coincidentally credited towards qualifying for electrician and plumber certifications. See RCW 19.28.191 (1)(g)(iv).

(b) Or has completed an appropriate two-year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council while working under the direct supervision of an electrician in the appropriate specialty in the proper ratio, per RCW 19.28.161.

Qualifying for a certificate of competency when the Washington electrical work experience is exempt from certification requirements in RCW 19.28.261.

(6) After review and approval by the department, an individual may be granted work experience credit to take the journey level/specialty electrician's competency examination when an original notarized letter of work experience accompanied by verifiable documentation is provided. - See subsection (7) of this section.

For the purposes of this section, exempt work does not include work performed on property owned, in whole or part, by the individual seeking credit.

All exempt individuals must have a valid electrical training certificate when working to gain electrical work experience.

Work experience requested by an individual for telecommunications work must be gained while working for (01) general electrical, (02) residential, or (06) limited energy system electrical contractors as allowed by those scopes of work. When the work was performed, the individual must have a valid training certificate, be under the supervision of an appropriately certified journey level, residential or limited energy electrician, and be in compliance with RCW 19.28.191.

General - Qualifying hours gained by applicants seeking work experience credit without a Washington electrician training certificate.

(7) The type of on-the-job work experience must be similar to the credit being applied for and lawfully gained in the state or other entity where the work was performed. The individual must submit verifiable documentation (e.g., payroll, time sheets, permits, supervision, etc.) that the department may use to ascertain the type of work performed and the number of hours worked for each type (i.e., specialty) of work.

Training hours credited for specialties requiring less than two years (i.e., four thousand hours) may not be credited towards qualification for general journey level electrician.

The documentation must include a complete description of the individual's usual duties with percentages attributed to each type (e.g., wiring, material handling, shop, low voltage, etc.)

The department may reduce the number of hours allowed if the:

(a) Individual did not have supervision during the training period;

(b) Training hours are not related to electrical construction;

(c) Training hours are not related to the specialty being applied for;

(d) Documentation submitted by the individual does not fully verify the requested work experience; or

(e) Work credit was not lawfully gained.

Training school credit.

(8) No more than fifty percent of the minimum work experience needed to qualify for specialty electrician certification is allowed for any training school program (e.g., a specialty requiring two thousand hours of minimum required work experience may receive no more than one thousand hours credit from an electrical construction training program).

See RCW 19.28.191 (1)(h) for training school credit allowed for journey level applicants.

See WAC 296-46B-971 for additional information on training schools.

Qualifying for the journey level/specialty electrician competency examination when work was performed in a state requiring electrician certification.

(9) After review and approval by the department, an individual may be granted on-the-job work experience towards qualifying to take the journey level/specialty electrician's competency examination for hours worked in the other state when the state certifies to the department:

(a) The type and number of hours of work performed within the state. Credit will not be allowed for work not done within the certifying state.

(b) That the work was legally performed under the other state's licensing and certification requirements; and

(c) The other state's certificate of competency was obtained by examination.

If the experience is for other than a new commercial or industrial installation, the individual must identify the specialty credit desired and provide verifiable documentation identifying the other state's allowed scope of work for the specialty, see subsection (7) of this section.

Qualifying for the journey level/specialty electrician competency examination when work was performed in a state that does not require electrician certification.

(10) After review and approval by the department, an individual may be granted work experience credit to take the journey level/specialty electrician's competency examination when an original notarized letter of work experience accompanied by documentation, see subsection (7) of this section, that can be used to verify the individual has worked the hours being requested is provided by:

- (a) An appropriately state licensed electrical contractor;
- (b) Registered apprenticeship training director;
- (c) Nationally recognized contractor/labor organization;

or

- (d) The individual's lawful employer.

Military/shipyard experience.

(11) After review and approval by the department, an individual who has worked in the electrical construction trade performing work described in WAC 296-46B-920 while serving in the armed forces of the United States may be eligible to take the examination for the certificate of competency as a journey level or specialty electrician. Credit may be allowed for hours worked or training received.

If an individual has military experience in a specialized electrical field (e.g., rating) that is similar to a specialty electrician category listed in WAC 296-46B-920, credit may be allowed toward the appropriate specialty certificate. Nuclear, marine, shipyard, shipboard, radar, weapons, aeronautical experience, or similar experience may be acceptable for no more than fifty percent of the minimum required work experience for qualifying for electrician examination.

The department will evaluate and determine whether the submitted experience is related specifically to the electrical construction/maintenance trade regulated by chapter 19.28 RCW.

Experience in ~~((another country))~~ other countries.

(12) After review and approval by the department, and if an individual has a journey level electrician certificate from a country outside the United States or Canada that requires that at least four years of electrical construction training and certification is obtained by examination, the individual may be eligible for four thousand hours of the specialty credit allowed towards the qualification to take the Washington journey level electrician examination.

No more than two years of the required training to become a Washington journey level electrician may be for work described for specialty electricians or technicians in WAC 296-46B-920. In addition to the maximum of four thousand hours credit that may be allowed by this subsection, an additional four thousand hours of new commercial/industrial experience must be obtained using a training certificate in the state while under the supervision of a master journey level electrician or journey level electrician.

Documentation substantiating the individual's out of country experience must be submitted in English.

(13) Out of country experience credit is not allowed toward a specialty electrician certificate.

(14) Canadian journey person construction electricians with at least four years of electrical construction training who have obtained a construction electrician Red Seal endorsement by successfully completing a Red Seal examination are eligible to take the examination for the journey level electrician certificate of competency if they have possessed a Red Seal endorsement for one year.

**WSR 16-23-140
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 16-312—Filed November 22, 2016, 9:02 a.m., effective November 25, 2016]

Effective Date of Rule: November 25, 2016.

Purpose: Amend recreational fishing rules for Frank's Pond.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-310-19500U; and amending WAC 220-310-195.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 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 needed to open Frank's Pond in Chelan County which is a newly constructed pond. Opening the pond for juvenile anglers will provide an exclusive fishing opportunity over the holiday weekend. There is insufficient time to adopt 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: November 22, 2016.

J. W. Unsworth
Director

NEW SECTION

WAC 220-310-19500U Freshwater exceptions to statewide rules—Eastside. Notwithstanding the provisions

of WAC 220-310-195, it is unlawful to fish in Frank's Pond (Chelan Co.) except as provided in this section:

- (1) Open to juvenile anglers only November 25 through November 27, 2016.
- (2) Night closure is in effect.
- (3) Daily limit of 2 trout - no size restrictions.
- (4) All other game fish, daily limit 5 - no size restrictions.

REPEALER

The following section of the Washington Administrative Code is repealed effective 5:30 p.m. November 27, 2016:

WAC 220-310-19500U Freshwater exceptions to statewide rules—Eastside.

**WSR 16-23-152
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 16-315—Filed November 22, 2016, 2:10 p.m., effective November 22, 2016, 2:10 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational harvest rules for razor clams.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000U; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, and 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: Survey results show that adequate clams are available for harvest in Razor Clam Area 3 for recreational harvest. Washington department of health has certified clams from this beach to be safe for human consumption. There is insufficient time to adopt 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: November 22, 2016.

J. W. Unsworth
Director

NEW SECTION

WAC 220-56-36000U Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-360, it is unlawful to take, dig for or possess razor clams taken for personal use from any beaches in any razor clam area except as provided for in this section:

(1) Effective 12:01 p.m. November 26, 2016 through 11:59 p.m. November 28, 2016, razor clam digging is permissible in Razor Clam Area 3. Digging is permissible from 12:01 p.m. to 11:59 p.m. each day only.

(2) It is unlawful to dig for razor clams at any time in the Twin Harbors Clam sanctuaries defined in WAC 220-56-372.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. November 29, 2016:

WAC 220-56-36000U Razor clams—Areas and seasons.